



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 1999**

**LATVIA\* \*\***

[18 September 2004]

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\* For the initial report submitted by the Government of Latvia, see CRC/C/11/Add.22, for its consideration by the Committee, see documents CRC/C/SR.671, 672 and 697 and CRC/C/15/Add.142.

\*\* This report has not been edited before being submitted for translation.

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**List of abbreviations**

SMSACFA	Minister for Special Assignments for Children and Family Affairs
CIFFTA	Council for the International Folklore Festivals and Traditional Arts
CM	Cabinet of Ministers
CoEIO	Council of Europe Information Office
CSD	Central Statistics Department
ENOC	European Network of Ombudsmen for Children
EU	European Union
LJTC	Latvian Judicial Training Institute
LNHRO	Latvian National Human Rights Office
LYC	Latvian Youth Council
MES	Ministry of Education and Science
MFA	Ministry of Foreign Affairs
MH	Ministry of Health
MoI	Ministry of Interior
MoJ	Ministry of Justice
MW	Ministry of Welfare
NYIC	National Youth Initiative Centre
OSJI	Open Society Justice Initiative
Phare	The programme, financed by EU to assist the applicant countries of Central and Eastern Europe in their preparations for joining the EU
Satversme	The Constitution of the Republic of Latvia
UNDP	United Nations Development Programme

## **Introduction**

1. The initial report on the implementation by the Republic of Latvia of the UN 1989 Convention on the Rights of the Child was reviewed by the UN Committee on the Rights of the Child (the Committee) in January 2001.
2. This is the first periodic report describing the changes in the information submitted by Latvia in its initial report, and including references to the Committee's Recommendations (CRC/C/15/Add.142). Most of the said Recommendations' text has been included in the text of this report. Information referring to the remaining Recommendations has been integrated in the text of the report, instead of providing separate replies. The information provided in this report covers the period from 2001 until 1 March 2004.
3. State and local government authorities, as well as non-governmental organizations were involved in the drafting process of this report.
4. The present report was published for public discussion at the home page of the Minister for Special Assignments for Children and Family Affairs (SMSACFA), while reference to it was also published at the home page of the Representative of the Government of Latvia before International Human Rights Organizations, as well as at the public policy portal [politika.lv](http://politika.lv). The report was also forwarded for discussion to the Latvian National Human Rights Office (LNHRO), the non-governmental organization Glābiet bērņus, the National Youth Association of Latvia, as well as it was discussed at the Children's Affairs Council. For further details about the Children's Affairs Council see paragraph 117, title General Principles, subsection Respecting Child's Opinion.
5. Information about the Committee Recommendations of 2001 was submitted both to the Parliament and the Cabinet of Ministers (CM), while the latter on 27 March 2001 instructed the National Centre for Protection of Children's Rights to submit to the Committee Latvia's comments on certain issues of the Recommendations. Recommendations of the Committee were published in the Internet both at the public policy portal [politika.lv](http://politika.lv) and home page of the non-governmental organization Glābiet bērņus.

## **I. GENERAL MEASURES FOR THE IMPLEMENTATION OF THE CONVENTION**

### **A. Applicable legislation**

Referring to the Committee Recommendations No 7 and 8:

While noting that the Law on the Protection of the Rights of the Child of 1998 reflects some principles and provisions of the Convention, the Committee nevertheless remains concerned that other relevant laws, inter alia some outdated provisions regarding family and adoption in the 1937 Civil Law, are not in full conformity with the Convention and that disparities exist between law and practice. (Recommendation 7)

The Committee recommends that the State party continue its efforts in the field of law reform to ensure that its legislation is fully compatible with the provisions and principles of the Convention and with a child-rights approach, and that it take effective steps to ensure that these measures are fully implemented. (Recommendation 8)

6. The following amendments have been introduced in the legislation of Latvia since the submission of the initial report, touching upon the issues of protection of children's rights:

- Amendments to the Satversme (Constitution) were adopted in 1998 supplementing it with a new Chapter Fundamental Human Rights;
- Amendments to the Civil Law streamlining adoption process;
- Amendments to the Civil Procedure Law excluding proceedings on paternity and adoption from the principle of public trials;
- Amendments to the Latvian Criminal Procedure Code providing for the presence of a psychologist, pedagogue, legal representative during the criminal proceedings;
- Enactment of the Labour Law that provides that a child may enter into employment relations from the age of 15 years and includes certain protective provisions;
- Enactment of the Law on Identity Documents that no longer provides for the entry of the child's ethnicity in documents;
- Enactment of the Law on Social Services and Social Assistance that includes essential principles for protection of children's rights in child care establishments;
- Adoption of the CM Regulation No 291 of 3 June 2003 Requirements Applicable to Providers of Social Services determining the quality for provided services;
- Adoption of the CM Regulation No 111 of 11 March 2003 Procedure of Adoption that safeguards the rights of a child during adoption proceedings;
- Adoption of the CM Regulation No 348 of 1 July 2003 Regulation on the Amount of Minimum Child Subsistence Allowance defining the minimum amount of subsistence allowance required to improve the situation of children in the country;
- Adoption of the CM Regulation No 492 of 20 November 2002 The Procedure for Ensuring Safety of the Students at Educational Establishments and the Events Organized by such Establishments, as amended by the CM Regulation No 685 of 9 December 2003.

7. The legal system of Latvia is based on the monism doctrine: international legal instruments are treated as elements of the national legal system provided that they have been recognized in accordance with the applicable procedure. Moreover, the provisions and principles of international law enjoy higher legal force than the provisions of national law. It was initially prescribed in the Declaration of 4 May 1990 On the Renewal of the Independency

of Latvia, where Section 1 determines that the international basic legal norms prevail the national ones. Pursuant to the Law of 13 January 1994 On the International Treaties of the Republic of Latvia, Section 13, should any international treaty ratified by the Saeima provide for any provisions different from those of the Republic of Latvia legislative acts, the former provisions prevail. Pursuant to the Latvian laws and main legal principles, the norms of duly ratified international treaties may be directly applied in court proceedings. Several Latvian courts, including the Satversme Court, have referred to and applied the provisions of international treaties binding upon Latvia in their judgments.

8. During the period starting from 1 January 2001 Latvia has ratified a number of international multilateral treaties in the field of children's rights:

- The 1961 European Social Charter (in force as of 2 March 2002);
- Convention Concerning the Powers of Authorities and the Law Applicable in Respect of the Protection of Infants adopted by the International Private Law Conference on 1961 (in force as of 25 March 2001);
- The 1975 Convention of the Council of Europe On the Legal Status of Children Born out of Wedlock (in force as of 1 October 2003);
- The 1980 Hague Convention on the Civil Aspects of the International Child Abduction (in force as of 1 February 2002);
- The 1993 Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (in force as of 1 December 2002);
- The 1996 Convention of the Council of Europe On the Exercise of Children's Rights (in force as of 1 September 2001; as amended on 22 December 2002);
- Charter of the Rome International Criminal Court binding upon Latvia as of 1 September 2002;
- The 1996 Hague Convention On Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (in force as of 1 April 2003).

9. The following international bilateral treaties in the field of children's rights (adoption, parental rights, subsistence, etc.) are also binding upon Latvia:

- Convention between the Republic of Latvia and Republic of Kazakhstan on Preventing Double Taxation and Evasion from Tax Payment in Respect of Income and Capital Tax (in force as of 6 September 2001);
- Treaty between the Republic of Latvia and the Republic of Kyrgyzstan on the Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (in force as of 24 March 2001);



- Treaty between the Government of the Republic of Latvia and the Government of the Republic of Greece on Co-operation in Culture, Education and Science (in force as of 13 July 2001);
- Treaty between the Republic of Latvia and The Holy See (in force as of 25 October 2002).

10. Latvia has also ratified the 1919 International Labour Organization Convention No 5 Fixing the Minimum Age for Admission of Children to Industrial Employment, the 1919 Convention No 6 Night Work of Young Persons (Industry), the 1920 Convention No 7 Fixing the Minimum Age for Admission of Children to Industrial Employment at Sea, the 1973 Convention No 138 Concerning Minimum Age for Admission to Employment.

11. In 2005 Latvia plans to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In 2006 Latvia plans to ratify the amendment of Section 43(2) to the UN Convention on the Rights of the Child. Also, in 2006 it is planned to accede to the Convention of the International Labour Organization Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

12. In March 2004 the CM approved the Principal Positions Latvia Fit for Children developed by the SMSACFA. This document is based on the document A World Fit for Children adopted in conclusion of the 27th Session of the UN General Assembly on 8-10 May 2002.

13. The Principal Positions Latvia Fit for Children is a long-term policy planning document (from 2004 to 2015) covering the basic principles, goals and priorities of the state policy for exercising children's rights. The Principal Positions is the result of efforts by children themselves, over a hundred local government authorities and a number of state and non-governmental institutions. The Principal Positions shall guide the development of medium-term program for 2004 - 2007 and a short-term plan for the achievement of the defined annual objectives.

14. The Principal Positions is the first long-term document that outlines common national policy in the field of protection of children's rights. The document both summarizes directions of activities set by other policy planning documents, as well as proposes new activities. The involved institutions shall make annual reports on the activities implemented under the Principal Positions.

15. The Principal Positions identifies the range of issues delaying sound development of children and proposes actions to be undertaken for their practical implementation:

- To carry out systematic examinations of the general health of children and to provide high quality health care;
- To reduce the adverse effect of surrounding environment on the children's health, and to reduce the use/distribution of and addiction to smoking, alcohol, narcotic and toxic substances;

- To carry out informative and preventive measures to reduce distribution of HIV/AIDS and STDs amongst children and juveniles;
- To ensure equal access to teaching and methodical aids, information and communication technologies in order to promote equal education opportunities;
- To extend the children's access to interest education regardless of their place of residence;
- To inform the public about the negative consequences of all types of violence and to train experts to work with the children - victims of violence;
- To increase the scope of rehabilitation services available to the children - victims of violence.

16. The following main principles have been set forth for implementation of the Principal Positions:

- Multi-sector approach to solving issues involving both the state, local government and non-governmental organizations (including children and youth organizations);
- Co-ordination of the new, planned and underway activities;
- Setting up uniform criteria for evaluating the progress in the improvement of position of the children in compliance with the UN requirements.

#### **B. Institutional structure for protection of the rights of the child**

Referring to the Committee Recommendations No 9 and 10:

The Committee notes with appreciation the establishment of the National Centre for the Rights of the Child and its role in coordinating the work of State and municipal institutions on issues regarding the protection of children's rights, but remains concerned whether the Centre has the capacity to perform this important role in a satisfying manner. (Recommendation 9)

The Committee recommends that the State party provide the National Centre for the Rights of the Child with the financial and human resources necessary to enable it to coordinate effectively the various activities related to the implementation of the Convention at the national level and between the central Government and the local administration level. (Recommendation 10)

17. The elections of Saeima (Parliament) of the Republic of Latvia and appointment of the new Government in 2002 were a milestone of the national policy in the field of children's rights. The declaration on the CM activities chaired by E. Repše included the issues related to children and family amongst the national priorities. SMSACFA was established for handling the issues related to the protection of children's rights, co-ordination and supervision of their implementation and for dealing with youth and family issues.

18. On 9 March 2004 the new Government of Latvia chaired by I. Emsis was formed. The declaration on the present CM activities in the field of protection of children's rights includes among the priorities existence of a healthy and strong family. The most important activities include establishment of efficient system for monitoring disadvantageous families, as well as to promote family-type care to the children left without parental care. The declaration provides for development of tax policy favourable to families with children, through increasing the non-taxable portion of income in respect of dependants. The Government plans to provide state-subsidized health care to the practicable extent and to supply textbooks for children of elementary school age.

19. Pursuant to the CM Regulation No 731 On Reorganization of the National Centre for the Rights of the Child and Establishing the Minister for Special Assignments for Children and Family Affairs that was adopted on 27 December 2002, the National Centre for the Rights of the Child was reorganized as of 1 January 2003, and SMSACFA undertook its functions.

20. The SMSACFA, within its competence, co-ordinates the implementation of the national policy in the field of protection of children's rights, the rights of the child and family. The SMSACFA provides uniform registering of children available for adoption and adoptive parents in the adoption register; refers the adoptive parents to child care establishments in accordance with the applicable procedure; performs supervision and methodical management of activities of the Orphan's Court and Parish Court related to care, custody, adoption, guardianship, protection of personal interests and property of the child.

21. The SMSACFA is entrusted with development of the national policy in the matters of family and youth affairs, protection of children's rights, as well as supervision of compliance with the laws and other legislative acts in the field of protection of children's rights. The SMSACFA is entitled to audit the work of any state or local government authority in the field of protection of children's rights, either at their own initiative or following a complaint. The SMSACFA also provides methodical guidance to Orphan's Courts and Parish Courts, as well as assists local government experts in the field of protection of children's rights.

22. The SMSACFA priorities drawn for the year 2003 included:

(a) Reduction by 3% of the number of children in orphanages through respective increase of the number of children referred to alternative care;

(b) Stabilization of the demographic situation by increasing support available to families with children and diversification of the forms of support;

(c) Improvement of safety of the children through corresponding legislative amendments and increasing requirements applicable to the guardianship officials in order to ensure rapid professional assistance to each and every child whose rights are infringed.

23. The amount of 493,459 LVL (737,607 EUR<sup>1</sup>) has been assigned from the State budget in 2003 to improve the operation of the SMSACFA in implementing the National Program for improving the Situation of Children and Family. To compare, in 2002 the amount assigned to

the National Centre for the Rights of the Child for operation and implementation of the National Program was 230,345 LVL (344,312 EUR). Further information about the National Program for improving the situation of children and family is available in paragraph 76, Section General Principles, Sub-section Prohibition of Discrimination, and paragraph 113, Section General Principles, Sub-section Respecting Child's Opinion.

24. In order to continue the work commenced during the previous year and implement new measures in the field of protection of children's rights, SMSACFA priorities set for the year 2004 included the following:

- (a) Improvement of the protection of children's rights by establishing the offices of Regional Inspectors for Protection of Children's Rights;
- (b) Promoting foster care in order to provide family-type care to orphans and children left without parental care (adoption, foster family, guardian, support family);
- (c) Provision of subsistence for children through commissioning of the Subsistence Guarantee Fund.

25. In 2004 the amount assigned for implementation of the priorities set by the SMSACFA was 3,519,367 LVL (5,260,638 EUR). The major part of the above amount was assigned for establishing of the Subsistence Guarantee Fund. It is foreseen that the Fund will commence its operation on 1 July 2004. The amount assigned for operation of the Fund is 2,500,000 LVL (3,736,920 EUR).

26. In accordance with Section 65.<sup>1</sup> of the Law on Protection of the Rights of the Child, 10 Public Inspectors for Protection of Children's Rights started their work on 1 January 2004. The duty of the Inspectors is to supervise the observance of children's rights in the given local government territory. The SMSACFA divides local government territories among the Inspectors to cover the entire territory of Latvia. The Inspectors have the right to issue recommendations on elimination of the infringements of children's rights, as well as to make proposals for elimination of infringements on the basis of the carried out inspections, or for calling the responsible officials to disciplinary or other statutory account.

27. Upon the commencement of its work, the SMSACFA organized 17 trainings for the officials of Orphan's Courts and Parish Courts and for Directors of the child-care establishments.

Referring to the Recommendations No 13 and 14:

The Committee emphasizes the importance of setting up an independent mechanism with a mandate to monitor and evaluate progress in the implementation of the Convention, both at the national and the local level, and notes that the State party has started to take steps in this direction. (Recommendation 13)

The Committee encourages the State party to continue working towards the establishment of an independent body easily accessible to children, such as an ombudsperson for children or a national commission for children's rights, established in

accordance with the Paris Principles (General Assembly resolution 48/134), to monitor the implementation of the Convention and to deal in an expeditious and efficient way with individual complaints concerning children's rights. In this regard, the Committee further recommends that the State party consider seeking technical assistance from UNICEF, the Office of the High Commissioner for Human Rights and the United Nations Development Program (UNDP), among others. (Recommendation 14)

28. The LNHRO Section for Protection of the Rights of the Child commenced its operation on 2 May 2003. In 2003 the LNHRO budget was increased by 46%. Such increase was related to the establishment of the Section for Protection of the Rights of the Child upon reorganization of the National Centre for the Rights of the Child. The LNHRO is an Ombudsperson-type institution within the meaning of international law, and therefore the said Section is performing functions of an Ombudsperson for children. The LNHRO was established using the models of several national human rights institutions, in particular the Australian model, according to which an institution for protection of human rights is operating in three directions:

- Informing the public about human rights;
- Issuing opinions on human rights related matters;
- Investigating complaints on the alleged infringement of human rights.

29. The three above-mentioned functions of Ombudsperson-type institution are included amongst the LNHRO functions. It should be noted that since 1997 the LNHRO is a full member of the International Ombudsmen Institute, while the Section for Protection of the Rights of the Child in October 2003 became a member of the European Network of Ombudsmen for Children (ENOC).

30. The section for Protection of the Rights of the Child, in accordance with their competence, deals with complaints concerning infringements of the lawful rights and interests of children, including infringements of human rights and abuse of authority by state and local government institutions. At the same time, to prevent infringement of the rights of the child proposals and recommendations are made to state and local government authorities, legal entities or natural persons. The LNHRO examines the circumstances that led to infringement of the children's rights through inspections of educational establishments, prison facilities, educational establishments for social correction, out-of-family institutions, etc. The LNHRO officials are visiting state and local government authorities to clarify the issues related to protection of children's rights and examination of complaints, as well as inform the public, including children, about their rights and obligations through discussions, seminars, lectures and conferences. The LNHRO analyses compliance of national legal provisions with Latvia's international commitments, inter alia, in the field of protection of the rights of the child, as well as undertakes analytical research of national laws and practices in the field of protection of children's rights, including making comments and proposals to the legislator regarding protection of children's rights and improvement thereof. The LNHRO officials consult children's opinions and perform other functions of Ombudsperson-type institution.

31. By ordinance of the President of the State of 30 June 2003 On the Institution of Ombudsman a working group on introducing the institution of Ombudsman in Latvia was established, in order to ensure adherence to the principle of good governance, efficient control over the executive, existence of effective remedies; also to increase trust between the individuals and state institutions. The working group included Members of Parliament, representatives of the LNHRO and other governmental and non-governmental organizations. At present, the draft law on Public Advocate<sup>2</sup> has been completed and prepared for submission to the Parliament. According to the draft law, the LNHRO shall serve as a base for establishing the institution of Public Advocate, at the same time broadening not only human rights protection but also securing the observance of the principle of good governance by state institutions.

32. Latvia has a number of non-governmental organizations, which successfully operate, in the field of children's rights. More information on establishing such organizations and their types is available in Section Civil Rights and Freedoms, Sub-section Freedom of Assembly and Association. With regard to possibility of non-governmental organizations to influence decision-making and to participate in the policy development, please refer to Paragraphs 111-113, 116, 117 of the Section General Principles, Sub-section Respecting Child's Opinion.

Referring to the Committee Recommendations No 15 and 16:

The Committee expresses its concern at the fact that a systematic and comprehensive system for the collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children is not yet fully developed. (Recommendation 15)

The Committee recommends that the State party continue to develop a system of data collection and indicators consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect, or ill-treatment; children with disabilities; non-citizen children; children belonging to minorities; children in conflict with the law; children who work; adopted children and children living in the streets and in rural areas. It further encourages the State party to use these indicators and data in the formulation of policies and programs for the effective implementation of the Convention. (Recommendation 16)

33. In 2003 an updated statistic bulletin of the Central Statistics Department (CSD) Children in Latvia was published. Pursuant to Section 67<sup>1</sup> of the Law on Protection of the Rights of the Child, the bulletin includes information about the parents deprived of care or custody rights; about the adoption of children or their referral to child care establishments; application to children of compulsory means of educational or medical nature; imposing criminal sanctions against children; children who have reached the age for mandatory educational yet who do not attend any education establishments; about rehabilitation of the children - victims of violence. Further, the CSD has access to the information referred to in the Committee Recommendations No. 15 and 16 - the data about stateless children, disabled children, employed children and children belonging to ethnic minorities.

34. Neither the statistic bulletin nor the National Program for Statistical Information includes the information about the families with children evicted from their residence on the grounds of court judgment.

35. In 2003 the CSD proposed an initiative to include a summary of the said information into the draft National Program Concerning Statistical Information for the year 2004. However, this proposal was withdrawn following an opinion of the Ministry of Justice (MoJ) stating that according to Section 36<sup>1</sup> of the Law On Rent of Residential Premises, local government authorities are bound to render assistance to the low-income individuals cohabitating with or supporting at least one minor child, if such individuals are evicted from their residences. Consequently, in the MoJ's opinion, a situation where a family with minor children is evicted from their residence without providing another residential space can never occur in Latvia. According to the MoJ summary of statistic data for the year 2003, 514 families with minor children were evicted from their residences. Among these families there are some to which the status of low-income families has been granted, and therefore enforcement of the judgment has to be postponed until the respective local government authority provides another residential space for this family. Further information about eviction of families with children is available in Paragraphs 332 - 336 of Section Health and Welfare, Sub-section The Standard of Living.

Referring to the Committee Recommendations No 17 and 18:

While noting the efforts of the State party in disseminating information about the Convention, the Committee is concerned that the principles and provisions of the Convention are not disseminated at all levels of society, and in particular in the rural areas. (Recommendation 17)

The Committee recommends that the State party develop more creative methods to promote the Convention, including through audiovisual aids such as picture books and posters. The Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The State party is encouraged to fully integrate the Convention into the curricula at all levels of the educational system. (Recommendation 18)

36. Following the Committee Recommendations, in 2003 the SMSACFA received the UNICEF funding for translating into Latvian and publishing the book Implementation Handbook for the Convention on the Rights of the Child. The implementation criteria proposed at the end of each book's section may be used for more detailed evaluation of the national system for protection of children's rights and for preparation of the planning documents and reports on the situation of children in Latvia. It is intended that the Handbook will be published in 500 copies and distributed free of charge.

37. In 2004 it is planned to use the UNICEF funding to distribute free of charge the Principal Positions Latvia Fit for Children.

38. The Latvian Judicial Training Institute (LJTC) has provided training to the judges of district (city) courts and regional courts, and a number of judges of the Supreme Court concerning the rights of the child from the aspects of both civil and criminal law. Training

concerning the rights of the child in civil law has been given as a part of regular course, which attendance is mandatory for all judges of district (city) and regional courts, as well as in a number of topical seminars, which were attended on voluntary basis.

39. The mandatory course includes lectures on the family law - on determining residence and subsistence of a child, as well as on custody and guardianship issues. The topical seminar The Rights of the Child held on 30-31 October and on 13-14 November 2002 discussed the following topics:

- The 1989 UN Convention on the Rights of the Child;
- Termination of parental rights; application to court for permanent termination of parental rights; means of proof;
- Issues in civil cases related to the protection of the rights of children (adoption, determination of the child's residence, etc.);
- Approval and annulment of adoption;
- Competence of the Orphan's Court in protection of the children's rights;
- Mechanisms of forming the motivation in children and juveniles to act. 60 judges attended the 2002 seminar. Seminars are conducted by known experts in the area of protection of the rights of the child, Judges of the Supreme Court, etc.

40. In February 2003 four seminars were conducted on amendments to the Civil Law and Civil Procedure Law to discuss the amendments made to the Family Law section of the Civil Law that also affected to the rights of the child. 205 judges in total attended the seminars.

41. Concerning protection of the rights of the child from the aspect of criminal law, on 27-28 February 2002 the LJTC in co-operation with the International Development Agency of Canada and the Association of the Universities and Colleges of Canada organized the seminar Application of Alternative Sanctions to Juveniles. This seminar included presentation on the Canadian policy and programs in the area of juvenile delinquency, analysis of the Latvian strategy in the same area, and acquainting with the preventive programs and the concept of probation.

42. Surveys conducted among the judges demonstrate their very high interest in training on children's rights and that they would appreciate a larger number of lectures on criminal proceedings against juveniles and on the psychology of children and juveniles.

43. The State Police has established within the Public Order Police the Service of Inspectors for Juveniles, which officials have undergone special training on working with children. Regular training courses and seminars are organized to improve the qualification of the officials. On 13-15 February and 20-22 February 2003 seminars for officials of the Service of Inspectors for Juveniles were organized at the Police Academy of Latvia.



44. To ensure that preventive actions are successful a training was on organizing preventive actions, project development and communication art. On 4-7 March 2003 a thematic training was organized for the officials of the State Police on child abuse and women abuse; on 8-25 May - on juvenile risk groups; on 25-28 May - on child abuse.

45. The State Police Service of Inspectors for Juveniles has a total of 149 staff units, while the number of actually serving officials is 140. The Service of Inspectors for Juveniles is a service of the Public Order Police with the main task of preventing offences and participating in legal education of juveniles.

46. Notwithstanding the fact that 90% of employees of the Service of Inspectors for Juveniles hold university degree, the specifics of their work, as well as Section 6, Part Two, and Section 20 of the Law on Protection of the Rights of the Child, require development of a special qualification level raising training programs, subject to prior evaluation of the education level and professional experience of the involved officials.

47. Pursuant to the requirements of Section 64 of the Law on Protection of the Rights of the Child, the Ministry of Interior is developing and implementing on annual basis Program for Preventing of Juvenile Offences and Protection of the Child Against Criminal Offences aimed at reducing juvenile delinquency. The said program includes special training of the Police officials to work with juveniles, victims of crime and their families. The program for 2003 included education and training of the officials on various urgent topics in the area of protection of children's rights. These included, for example, practical application of the Law On the Application of Compulsory Means of Educative Nature to Children, the principles of team formation in the field of preventive work with juveniles implementing Section 58 of the Law On Protection of the Rights of the Child; on preventive work with the juveniles involved in activities of extremist political organizations.

48. The Program for 2004 is intended to include the training of the Service of the Inspectors for Juveniles officials that will be performed in cooperation with the Nordic Non-Government Organization "LAIN". At the same time it is planned to continue education of the Service of the Inspectors for Juveniles and Circuit Inspectors officials on the following topics:

(a) Day-to-day application of the CM Regulation On the Procedure for Compulsory Treatment of the Children Suffering from Psychological or Behavioural Disturbances as the Result of Abuse of Alcohol, Narcotic, Psychotropic or Other Intoxication Substances, and the Procedure for Compulsory Treatment of Addiction to Alcohol, Narcotic and Psychotropic Substances in Children;

(b) The principles of team formation in the field of preventive work with juveniles in rural local government authorities;

(c) Day-to-day application of the Law On the Application of Compulsory Means of Educative Nature to Children.

49. In 2003 the State Police organized 54 seminars for the officials of the Service of Inspectors for Juveniles to provide training on proper communication with juveniles - victims

of violence;<sup>3</sup> the Police officers were educated on the principles of team formation for the preventive work with juveniles in local government authorities of rural areas. The seminars were attended by 482 Police officers in total.

50. Employees of the State Police have also attended various educational events and meetings abroad:

- 10-14 June 2003 in France (Lyons) - meeting of the working group On Social Rehabilitation of the Juveniles Addicted to Psychoactive Substances;
- 29-30 June 2003 in Belgium (Brussels) - Prevention of Trafficking in Human Beings;
- 14-15 October 2003 in Poland (Warsaw) - The System for and Management of Protection of the Rights of the Child;
- 14-15 October 2003 in Slovakia (Zhilin) - The System for and Management of Protection of the Rights of the Child;
- 26 October - 02 November 2003 in Germany (Selma) - The Fourth Training Course of Europol on the topic Combating of Sexual Abuse of Children on the Internet;
- 14-18 October 2003 in Norway (Oslo) - The Fifth Meeting of Interpol on the topic Combating of Trafficking in Human Beings;
- 28-29 October 2003 in Sweden (Stockholm) - conference on the topic Combating of Sexual Abuse of Children on the Internet;
- 02-03 December 2003 in Sweden (Stockholm) - meeting on the topic Prevention of Trafficking in Children.

51. Training seminars for Police officers to work with sexually abused children have been scheduled and partially carried out within the scope of the National Program Prevention of Sexual Abuse of Children 2000- 2004.

52. To ensure successful development and implementation of preventive measures, a representative of the Prevention Service of the Headquarter of the Public Order Police on 29-31 October 2003 participated in the OSJI (Open Society Justice Initiative) program Police and Drugs that took place in Slovakia and was devoted to education of the Police lecturers on the theory on minimising of the adverse effect of drugs through the use of the multi-media capacities. The Prevention Service divisions have been supplied with methodical aids to lecturers and students for mastering of the relevant topic (written guide for lecturers - 2 volumes; written guides for students - 2 volumes, methodical instructions for lecturers and students - 4 CDs). The said material is intended for training of the services supervised by the Prevention Service division.

53. The national program Prevention of Trafficking in Human Beings 2004-2008 under its part on education activities envisages training of specialists in various fields to work with the victims and promote inter-departmental cooperation in the matters of violence, sexual abuse and

trafficking in human beings; such training is continuously provided by the Ministry of Education and Science (MES), the Ministry of Interior (MoI), the Ministry of Foreign Affairs (MFA) and the SMSACFA.

54. Also, each territorial police division has developed curricula, and staff training on urgent topics specific for the region takes place on a monthly basis.

55. In addition, about 70-75 police officers receive training as part of various national programs every year. About 120 officers attend seminars organized by the State Police.

56. The MES National Youth Initiative Centre (NYIC) on a regular basis organizes seminars to the heads of Methodical Associations of Class-Masters on the issues related to education of children and youth, and protection of their rights.

57. The MES Professional and Post-Diploma Education Department, the Professional Education Centre and the NYIC on a regular basis organizes various regular training seminars and courses including, inter alia, the issues of children's rights in professional education establishments. Participants of the seminars have access to methodical material facilitating implementation of the goals and objectives of education. The seminars include both lectures and teamwork.

58. Seminars are also organized for administration of vocational schools, principals, headmasters and syllabic directors at least on semi-annual basis for each target audience.

59. Each vocational education establishment pays much regard to the availability of information to parents, families, guardians and other caretakers. The annual work plans of the principals of vocational education establishments include educational activities for pedagogues and Group-Masters.

60. The mentioned seminars and courses are aimed to promote formation of tolerant and motivated personalities in the students of educational establishments, to develop their skills of adapting to the changing social environment, to facilitate development of the students' self-confidence and self-esteem, improvement of their ego and interest in the development processes in Latvia and worldwide through improving their ability to analyse human emotions, relations and actions, and to promote the responsibility for development of their lives and careers, understanding of family as a critical choice in human life. The main principles on which the seminars are based include the formation of both physically and mentally strong, intellectually and socially, morally and emotionally developed personality (promotion of a free, independent and responsible personality).

61. The NYIC in cooperation with the Advisory Council of the Methodical Associations of Class-Masters works on developing the model program for Class-Masters. At present, the mandatory topics included in the Class-Masters' curricula in relation to the protection of children's rights include: actions in extreme situations; traffic safety; fundamentals of healthy life-style; prevention of addiction and career selection.

62. The NYIC in cooperation with the Advisory Council of the Syllabic Directors of Vocational Education Establishments has developed the Model Curricula for Group Masters of Vocational Schools that includes issues of protection of children's rights and safety in extreme situations. Also, the work on the project Group-Master's Guide continues and presently methodical recommendations concerning the work of group masters with the students of vocational education establishments are being drafted.

## **II. DEFINITION OF THE CHILD**

63. Section 110 of the Satversme provides for state protection and support to marriage, family, parental rights and the rights of the child. The state provides particular assistance to disabled children, children left without parental care and children - victims of violence.

### **Full age**

64. Section 3, Part Three of the Law on Protection of the Rights of the Child provides definition of child as an individual under the age of 18 except the individuals who are deemed by law to have reached full age earlier, i.e., the individuals declared of full age or those who have registered marriage before reaching the age of 18 years.

### **Criminal liability**

65. In accordance with Section 11 of the Criminal Law (effective as of 1 April), a person who has reached the age of 14 by the date of the commission of offence can be called to criminal liability. The Criminal Law, however, provides for particular liability in case of juveniles - at the age of 14 to 18 years. The Criminal Law applies mitigated liability for the offences committed by juveniles, given the peculiarity of their personalities.

### **Employment relations**

66. The Labour Law was enacted on 1 July 2002. Section 37 of the Labour Law prohibits full-time employment of children. For the purposes of the Labour Law, a child means any person less than 15 years of age or a person pursuing elementary education until the age of 18 years. A child may be employed on extra-curricular basis from the age of 13.

### **Voluntary testimony**

67. Concerning the respecting of best interests of the child who testifies in criminal proceedings, see Paragraphs 86, 87 of Section General Principles, Sub-section The Best Interests of the Child.

### **Respecting opinion concerning treatment**

68. The draft law on patients' rights stipulates that treatment of minor patients over 16 years of age is also permissible without the consent of their legal representatives; in case of patients less than 16 years of age; the consent of legal representative is still required. The essence of treatment must be explained, however, to each child in age-appropriate manner, and maximum regard should be given to the child's opinion on the treatment.

69. Concerning the age of mandatory education, the eligible age for marriage, voluntary drafting to military service; the eligible age for purchasing alcohol and cigarettes; concerning imprisonment, eligibility to vote and eligibility to drive motor vehicles, please refer to the Initial Report of the Republic of Latvia because no changes have occurred since the date thereof.

### **III. GENERAL PRINCIPLES**

#### **A. Prohibition of discrimination (art. 2)**

Referring to the Committee Recommendations No 23 and 24:

The Committee is concerned that the principle of non-discrimination is not fully implemented for non-citizen children, children belonging to minorities, including Roma children, poor or dysfunctional families, children with disabilities and children living in rural areas, especially with regard to their access to adequate health and educational facilities. In this context, it notes with interest the State program for the improvement of the condition of children in the country for 1999. It further takes note with concern of the requirement to record ethnic origin in passports. (Recommendation 23)

The Committee recommends that the State party collect disaggregated data to enable monitoring of discrimination against all children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing measures to put an end to any form of discrimination. It further reiterates the recommendation of the Committee on the Elimination of Racial Discrimination to reconsider the requirement to record ethnic origin in passports (A/54/18, Para. 407). (Recommendation 24)

70. Pursuant to the Law on Identification Documents (effective as of 1 July 2002), the following optional data about the document holder can be entered into the passport of alien or citizen, in addition to the statutory data:

- Nationality;
- Child(ren) under the age of 18 years.

71. The normative acts of Latvia no longer require mandatory statement of the child's ethnical origin in the passport. Paragraph 9 of the CM Regulation No 245 of 18 June 2002 Regulation Concerning the Passports of the Citizens of Latvia, Aliens of Latvia and Travelling Documents of Stateless Persons stipulates that the following data about the person's child(ren) under 18 years of age may be optionally entered into the person's passport:

- Name;
- Date of birth;
- Sex;
- Personal identification number, in case of children registered with the Population Register.

72. Section 91 of the Satversme stipulates that all people are equal before the law and the court. Human rights are exercised on non-discriminatory basis. A number of amendments have been drafted to facilitate consolidation of this principle.

73. A number of amendments have been drafted to ensure effective protection against discrimination, including the Law on Education, the Law on Social Security, Administrative Offences Code, The State Civil Service Act, the Law On the National Human Rights Office, etc. The amendments are designed to prohibit unjustified difference in treatment. Section 3 of the draft law Amendments to the Law on Education provides that all citizens and eligible permanent residents of Latvia, as well as all citizens of the European Union (EU) Member states and their children have equal rights to education, regardless of their gender, age, race, complexion, language, religious, political or other beliefs, social origin, nationality, social or property status, occupation, disability, sexual orientation or any other beliefs.

74. The draft law Amendments to the Law On Social Security opened for discussion within the Government on 5 February 2004 at the meeting of State Secretaries provides for availability of social services regardless of the person's gender, age, race, complexion, language, religious, political or other beliefs, social origin, nationality, social or property status, occupation, disability, sexual orientation or any other beliefs. The State calls to administrative and criminal liability for breaching the non-discrimination prohibition.

75. The above-listed draft laws have been developed with due regard to the 2 December 1965 UN Convention on the Elimination of All Forms of Racial Discrimination acceded to by Latvia on 4 May 1990. The draft laws are designed to guarantee implementation of the commitments included in Section 5 of the said Convention.

#### **National program for improving the situation of children and family**

76. The following directions and action programs have been identified within the National Program for Improving the Situation of Children and Family 2003 with the view to facilitate improvement of the situation of children and family:

- Facilitating the social integration of disabled children with the view to promote integration of disabled children in social life. The following actions have been implemented within the scope of this action plan:
  - Project tender Adjustment of Environment to Children with Mobility Defects - the premises of 9 education establishments and social care institutions for children have been re-built and adjusted, with the investment of 15,600 LVL (23,318 EUR);
  - Methodical and curricular aids have been developed to support parents and specialists in rearing and educating mentally retarded children, designed to facilitate development of self-care skills in such children. Also three educational books for children in “easy language” have been published in 900 copies. 120 pedagogues and social workers have been informed about the use of

the methodical and curricular aids in work with mentally retarded children and their parents. The total amount of the project makes 5,400 LVL (8,072 EUR);

- Support was provided to the participation of the team of disabled children of Latvia at the World Summer Olympic Games 2003, at which the Latvian Special Team of Disabled Children consisting of 12 children took part. The amount of 1,200 LVL (1,794 EUR) was assigned under this project for purchase of the parade uniforms of the participants.
- Support to children of the risk group and children in crisis situation, in order to facilitate integration of the children of risk group in social life and to provide support to children in crisis situation:
  - A hotline for children has been set to provide access for children from all around Latvia to psychological aid in crisis situations free of charge, as well as access to advice and information. The hotline services are available from 9.00 through 22.00. To support the hotline, the amount of 10,400 LVL (15,546 EUR) has been allocated from the National Program. During 2003, the Crisis Trust Centre Skalbes provided advice to 74,141 children in crisis situation;
  - Information booklets have been published and TV and radio programs have been prepared and demonstrated within the scope of the information campaign Help the Child to Grow Up! To provide information about:
    - The legal aspects of adoption, guardianship and foster care;
    - Possibilities of a family to provide support to an incomplete family, to a family with a child suffering from chronic diseases, or to a large family or a family lacking skills in child care;
    - Possibilities of a person to become a fiduciary who supports a child who has problems in learning or communication with peers, or who needs other kind of support. The project included printing and dissemination of 55,000 booklets on the above-listed issues, 4 TV programs and 2 thematic enclosures to daily newspapers on adoption, guardianship and foster families. The total amount of the project makes 15,400 LVL (23,019 EUR);
  - The pilot project of local governments In Support of Family has lead to establishment of Family Support Centre in the local government authority of Liepāja (analysis of the results of activities are scheduled to the end of 2004). The model of cooperation between municipal and government institutions shall be developed for working with difficult families and parents deprived of care and custody rights. The local government authority shall develop alternative forms of care for orphans and children left without parental care. The total amount of project makes 7,648 LVL (11,432 EUR);

- Co-funding of the project Co-operation between the NGOs and schools in working with risk group children that resulted in preparing and publishing 2,000 teachers' manuals A different child at school: how to provide the needed support;
- Labour and leisure camps for risk group children and disabled children; as the result, 33 labour and leisure camps had been organized to facilitate integration of risk group children in the social life. Funds in the amount of 33,000 LVL (49,327 EUR) were allocated from the National Program for Improving the Situation of Children and Family for organizing these camps. Participants of the camps included 1,650 children of risk groups and disabled children.

77. The Joint Memorandum of Understanding on Social Integration between the Republic of Latvia Government and the European Commission - signed between the European Commission and the Government of Latvia on 18 December 2003 with the view to get prepared to the full-scale participation at the open co-ordination method in the field of reducing the social repulsion and poverty after the accession to the EU, as well as to get prepared to development of the National Action Plan for Facilitation of Social Integration for 2004.

78. The Memorandum was aimed to identifying the main issues and the groups of population most vulnerable to poverty and social repulsion, as well as define the basic political objectives to reduce social repulsion and poverty in the country. Achievement of the above goals and implementation of the policy should be appraised in the context of the EU social integration process aimed at making significant influence on the elimination of poverty in Europe by the year 2010.

79. The identified main political objectives aimed at reducing poverty and social repulsion include strengthening of families' solidarity and protection of the rights of the child, as well as ensuring adequate income, with particular regard to the condition of incomplete families and families with three and more children.

80. Concerning children from poor and difficult families, please see Paragraphs 326 - 331 of the Section Health and Welfare, Sub-section The standard of Living.

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

#### **The term "best interests of the child" (para. 1)**

81. Though the term "the best interests of the child" is not expressly defined and it is rather understood as a general value, guarantees of the rights of the child are consolidated in the Satversme, the Civil Law, the Law On Orphan's Courts and Parish Courts, the CM Regulation No 111 of 11 March 2003 On the Adoption Procedure and other laws and CM regulations.



82. The SMSACFA has been established in order to ensure compliance with and adherence to the best interests of the child within the policy planning process. For further information about the SMSACFA, please see Paragraphs 19 - 21 of the Section General Measures for Implementation of the Convention, Sub-section Institutional Structure for the Protection of the Rights of the Child.

83. On 20 June 2002 the Saeima passed the law Amendments to the Criminal Procedure Code of Latvia amending Section 160 of the Code to provide for mandatory presence of a pedagogue, a psychologist, or a specialist trained in psychological work with children, in criminal proceedings during the interrogation of witnesses under fourteen years of age. Section 152 of the Criminal Procedure Code also provides for interrogation of a minor person on trial in the presence of legal representative, pedagogue or psychologist.

84. A psychologist is invited depending on the need for presence of a psychologist on a case-to-case basis, as well as on availability of financial resources. The courts request the services of psychologist taking into account the available budget resources.

85. Concerning the parents' duty to support their children, see Section Family Environment and Alternative Care, Sub-section Supporting of the Child, the right to adequate quality of life.

86. Concerning the compliance with the best interest of the child in case of adoption, see paragraphs 119 - 202, 204 - 209 of Section Family Environment and Alternative Care, Sub-section Adoption.

87. The Law On Social Services and Social Assistance effective as of 1 January 2003 provides a new approach to the care of orphans and children left without parental care, and it stipulates that family care should be primarily pursued involving a foster family or guardian, and only in the case of failure of such measures the child may be referred to continuous social care and social rehabilitation institution. In order to reduce the number of children in out-of-family care establishments, the CM adopted on 10 December 2003 the Foster Family Concept. The Concept is aimed at improving the organizational forms of foster families, increased informative and methodical support, increased compensation to foster families and uniform funding procedure applicable to foster families and guardians. The Concept intends to increase in 2004 the compensation for duties of foster family to 70 LVL (104.63 EUR) and to provide training to the existing foster families and guardians.

#### **Protection of the child against domestic violence (para. 2)**

88. Public information campaigns have resulted in the increased public interest in and understanding of this issue. Realizing the consequences of violence, increased awareness of and ability to identify the victims of violence, the officials of the institutions for protections of the rights of the child and non-government organizations are capable of identifying an increasing number of cases of violence. The number of children - victims of violence has increased during the recent years. 1,144 cases of violence against children have been identified in 2002.

89. Concerning the public awareness about the Convention and popularisation of the rights covered by the Convention, see paragraph 4 of Section Introduction and paragraphs 36, 37 of Section General Measures for the Implementation of the Convention, Sub-section Institutional Structure for the Protection of the Rights of the Child.

90. Section 51 of the Law on Protection of the Rights of the Child provides that each and every child - victim of a crime, exploitation, sexual abuse, violence or any other unlawful, cruel or dignity-infringing actions-is entitled to apply for free assistance free according to procedure established by the CM in order to help him/her to restore physical and psychical health and to achieve social integration. Such treatment and re-integration should be provided in the environment favourable to the child's health, self-esteem and dignity, subject to safeguarding of the child's intimate confidence. The CM Regulation No 208 of 8 June 1999 On the Procedure of Providing of the Necessary Aid to a Child - Victim of Unlawful Actions sets up the procedure for rendering of the necessary assistance to the victim out of the national budget, and budget sub-program Social Rehabilitation of the Children - Victims of Violence is maintained in Latvia under the national budget.

91. Starting from 2001, rehabilitation has been provided every year to 1,100 children - victims of violence, as an average. Starting from 2000, the amount assigned for rehabilitation of children makes 748,056 LVL (1,118,170 EUR). Training is provided every year to specialists working with the children - victims of violence. Training of the specialists is organized so that certain number of specialists from each region of Latvia gains the necessary knowledge and skills. As a result, there are 2-4 specialists in each region are specially trained to work with children - victims of violence.

92. The draft Criminal Procedure Law approved in the second reading by the Saeima on 1 April 2004 stipulates that the prosecutor may restraint order preventing the suspect or accused from approaching certain individual to the limited distance specified in the decision, preventing physical or visual contact with such person, or restricting contacting such person by all and any means of communication or information (wording of Section 253).

### **Compliance with the best interests of the child by the institutions (para. 3.)**

93. The Law on Social Services and Social Assistance has been enacted on 1 January 2003. The Law sets up the principles of social work, social care, social rehabilitation services and rendering/receipt of social assistance; the range of persons entitled to such services and assistance, as well as the principles of payment for and funding of the social care and social rehabilitation services. The Law provides for annual increase of the funds assigned to social rehabilitation of juvenile alcoholics and addicts to drugs or toxic substances. In 2003 the amount of 316,800 LVL (473,543 EUR) was allocated for such purposes, while in 2006 it is expected to increase the funding up to 633,600 LVL (947,085 EUR). Further, in 2003 and 2004 the funds assigned to organizing children social care establishments shall amount to 1,263,496 LVL (1,888,634 EUR).

94. Regulation of the CM has been adopted, by the virtue of the delegation of powers provided for in the Law on Social Services and Social Assistance, to set up the procedure for

availability of social rehabilitation services to the children addict to psycho-active substances, as well as the requirements applicable to the entities rendering social rehabilitation services and those rendering social services including the entities providing social services to children.

95. According to The Law on Social Services and Social Assistance the Social Services Board shall be established to control the quality of social services, and it shall be competent to control the compliance of quality of the services with legal standards, as well as to deal with the individual complaints.

96. With respect to the consulting the child's opinion at the social rehabilitation institutions, see Paragraph 115 of Section General Principles, Sub-section Respecting Child's Opinion.

97. The Law on Patients' Rights has been drafted to regulate, inter alia, the rights of juvenile patients, and it should be opened for discussion within the Government on 8 January 2004 at the meeting of the State Secretaries. Section 3 of the draft Law provides that the rights of patients must not be restricted due to their gender, age, race, nationality, language, social status or religious beliefs. Legal representative of a minor patient shall be entitled to obtain information about the patient except if, following a reasoned opinion of the physician, disclosure of such information would prejudice the patient, provided that such opinion is recorded in the medical documents. Treatment of a minor patient shall be subject to awareness of and approval by the legal representative of the minor patient, while patients over 16 years may receive treatment without approval of the legal representative. A minor patient shall be entitled to participate in making treatment-related decisions. If, at the physician's opinion, the interests of a minor patient require immediate medical intervention, yet the legal representative delays expression of the consent, or if the physician has no information about the legal representative of a minor patient, the decision on treatment shall be made by the Medical Council. The Medical Council shall notify the Orphan's Court about its decision within 24 hours.

98. The Regional Council School Board specialists on protection of the rights of the child organize seminars for school principals and teachers in compliance with the principles of the Convention of the Rights of the Child. The SMSACFA organizes seminars for regional specialists on the protection of the rights of the child. Starting from the beginning of 2003, 3 seminars on urgent issues concerning the rights of the child have been organized for the specialists of local governments on the rights of the child. For information on public awareness of the contents of the Convention and popularisation of the rights covered by the Convention, see paragraph 4 of the Section Introduction and paragraphs 36, 37 of the Section General Measures for the Implementation of the Convention, Sub-section Institutional Structure for the Protection of the Rights of the Child.

99. The SMSACFA, in collaboration with the LNHRO and MES, carries out inspections at child-care institutions to see how the rights of the child are being respected. 11 inspections have been carried out starting from 1 January 2003, and 629 children have been questioned on compliance with their rights. The Social Assistance Fund is annually carrying out 15 - 20 inspections at the out-of-family children's care institutions to check quality of the services and whether the rights of the child are being respected. 18 inspections were carried out in 2003.

### C. The right to life and development (art. 6)

100. Section 93 of the Satversme stipulates that law protects each person's right to life.

101. According to the data of CSD as of 1 January 2003, the population of Latvia has decreased by 1.93%, compared to situation on 31 March 2000. The number of children (from 0 to 17 years old) has decreased by 10.18%

**Table 1**

**Total population and number of children<sup>4</sup>**

	Data as of 31 March 2000	Data as of 1 January 2003
Total population	2 377 383	2 331 480
Including 0-17 years old	540 661	485 576

102. On 31 March 2000 children were 22.7% of the total population, while on 1 January 2003 children were only 20.8% of the total population. At the beginning of 2003, 62.62% of all children lived in cities, while 37.38% of children lived in rural areas. The number of live born children in 2002 in Latvia was 20,044. Compared to 2001 (19,664 children born), the number of live born children in Latvia has increased by 1.93%.

103. Compared to 2001, in 2002 the number of children born to 19 years old mothers and 20 to 24 years old mothers has decreased (see the Table The newborn children according to the age of their mothers). In 2002, the number of children born to 25 to 29 years old mothers (+243); 30 to 34 old mothers (+340) and 35 to 39 old mothers (+24) has increased.

104. While the number of children born to 25-39 years old mothers has increased, the average age of mothers has also increased - from 26.9 years in 2001 to 27.1 years in 2002. At the same time, the number of children born to 13 to 24 years old mothers has experienced continuous decrease. The average age of mothers delivering the first child has experienced slight increase: 24.1 years in 2001 comparing to 24.3 in 2002.

105. To improve the demographic situation in the state, the concept On Increased Social Allowance to Families upon Birth of a Child has been developed and accepted by the CM on 17 February 2004. The Concept envisages significant increase of the social allowances to families upon birth of a child, starting from 2005. The Concept is aimed at increasing the child-care allowance proportionally to the social security contributions. Persons who are taking care of children less than one year and who have previously been employed would receive allowance in the amount of average salary from which social contributions have been deducted. The allowance would be calculated on the basis of average salary during the 12 months immediately prior to childbirth. The allowance would be limited to five minimum monthly salaries. The persons who are taking care of children under one year of age and who have not been previously employed, and therefore not subject to social insurance, would receive allowance in the amount of the minimum monthly salary in the state. In 2005 this amount would be 90 LVL (134 EUR). The child-care allowance paid to persons without prior social insurance history would change in line with the increase of the minimum monthly salary in the state.

**Table 2**  
**Newborn children according to the age of their mothers<sup>5</sup>**

	Total				Including								Including the first child			
					Boys				Girls							
	1995	2000	2001	2002	1995	2000	2001	2002	1995	2000	2001	2002	1995	2000	2001	2002
Newborn - total	21 595	20 248	19 664	20 044	11 225	10 357	9 987	10 273	10 370	9 891	9 677	9 771	11 248	10 047	9 948	10 054
Including mothers at the age of (years)																
13	1	1	1	-	1	1	1	-	-	-	-	-	1	1	1	-
14	4	2	3	1	2	-	2	1	2	2	1	-	4	2	3	1
15	24	13	12	12	10	5	6	6	14	8	6	6	24	13	12	12
16	136	72	69	60	72	37	36	35	64	35	33	25	134	70	67	59
17	341	234	231	179	169	124	138	89	172	110	93	90	323	229	221	176
18	738	492	426	440	391	258	227	220	347	234	199	220	701	462	409	410
19	1 172	792	793	765	611	416	401	418	561	376	392	347	1 059	710	713	693
20-24	8 314	6 243	5 969	5 821	4 336	3 147	3 005	2 985	3 978	3 096	2 964	2 836	5 785	4 614	4 448	4 362
25-29	5 995	6 491	6 138	6 381	3 140	3 320	3 120	3 271	2 855	3 171	3 018	3 110	2 277	2 867	2 897	3 039
30-34	3 085	3 732	3 807	4 147	1 588	1 909	1 930	2 119	1 497	1 823	1 877	2 028	641	779	845	995
35-39	1 443	1 714	1 722	1 746	732	889	869	889	711	825	853	857	244	235	262	261
40-44	293	438	463	455	142	236	235	227	151	202	228	228	42	63	63	40
45 and over	23	21	24	31	13	13	15	10	10	8	9	21	7	2	6	4
Not specified	26	3	6	6	18	2	2	3	8	1	4	3	6	-	1	2
The average age of mother (years)	25.5	26.8	26.9	27.1	x	x	x	x	x	x	x	x	23.0	23.9	24.1	24.3

106. In 2002, 477 children at the age of 0 - 19 years died in Latvia. Though the number of deceased children has decreased in comparison to 2002 (507), the data on the causes of death shows that the number of children died from external causes has increased by 2.35%. In particular, the number of children deceased through drowning has increased (by 4.4%) (see the table below The number of deceased according to the causes of death in different age groups).

**Table 3**  
**The number of deceased according to the causes of death**  
**in different age groups<sup>6</sup>**

	Including							
	0-4				5-14			
	1999	2000	2001	2002	1999	2000	2001	2002
Number of deceased	267	248	265	251	59	114	93	92
Including:								
From tumours	6	3	8	7	9	25	11	12
From diseases of nervous system	6	4	8	10	3	6	12	5
From diseases of respiratory system	8	3	9	5	1	3	1	2
From external causes	34	32	35	43	41	64	57	60
Including from traffic accidents	2	3	6	12	13	19	17	15
Drowning	12	13	6	9	14	23	22	24
Exposure to smoke, fire, flame	3	5	6	3	5	7	3	6
Violence	3	5	5	4	3	1	2	2
From tumours	13	5	9	11	28	33	28	30
From diseases of nervous system	2	4	3	2	11	14	23	17
From diseases of respiratory system	5	2	3	2	14	8	13	9
From external causes	109	121	115	103	184	217	207	206
Including from traffic accidents	47	51	45	30	62	73	68	47
Drowning	17	8	16	20	43	44	34	53
Exposure to smoke, fire, flame	2	-	-	2	10	12	9	11
Violence	4	11	11	9	10	17	18	15

107. Also, the number of children deceased from exposure to smoke, fire and flame has increased by 0.9% in 2002, in comparison to 2001. The increase in the number of children who die through drowning, asphyxia in smoke or fire evidences the increasing trend of parents to leaving children unattended, as well as lack of responsibility on part of parents/guardians. The number of children lost in fire, in its turn, shows that in some families children are exposed to non-compliance with fire safety norms. The increase in the number of children injured and deceased from fire is directly related to the start of heating season.

108. To improve care and supervision of children, to protect children from physical and emotional violence in families and in education/care establishments, on 22 October 2003 the SMSACFA established working groups entrusted with preparing proposals on amendments to the Administrative Offences Code and the Criminal Law. The proposed amendments to the said laws envisage increased accountability for neglecting the duty of care and supervision resulting in heavy bodily injuries or death of a child. The amendment texts have been submitted to the Saeima for adoption.

**D. Respecting the child's opinion (art. 12)**

109. Positive changes in respecting of and listening to the child's opinion have been observed during the recent years on both municipal and national level.

110. Section 101 of the Satversme provides that each and every citizen of Latvia is entitled to participate in the work of the state and local government institutions in the manner stipulated in the law.

Referring to the Committee Recommendations No 19 and 20:

The Committee notes with concern that the participation and involvement of relevant non-governmental organizations and of civil society at large in the formulation and implementations of policies and programs relating to children is not systematic (Recommendation 19).

The Committee emphasizes the important role civil society and non-governmental organizations in particular play as partners in implementing the provisions of the Convention, and recommends that the State party consider a methodical approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making (Recommendation 20).

111. On 4 - 5 May 2003 the 2nd Children's Forum of Latvia took place at which the principal positions Latvia Fit for Children were discussed. The 2nd Children's Forum of Latvia adopted resolution on calling the adults to provide opportunity for the children to express their opinions, participate at discussions, prove themselves and decide on matters important to themselves; to educate, develop themselves and to act jointly, and to provide the required assistance to ensure development of children in a safe environment where they can grow physically healthy, mentally sound, emotionally safe, socially competent and capable of learning, in order to provide wholesome life to children and to promote implementation of the initiatives of children and youth.

112. The shared opinion of the organizations representing children is expressed on most occasions by the Latvian Youth Council (LYC). For further details about the children's organizations and formation thereof, see Section Civil Rights and Freedoms, subsection Freedom of Assembly and Association.

113. National Program for Improving the Situation of Children and Family includes measures for the involvement of children in improving their situation and deciding on the matters significant to themselves. Participation of children in the policy formation was promoted through the following activities:

- Organizing of region (city) scale children's conferences and organizing the 2nd Children's Forum of Latvia. As the result, in April/May 2003 28 conferences were organized and the 2nd Children's Forum of Latvia took place on 4 - 5 May 2003;
- Funding the most actual children's projects. As a result, 10 projects have been implemented concerning formation of self-government fit for children. The amount of 4,495 LVL (6,719 EUR) has been assigned in 2003 for the implementation of children-related projects within the framework of the National Program for Improving the Situation of Children and Family. Most of the children's projects were aimed at improving of school-adjacent of municipal territories in order to create environment suitable for recreation of children; while Rūjienas Secondary School of Valmiera Region, for example, implemented a project aimed at combating addiction to drugs and toxic substances.

114. Most of the education establishments of Latvia have active student self-governments aimed at organizing information and entertainment events and representing the interests of students at the meetings of school administration and parents.

115. The Law on Social Services and Social Assistance provides for establishment of Social Care Councils in long-term social care and social rehabilitation institutions with the participation of the inhabitants of institutions (children), their relatives, representatives of the local government authority and the institution.

116. Children's Councils have been formed with some local governments consisting of the most active children of the region; children express their opinions on the matters concerning improvement of the city, leisure opportunities available at the local government level, safety and other issues.

117. The Minister for Special Assignments for Children and Family Affairs has convened the Children's Council to perform advisory function. The Minister and officials of the SMSACFA meet on the quarterly basis with children representing various children's organizations of Latvia to discuss the novelties in the policy concerning protection of the rights of the child, and they submit to the Council for discussion the draft political documents concerning, inter alia, the issues of protection of the children's rights. For example, members of the Children's Council have discussed the draft National Program 2004 for Improving the Situation of Children and Family.

118. On 6 - 8 November 2003 the Meeting of the World Children Parliament was held in Finland (Helsinki) at which children from Latvia participated for the first time. Thus, the Latvian children had an opportunity to participate in solving world-urgent matters jointly with



the representatives of other countries. Participation of children at this forum was funded by the SMSACFA from the budget of the National Program for Improving the Situation of Children and Family.

119. The action for children Listen to me was organized in December 2003. The joint action of the SMSACFA and the UNICEF Latvian National Committee took place at the Clinical University Hospital for Children and in different regions of Latvia. Children received as a gift the UNICEF post-cards on which they could write their ideas and thoughts on improving the situation of children, addressing them to A. Baštiks, the Minister for Special Assignments for Children and Family Affairs. Participation at the action was voluntary.

120. The action was aimed at learning the children's opinion on the matters they consider important and identifying how children feel in the society. In total, 354 cards were received from children of various age (4 -17 years) from both cities and rural regions. The listed main problems at school included heavy schoolbags and long school hours. A number of proposals were made including on the need for psychologists at school and on school uniforms so that to prevent abasement of children from low-income families. The children's proposals reiterated the need for more free-of-charge hobby groups both at school and out off school. Latvia is working on improving the interest education system at the government and local government levels.

121. The LNHRO specialists on protection of the rights of the child on a monthly basis organize the Day of the Child's Opinion. This includes discussing urgent topics with children and listening to their opinions on the issues raised by the LNHRO. In 2003, the LNHRO raised issues included leisure opportunities for children, as well as evaluation of the attended education establishments by children. The Days of Opinion are mainly organized at education establishments and child-care establishments not only at the capital but also at the distant regions of Latvia.

122. For information on consulting the opinion of minor patients in treatment process, see paragraph 97 of the Section General Principles, subsection The Best Interests of the Child.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Name and nationality (art. 7)**

Referring to Committee Recommendations No 25 and 26:

The Committee is deeply concerned that, although all children born in Latvia after 1991 are automatically entitled to citizenship according to the amendment of 1998 of the Citizenship Law, there is still a large number of children who are without Latvian nationality. Further it expresses its concern at the slow pace in general of the process of naturalization of non-citizens in Latvia (Recommendation 25).

In light of article 7 of the Convention, the Committee concurs with the recommendation of the Committee on the Elimination of Racial Discrimination to streamline the process of naturalization for all those who apply for citizenship

(A/54/18, para. 404) and, in particular, it encourages the State party to provide more information and support to the parents of non-citizen children to enable them to apply for citizenship on behalf of their children (Recommendation 26).

123. The Law on Citizenship provides that children born to stateless persons and aliens after 21 August 1991 are citizens of Latvia. Parents/adoptive parents of the child may make application for recognition of Latvian citizenship of a child. During the period starting from 1 January 1999 to 30 June 2003, 1,121 children have acquired citizenship of Latvia by the virtue of Section 3.<sup>1</sup> of the Law on Citizenship, and 3,375 children, or 21% of the concerned group, born after 21 August 1991 to stateless persons and aliens have been naturalized, together with their parents. According to the data of the Republic of Latvia Citizenship and Migration Board as of 1 April 2003, the total number of children born after 21 August 1991 to stateless persons and aliens without citizenship of Latvia was 17,006.

124. The SMSACFA formed a working group entrusted with preparing amendments to the Law on Citizenship in order to facilitate and promote granting the Latvian citizenship to minors including children born after 21 August 1991 to stateless persons and aliens.

125. On 23 October 2003 the draft law Amendments to the Law on Citizenship was opened for discussion within the Government at the Meeting of State Secretaries. The draft law is aimed at the elimination of the shortcomings in the current Law on Citizenship and solving certain problems including: deciding on the right to citizenship of Latvia for children left without parental care, namely the children whose parents are unknown or regarded as missing or unable to exercise guardianship by the reason of lasting illness, or deprived of parental rights. Currently, registration for citizenship is only available to the children left without parental care whose parents are unknown and who have been found on the territory of Latvia. The draft law is designed to provide the right to citizenship of Latvia to the children whose parents have acquired the citizenship of Latvia after the birth of their children, and to provide the right of adopted children to the citizenship of Latvia, since Section 173 of the Republic of Latvia Civil Law provides that adopted children enjoy the legal status of a child born in wedlock in both personal and property relations.

126. Further, the draft law provides for a number of further changes in the Law on Citizenship:

- To facilitate naturalization of children born after 21 August 1991 to stateless persons and aliens - permanent residents of Latvia except if the children have acquired citizenship (nationality) of any other country upon their birth. This amendment has been drafted based on the concept that the commonly accepted principles for the reduction of the number of stateless persons include guaranteeing the citizenship to the children born on the given country in case they have not acquired citizenship of any other country;
- To specify the naturalization procedure applicable to children so that persons applying for the Latvian citizenship could better understand the naturalization procedure applicable to minors.

127. In 2003, the officials of the Naturalization Board organized 121 information days or meetings at the pre-school education and comprehensive education establishments all around Latvia. During such information days and meetings, children, teachers and administration of the education establishments were informed about the procedure for granting citizenship both directly, as well as indirectly, through dissemination of the information materials of the Naturalization Board. Further, representatives of education boards receive regular information about the novelties and changes in the naturalization process.

128. To facilitate naturalization, in 2003 the Naturalization Board arranged 3 competitions for students of the elementary schools for national minorities. The competitions were highly appreciated by students:

- 35 schools of Riga participated at the painting competition The heart of Latvia in my painting devoted to the 85th anniversary of Latvia's independence;
- All schools of Jūrmala participated at the competition Do you know your rights. The purpose of this competition was not only to give the opportunity to students to test their knowledge but also to learn more about the citizenship of Latvia;
- A joint introduction event for all schools took place on the day of Lāčplēsis - the competition arranged by the Naturalization Board for students of elementary schools I am the inhabitant of Ventspils - a citizen of Latvia.

129. Days of Citizenship have been organized at schools already for three years within the events related to the Latvia's independence day. In 2003, such events were organized at 90-95% schools on the entire territory of Latvia. The officials of the Naturalization Board participated at 52 events. Participation took very different forms: addressing the school children at ceremonial meetings, telling about the possibilities and benefits of naturalization to individual classes, arranging discussions and competitions. Some schools accommodated the mobile exposition of the Naturalization Board Citizenship in Latvia within the framework of the Days of Citizenship.

130. Several regions of Latvia have been successfully cooperating with the Naturalization Board and the Registry Offices, and in 2003 such cooperation was expanded to include more regions. The Registry Offices have developed an information material Naturalization of Children Born After 21 August 1991 to Stateless Persons and Aliens. Officials of the Registry Offices provide information to the new parents on the possibility to apply for the citizenship of Latvia for their children. Information exchange also takes place by telephone, if necessary.

131. The Naturalization Board is cooperating on regular basis with education establishments including pre-school education establishments, through organizing of information days, the Days of Citizenship as well as competition for school children On the Way to Civic Society organized countrywide.

132. Within the framework of the competition, children develop projects on civic participation and public awareness. The best team of each region receives funding from the Naturalization Board in the amount up to 500 LVL for the implementation of the project. The student's

projects have to be implemented by the end of March 2004. The winning team of Vidzeme region shall undertake to inform the youth about the activities of local government authority and promote involvement of their peers in the local government activities. The winning project of Zemgale region is aimed at promotion of inter-culture education and disappearing of cultural differences of different nations. The winner teams of the other two regions have developed projects facilitating naturalization: We stand for united society and Step by step. The winning project of Riga region is titled Identity of the minority adolescents and their ties with the civic society of Latvia. This project envisages informing the youth of different ethnicities about the education establishments for national minorities in Latvia.

133. The student competition shall be completed in spring 2004 by a 3-day seminar at which the results of implemented projects shall be presented; concurrently, the students shall compete in their awareness about issues, such as civic society, rule of law, general human rights' principles and history of Latvia. The aggregate result of projects and knowledge tests shall determine the winner of the main prize - the winning team shall go to trip abroad.

134. The Naturalization Board organizes the student competition On the way to civic society annually already for seven years. The competition is organized in collaboration with the MES, The Council of Europe Information Office (CoEIO) and some other institutions. In this year the competition is financially supported by the US Government and CoEIO.

135. During the period starting from 1 February 1995 until July 2003, the number of underage aliens has reduced by more than 240,000. Apart from that, the Naturalization Board is continuously organizing different education and information events aimed at reducing the number of aliens. The most important events include the dialogue with and informing the society. The Naturalization Board during its operation since 1995 has developed 55 public information projects, and 38 of them have been implemented with foreign financial support. The largest of them include the EU Phare program project Integration of Society Through Information and Education, The Campaign for Informing the Society and Promoting of Understanding the Citizenship Issues (advertising on TV, radio and in press, information tents, tall-free telephone lines, Internet page in Russian [www.pilsoniba.lv](http://www.pilsoniba.lv), informative brochure distributed via direct mail to 100 000 people), Days of Citizenship, research projects On the Way to Civic Society (1997 and 2001) and The Importance of Regional Aspects in the Settlement of Citizenship Issues, etc.

136. In 2003, the Saeima of the Republic of Latvia assigned 50,000 LVL (74,738 EUR) to the Naturalization Board for organizing language improvement classes for the persons pursuing naturalization in Latvia. In 2003, 850 persons had the possibility to undergo free-of-charge Latvian language classes within the framework of the above-stated funding. Since 1999, foreign embassies (US, Great Britain, Norway, Sweden) have funded the Latvian language classes by assigning the amount of 220,000 LVL (328,849 EUR). The embassies of US, Norway and Sweden have expressed interest in continued implementation of the project and assignment of funding in 2004 as well. The projects implemented on 2003 were related to:

- Improvement of the prestige of citizenship and increasing the level of patriotic education at education establishments among the pedagogues and children, as well as their parents;

- Publishing and dissemination of information material about the possibilities of naturalization;
- Active involvement of local government authorities in settlement of the problems of aliens.

137. The information campaign includes increasing the amount of information published in regional newspapers about the naturalization possibilities in Latvia. In 2004 a new information booklet is going to be published on the citizenship of Latvia in order to inform the society about the rights of citizens and aliens of Latvia (citizens of third countries) after accession of Latvia to the EU; to organize student competition on the issues of naturalization in Latvia; to continue the maintenance of toll-free telephone line. Achievement of positive result would need continued state-funded projects designed to inform aliens, including via direct mail.

#### **Registration of child and determination of paternity**

138. The Registry Offices of the Republic ensure full and timely registration of all children born in Latvia in accordance with the applicable normative acts.

**Table 4**

#### **The number of registered children**

Year	2001	2002	2003 1st half
No. of children	19 928	20 192	10 386

139. The number of children whose birth has been registered on the grounds of paternity recognition application or court judgment is increasing in Latvia.

**Table 5**

#### **The number of children registered in accordance with section 154 of the Civil Law (recognition of paternity)**

Year	2001	2002	2003 1st half
No. of children	5 968	6 184	3 101

140. Amendments to the Civil Law have significantly changed the definition of the child's origin - they have excluded terms discriminatory to some extent such as born in wedlock/ out of wedlock, and prescribed the paternity definition procedure for children in respect of which it has been established that they were not born to the registered spouse.

141. The legislator has prescribed a new procedure for defining paternity in respect of a child whose father is bound by other marital ties in order to protect the rights of spouses and those of the children born from this marriage. Amendments to the Law On Registry Acts have

been drafted on the basis of the above-stated amendments and with the view to improve the existing laws. Amendments to the Law On the Change of Name, Surname and Ethnicity Entry have been drafted affecting the interests of children as well. According to the draft law, if paternity of the child has not been established before the registration of birth, the child receives the mother's surname. If paternity of the child is recognised or established by the procedure prescribed in the Civil Law, the birth register entry is supplemented with the data about the father.

#### **B. Preservation of identity (art. 8)**

142. For information on the registration of children and recognition of paternity, see paragraphs 138 - 141 of the section Civil Rights and Freedoms, subsection Name and Nationality.

143. For information on the rights of children to pursue education in their native language and participation of children at ethnic culture events, see Section Special Protective Measures, subsection Children Belonging to National Minorities or Indigenous People.

#### **C. Freedom of expression (art. 13)**

144. Section 100 of the Satversme provides that each person has the right to freedom of expression including the right to collect, maintain and distribute information and express opinions, as well as it prohibits censorship.

145. The Law on Education establishes the rights and obligations of the children to exercise self-government. Children have the right to propose formation of a self-governing body of the education establishment and to participate in the activities thereof. Self-governing body is formed by students to represent and protect their interests, to promote development of social life of the education establishment and to increase efficiency of the learning process.

146. To facilitate the access of disabled persons to the information and communication resources, a number of public local government libraries provide home-delivery of books and other documents to disabled persons with limited mobility. Valmiera Children's Library with participation of parents has organized a cycle of measures, *The World of New Books for You*, *The Journey to the World of the Fairy-tale Images of the Children Writers of the EU Countries*, during the last two years.

147. In 2003 the Children and Youth Literature Council of Latvia and the Museum of Literature, Theatre and Music organized seminars financially supported by the European Commission Phare Access 2000 project Ensuring Equal Access in order to identify the problems in providing services to disabled persons in museums and libraries.

148. The state cultural education establishments collaborate with medical rehabilitation institutions to help children with limited mobility to participate at information and recreation events.

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

149. The Satversme Section 99 provides that each person has the right to freedom of thought, conscience and religious beliefs, and that the Church is separated from the State.

150. The Law on Protection of the Rights of the Child provides that religion of the child is determined by parents. Section 24 of the Law provides that “expression of parental will in respect of the child may be limited regardless of their beliefs and religion if it has been established that such expression is likely to affect future physical or mental development of the child”.

151. In 2003 the SMSACFA received only one complaint on the potential negative impact of the religious activities of mother on her children. The complaint was forwarded for review to the Orphan’s Court to appoint an examination of family. The Orphan’s Court established that the child was voluntarily attending the religious activities; the family, however, was included in the list of families subject to regular monitoring.

152. The Law on Religious Organizations guarantees the freedom of religious beliefs as well as the rights of parents and guardians to parent children in accordance with their own religious beliefs. It applies also if children under 18 years of age wish to join any parish, because the law requires written consent of parents or guardians. Information about the involvement of minors in the religious organization is provided by such organizations in their annual declarations stating the number of underage members.

153. Pursuant to Section 6 of the Law on Religious Organizations and Section 10 Part One of the Law on Education, the state guarantees teaching Christian Faith and/or Ethics at school, starting from 1999. State and local government schools may teach Christian Faith to persons who have expressed written intent to learn it. A minor’s application for learning Christian Faith is subject to written consent of parents or guardians. In case of a minor under 14 years of age, the application on behalf of such minor is made by the parents or guardians.

154. Christian Faith is taught in accordance with the MES approved program by pedagogues belonging to Evangelic-Lutheran, Roman Catholic, Orthodox and Baptist confession, provided that the minimum number of students intending to learn the Christian Faith is 10. Pedagogues are appointed by the Confession Management, subject to attesting by MES. Religious classes typical to certain national minorities may be taught at the state and local government schools for national minorities following a request by students and their parents/guardians and according to the procedure determined by MES. Teaching of the Christian Faith and Ethics is funded from the state budget.

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

155. Sections 102 and 103 of the Satversme provide that each person has the right to associate in societies, political parties and other public organizations, and that the state protects the freedom of previously announced amicable meetings, processions and pickets.

156. Section 6 of the Law On Public Organizations and Associations provides that membership at public organizations is open to persons over 16 years of age. Persons under 16 years may join public organizations if they submit written permissions of their parents or guardians.

157. The LYC unites 37 children and youth organizations all around Latvia representing very wide spectrum of organizations: ecology, Christian, culture, etc.

#### **F. Protection of privacy (art. 16)**

158. Section 96 of the Satversme provides that each person has the right to inviolability of private life, residence and correspondence.

159. The Law on Sexual and Reproductive Health was passed on 31 January 2002. Section 27 of the Law provides that in case of pregnancy of a patient under 16 years of age, the doctor who has established pregnancy is obliged to hear the patient and to pay due attention to her opinion, taking into account the age and level of maturity of the patient. The doctor has the duty to inform parents or a guardian of the minor patient about her pregnancy.

160. Pregnancy of a patient under 16 years of age may be interrupted for medical considerations or in case the pregnancy is resulting from an assault, subject to confirmation by Medical Council, or provided that the fact of assault is confirmed by the law enforcement agency, and provided that at least one parent/guardian of the patient has given written consent. In case of a dispute between the patient under 16 years of age and her parents/guardian about the preservation of pregnancy, decision on interruption of such pregnancy is made by the Orphan's Court (Parish Court).

161. It should be noted that the number of minor patients who apply for artificial interruption of pregnancy trends to decrease. In 1998 there were 582 cases involving patients under 17 years, while in 2002 this number decreased to 429.

162. The CM Regulation No 254 of 13 July 1999 On Social Guarantees to Orphans and Children Left Without Parental Care provide that each child in a social care establishment has to receive a pocket money. The amount and manner of payment of the pocket money is fixed by local government authorities. The pocket money is paid to children starting from their age of 7 in the amount of 4.50 LVL (6,73 EUR) per month. The SMSACFA performs inspections in order to establish whether or not any institutions are infringing the right of children to receive pocket money. If any infringements of children's rights in this field are established, the SMSACFA recommends eliminating the breaches.

#### **G. The right to information (art. 17)**

163. While the total number of students is decreasing, the number of children learning computer sciences at school is annually increasing, as well as the number of computers at schools.



**Table 6**

**The number of children learning computer sciences at comprehensive education establishments<sup>7</sup> (beginning of academic year)**

	2001/2002 academic year	2002/2003 academic year
Number of students at comprehensive education establishments	351 989	340 308
Including:		
Day schools	336 941	325 503
Night (shift) schools	15 048	14 805
Including 10th - 12th grade students	48 067	49 350
Number of students learning computer sciences	97 108	95 743
Including:		
Day schools	89 268	87 600
Night (shift) schools	7 840	8 143
Including 10th - 12th grade students	42 435	43 216
Number of students learning computer sciences, % out of the total number of students at comprehensive education establishments	27.6	28.1
Including 10th - 12th grade students	88.3	87.6

**Table 7**

**Number of computers at comprehensive education establishments<sup>8</sup> (beginning of academic year)**

	2001/2002 academic year	2002/2003 academic year
Number of schools with computers available for learning process	920	942
Number of computers available for learning process	12 726	13 866
Number of students per 1 computer designed for learning process	26	23
Number of schools connected to Internet	692	814

164. Information about the Internet and the possibilities offered by it is widely available in Latvia. The research carried out by MES in 2001 Establishing of the 5th - 12th grade students' attitude to information technologies and their application at school, available access to computers

and Internet proved that students have access to Internet at 62% of the Latvian schools; 53.6% of students use Internet to search information necessary for the learning purposes, while 36.2% of students use Internet solely for surfing and chatting purposes. Availability of the Internet has increased: in 2002/2003 academic year 73.38% of the comprehensive education establishments had been connected to the Internet, while in 2003/2004 academic year it was already 86.1%. The free access to Internet, however, enables children and youth to access contents involving violence, pornography, racial discrimination and other adverse influence.

165. Concept on the Protection of the Rights of the Child in the Internet has been approved in order to restrict the access of children and youth to such information and to protect them. The Concept involves the following:

- To start work from 1 July 2004 on the development of special portal designed for children to provide information in the form attractive to them about:
  - (i) The issues related to the use of Internet;
  - (ii) Education on elementary matters concerning the use of Internet;
  - (iii) Potential sources of threat related to the use of Internet;
  - (iv) Illegal and harmful information;
- Publishing information about safe use of the Internet and about ethical issues;
- Setting a hotline in order to enable the Internet users to report on the availability of harmful and illegal information resources on the Internet.

166. On 9 September 2003 the CM Regulation No 513 Amendments to the Regulation of the Cabinet of Ministers No 348 of 22 November 1995 Regulation on the introduction, production, distribution, public presentation or advertising of erotic and pornographic materials was adopted. The said CM Regulation is designed to protect the interests of the child, it introduces dissemination restrictions capable of protecting children from the adverse influence of erotic material. Therefore, the provisions of Section 50, Part One of the Law on Protection of the Rights of the Child prohibiting demonstration, sale, donation, lending and promotion of toys, video records, newspapers, magazines and other media related to erotic to the children were met.

167. The drafted amendments to the Section 50 Part Seven of the Law on Protection of the Rights of the Child, prepared for discussing at the CM meeting, prohibit to children to be present at Internet studios and other public locations with the access to Internet from 23:00 to 6:00. Local government authorities are entitled to impose additional restrictions on providing of Internet services to the children.

#### **H. Freedom from torture (art. 37 (a))**

168. Section 95 of the Satversme provides that the State protects the esteem and dignity of people, and that torture and other cruel or dignity-abasing treatment to humans is prohibited, and that nobody may be subject to punishment involving cruelty or abasement of human dignity.

169. For information about the criminal liability for criminal offences against children, see paragraph 220, Section Family Environment and Alternative Care, Sub-section Child Abuse and Child Neglect, Social and Psychological Rehabilitation.

Referring to the Committee Recommendations No 27 and 28:

While noting that the Law on the Protection of the Rights of the Child of 1998 explicitly prohibits corporal punishment, the Committee expresses its concern at the still widespread use of corporal punishment, in particular within the family and in school and other institutions (Recommendation 27).

In light of articles 19 and 28 (2) of the Convention, the Committee encourages the State party to develop measures to raise awareness on the harmful effects of corporal punishment and to promote alternative forms of discipline in families, to be administered in a manner consistent with the child's dignity and in conformity with the Convention. It also recommends the effective enforcement of the ban on corporal punishment in school and other institutions (Recommendation 28).

170. During the period between 2001 and 2003 the MES State Inspection has received and reviewed 50 complaints alleging violence at education establishments. 33 of all complaints were verified upon investigation. If a complaint was proved, the State Education Inspection decided upon individual investigation of each case on the following measures: reprimand; recommendation to remedy or change the situation, or dismissal of the perpetrator.

171. Parents have been complaining on emotional and physical violence, mainly on part of teachers and students. There are a few occasions of violence on part of the managing officials of education establishments.

172. In 2002 there have also been identified some occasions involving violence against children accommodated by institutions. In 2002, criminal case on violence against children at the special children social care centre Veği was forwarded to the Prosecutor's Office. Therefore, the year 2002 was marked with the first large-scale criminal case in which the officials of children social care institution were called to criminal liability for violence against children.

173. Since the information about violence against children or other customers of care establishments is often received with delay, or employers lack sufficient evidences to prove the fact of violence, firing or dismissal of such persons under the present Labour Law is complicated. Also, the negative attitude of trade union to dismissal of the member of union involved in violence prevents the employer from operative response to the given situation.

174. Amendments to the Law on Protection of the Rights of the Child drafted by the SMSACFA provide for responsibility of the employees of child care, education, health, social aid and other institutions accommodating children, as well as organizers of public events for safety of children, provision of qualified services to children and respecting of the rights of the child. If breach of this section of Law is established, the employer is obligated to discharge the

employee or manager of the institution upon the request of Minister for Special Assignments for Children and Family Affairs. The said amendments have been discussed at the CM committee meeting on 26 April 2004.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Education of parents (art. 5)**

175. Non-governmental organizations, and occasionally also religious organizations in the cities of Latvia, are opening schools for new parents, attended for a fee. Parents are introduced there with different methods of care and rearing of children. The parents are psychologically prepared to the expected changes and the new situation in family when a child is born. Also, support groups are formed in support of single parents.

176. Educational establishments arrange regular parents' meetings, and the school management and pedagogues invite to such meetings either psychologists, municipal police officers, inspectors for protection of the rights of the child or social workers, depending on the identified problems and issues of interest. In general, parents learn at such meetings about the psychological problems, risks and possible prevention thereof for children of the concerned age group. Not all parents are interested in attending the parents' meetings - traditionally, such meetings are attended by the same parents.

177. In 2004, the SMSACFA started implementation of a new activity - consulting adoptive parents, foster families, and guardians. These families quite often need psychological assistance and support. Funds have been allocated from the National Program for Improving the Situation of Children and Family for implementation of the said activity in 2004 amounting to 10,000 LVL (14,948 EUR).

178. The Law on Social Services and Social Assistance enacted in 2003 provides that each local government authority with population on its administrative territory exceeding 3,000 people has to form a local government social service. The purpose of such service is to ensure rendering social services and social assistance, and administration of services. The largest cities of Latvia have established within such centres the family support sections where social workers work directly with the family in crisis situation, if the family applies for assistance or if the competent authorities have been notified about the infringement of the rights of the child in such families. Good success has been made by Rēzekne Family Support Centre, for example, pursuing activities in such directions as:

- Psychological and psycho-therapeutic consulting and rehabilitation;
- Social work (social rehabilitation, social competence school, etc.);
- Urgent psychological aid in case of crisis;
- Information and training (preventive measures, training of volunteers, etc.);
- Health promoting measures (school for mothers-to-be, educational lectures).

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

179. Amendments to the Civil Law have been adopted on 12 December 2002. The Civil Law provides for the responsibility of parents to care for their children and the children's property regardless of the parents' social status, and to represent the child in personal and property relations. Cohabiting parents jointly exercise parental rights in respect of the child. Should a dispute arise between the parents, they have to apply to Orphan's Court or Parish Court for the settlement thereof.

**C. A child separated from parents (art. 9)**

180. The Law on Protection of the Rights of the Child also provides for the cases in which the child can be separated from parents. Amendments to the Law on Protection of the Rights of the Child introduced on 18 June 2003 provide that, if parents are deprived of parental rights, it is the manager of child care establishment who exercises discretion to authorize the child's stay with parents during holidays, subject to written approval of the Orphan's Court.

181. On 9 April 2002, new CM Regulation was enacted Regulation on Accommodation of a Child in Custody with Sentenced or Arrested Mother, providing that children may be accommodated at prison facilities together with their mothers on full state-support basis upon request of the arrested or sentenced mother until the child reaches the age of four years, subject to the consent of Orphan's Court. 11 children were accommodated at Iļģuciems Women Prison as of 1 March 2003. A separate room is provided to women with children less than 1 year of age. In case of nursing mother, this period may be even longer. When the child reaches 1 year of age, the mother is entitled to meet the child twice a day.

**D. Family reunification (art. 10)**

182. The Law on Asylum was enacted on 1 September 2002. The principle of family cohesion and legal guarantees to unaccompanied minors in the asylum procedure are integrated in the Law.

183. The Law provides the right of refugees and persons with alternative status to join their family members abroad. Family is deemed to include the person's spouse and their minor children who are not married, as well as adult disabled children dependent on them. Minor children who are not married may accommodate their parents from abroad. The foregoing meets the European Union standards.

184. The Law further provides that the rights and lawful interests of minors (under 18 years of age) are represented by their parents; if, however, the minor is not accompanied by parents and wishes to make an application on his or her own behalf, the rights and lawful interests of such persons during the asylum procedure are represented by an independent authorized representative appointed by the Appeal Council for Refugees. The representative has to act impartially representing the interests of the minor. Protection of the rights of the child in case of an unaccompanied minor is protected in accordance with the law.

**E. Unlawful relocation of children, failure to return from abroad (art. 11)**

185. On October 2001 the Saeima enacted the Law On Civil Aspects of the Hague Convention on the International Child Abduction. The main purpose of the Hague Convention on Civil Aspects of International Child Abduction effective as of 25 October 1980 is to ensure prompt return of the children unlawfully abducted or kept in a State Party to the Convention.

**F. Support for the child, the right to adequate quality of life (art. 27)**

186. The CM Regulation No 348 of 1 July 2003 Regulation on the Amount of Minimum Child Subsistence Allowance fixes the minimum amount of subsistence to be provided by all and any parents to their children regardless of their property status. For children under 7 years, the fixed amount per month is 20 LVL (13 EUR), while for children over 7 years- 24 LVL (16 EUR) per month.

187. Pursuant to the priorities set by the SMSACFA, the Subsistence Guarantee Fund (hereinafter - the Fund) is going to be established by July 2004. Development of the normative base governing operation of the Fund is currently taking place. In case of a failure to recover child subsistence ordered by court from the persons evading from providing support of their children or from insolvent persons, the subsistence shall be disbursed from the assets of the Fund. Subsistence disbursement from the Fund shall take place on a monthly basis in the amount of minimum subsistence allowance fixed by the CM.

188. Subsistence for each child shall be paid in the amount fixed in the CM Regulation No 348 of 1 July 2003 Regulation on the Amount of Minimum Child Subsistence Allowance. The above-mentioned CM Regulation prescribes the following minimum monthly amount of subsistence for children:

(a) For each child from birth to 7 years - 25 % of the minimum monthly salary prescribed by the CM (20 LVL (13 EUR));

(b) For each child from 7 to 18 years - 30 % of the minimum monthly salary prescribed by the CM (24 LVL (16 EUR)). The draft law provides for formation of the Fund from the assets of state budget and the assets recovered by the state on regress basis from the persons evading to pay the subsistence.

**G. Children living in out-of-family care establishments (art. 20)**

Referring to the Committee Recommendations No 29 and 30:

The Committee expresses its concern at the high number of children living in institutions, due mainly to the fact that children living in vulnerable families or with a very low income cannot be supported because of the lack of alternative care and of social assistance (Recommendation 29)

In light of articles 18 and 26 of the Convention, the Committee encourages the State party to develop comprehensive measures to support vulnerable families with a view to assisting them in their child-rearing responsibilities, for instance by increasing various forms of social assistance to families or by securing child-care services and facilities to help them with their child-rearing (Recommendation 30).

189. In 2001, Orphan's Courts and Parish Courts have deprived 1691 persons of their parental rights (1057 - mothers, 234 - fathers), which is by 207 more than in the previous year. These persons had been caring and rearing 1973 children (2331 in the previous year). Parental rights have been returned to 269 persons (337 in the previous year) (214 - mothers and 55 - fathers), caring for 335 children (413 in previous year). In 2001, 434 children have been referred to care establishments from medical institutions, including 330 children referred to orphan social care centres.

190. In 2002, Orphan's Courts and Parish Courts deprived parents of 2,066 children of parental rights, including children less than 6 years - 677, under 17 years - 1,389. In 2002, 1,071 children were referred to out-of-family care establishments.

191. The number of social child-care establishments in 2002 remained unchanged. In 2004, five orphan social care centres funded from the state budget are operating to care for orphans and children under 2 years of age left without parental care, as well as physically or mentally retarded children under 4 years of age; 49 orphanages funded from local government budgets and accommodating 2 - 18 years old orphans and children left without parental care; as well as three specialized children social care centres funded from the state budget to provide care to 4-18 years old disabled children with severe disturbances of mental development.

192. According to the data of CSD, the number of children in social child-care establishments, orphanages and specialized social child-care centres has decreased during the recent years.

**Table 8**

**The number of children in social care institutions<sup>9</sup>**

Year	1999	2001	2002
Orphan social care centres	719	672	631
Orphanages	2 456	2 478	2 414
Specialized children social care centres	462	419	401
Total	3 637	3 569	3 446

193. According to the information summarized by the Ministry of Welfare (MW), 1,018 children in total have left child care institutions in 2002; 350 of them have returned to families, 149 placed under guardianship and 7 placed with foster families.

194. The main reasons for referring children to social care institutions include deprivation of parental rights by the order of Orphan's Court, social conditions, and also abandoning of children. The reasons for deprivation of parental rights include exposure of children to conditions dangerous to their health or life at the parents' fault (in particular, alcohol addiction of parents).

**Table 9**

**The reasons for referral of children to social care institutions<sup>10</sup>**

	Orphan care centres				Orphanages				Specialized social child-care centres			
	1998	2000	2001	2002	1998	2000	2001	2002	1998	2000	2001	2002
Total number of children	797	740	672	631	2 386	2 412	2 478	2 414	456	453	419	401
Orphans	2	8	5	6	115	195	196	214	-	-	3	1
Parental rights suspended by the order of Orphan's Court	240	223	306	345	1 329	1 434	1 522	1 565	-	-	17	14
Parental rights terminated by court order	20	21	15	17	399	467	452	363	-	-	29	14
Other reasons of referral	535	488	346	263	543	316	308	272	456	453	370	372

195. The SMSACFA is exercising regular control over the personal affairs of the children accommodated at child social care institutions in order to supervise performance of the assigned functions by the involved institutions. By now, the SMSACFA officials have inspected 19 child-care institutions and files of 1,154 children. Auditing of the child's personal file enables establishing whether the obligations prescribed by law or imposed by Orphan's Courts (Parish Courts) ordering referral of the child to the care institution are being complied with; how targeted has been the work of social workers of the care institution and how managers of care institutions performed their duties.

196. The main shortcomings and breaches established during inspections include:

- Failure to arrange in due time the survivor's pension if one or both parents die; on some occasions, opening accounts with credit institutions has been delayed; on others - they have not been opened at all, thus causing property loss to the children;
- On several occasions it has been established that information about the adopted children is not provided, or it is incorrect, or submitted with delay to the MW Social Aid Department or the SMSACFA;
- In case of children continuously accommodated by care institutions (from 1986 and early 90ties), personal files contain no information about the present whereabouts of their parents (eventually, one of the parents is deceased and the child is entitled to survivor's pension);
- The order of documents in personal files of children fails to correspond with the record keeping regulations;
- On several occasions a failure to take the necessary actions for returning a child to family or providing a new family has been established;



- Not all Orphan's Courts (Parish Courts) exercise monitoring of the orphans and children left without parental care at child care institutions in accordance with the procedure prescribed by Section 95 of the CM Regulation No 80 Regulation for Operation of Orphan's Courts and Parish Courts. The Orphan's Courts (Parish Courts) fail to take the actions prescribed by the Section 203, Part Three of the Civil Law after referral of the child to out-of-family care institution: fail to reconstitute the right of parents to rear their children, or failure to apply to court for deprivation of custody rights.

197. Instructions are made on the basis of the results of such inspections to eliminate the breaches, and the deadline is set for reporting on the actions taken. If necessary, the SMSACFA recommends the competent authorities to call the defaulting official to disciplinary or statutory account.

#### **H. Adoption (art. 21)**

Referring to the Committee Recommendations No 33 and 34:

The Committee expresses its concern at the fact that the current legislation regulating adoption is out of date and does not guarantee adequate protection of the child involved, as recognized in the Convention. Further, as the procedures for adoption, in particular inter-country adoption, are complicated and as there is virtually no foster system available, it notes that a significant number of children are obliged to live in orphanages and institutions for long periods (Recommendation 33).

In light of article 21 and other related provisions of the Convention, the Committee encourages the State party to adopt the new legislation regarding adoption in order to simplify and expedite the procedures for adoption. Further, it recommends that the State party undertake measures to facilitate the creation of a foster care system with sufficient financial support. It also encourages the State party to continue the process for the ratification of the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption of 1993 (Recommendation 34).

198. In 2003, amendments have been introduced in the legislation of Latvia designed to ensure compliance of the adoption procedure with the international standards and to decrease the number of institutions involved in the adoption procedure with the view to simplify and expedite the adoption process.

199. The new adoption procedure has been set up to simplify the adoption process and to ensure that the best interests of the child are not infringed. The legal grounds for adoption in Latvia are governed by the Civil Law (Sections 162 - 176), the Law On Orphan's Courts and Parish Courts and The Law on Protection of the Rights of the Child, while the adoption procedure is regulated by the Civil Procedure Law (Sections 259 - 263), the CM Regulation No 111 of 11 March 2003 On the Adoption Procedure and the international conventions acceded by Latvia (see Paragraph 9 of Section General Measures for the Implementation of the Convention, Sub-section Applicable Legislation).

200. On 20 June and 31 October 2001 the Saeima of the Republic of Latvia adopted the amendments to the Civil Procedure Law, and on 12 December 2002 Amendments to the Civil Law were adopted directly related to the adoption procedure.

201. Amendments to the Civil Procedure Law set the adoption procedure to ensure non-disclosure of the data about the adoptive parents and their identities. The amendments also provide that the principle of open trial does not apply to procedures on establishing the child's origin and approval/cancellation of adoption. The Law has been supplemented with Section 30 Procedure for Establishing the Child's Origin.

202. Amendments to the Civil Law in force as of 1 January 2003 specify the procedure for establishing the child's origin and for adoption, as well as they regulate the personal and property relations of parents and children. In 2003, 27 children were adopted by domestic adoptive parents. If the rearing and caring of a child cannot be provided in Latvia, the child may be opened for adoption abroad by a decision of the Orphan's Court (Parish Court), which has referred the child to care institution. In 2003, the Minister of Justice authorized the adoption of 79 children abroad.

203. The adoption procedure has been amended for simplification purposes as follows:

- The legislation of Latvia governing the adoption procedure has integrated the respective international standards to ensure respect for the rights and interests of the child;
- More important role has been granted to Orphan's Courts, i.e. a custody authority established by a city or regional local government authorities;
- The SMSACFA has undertaken the functions of MW and MoJ in the adoption procedure. In case of inter-country adoption, the Minister of Justice confirms the adoption approval/refusal drafted by the SMSACFA and submitted by the Minister for Special Assignments for Children and Family Affairs;
- The SMSACFA has commenced cooperation within the scope of the Hague Convention with the central authorities of France, Spain, Italy in order to agree on the cooperation procedure for facilitating the adoption in respect of foreign adoptive parents both in Latvia and in the country concerned;
- The Adoption Register has been established for registering children left without parental care and persons willing to adopt. The SMSACFA is the sole institution providing information about the children available for adoption, and issuing referral to the adoptive parents to enable them to get acquainted personally with the children and their files.

204. At present, authorization of a child's adoption abroad is subject to the single condition: rearing and caring of the child in family in Latvia can not be provided, and the Orphan's Court

(Parish Court) has made a corresponding decision. The SMSACFA forwards requests to the concerned Orphan's Court (Parish Court) either to assess the possibility of providing family environment in Latvia or to decide on inter-country adoption in respect of any child recorded in the Register. Development of the Register is going to provide sufficient information on the number of children available for adoption.

205. Sections 25 and 50 of the Regulation provide that, where a foreign adoptive parent undertakes to take care of the child, the Orphan's Court (Parish Court) which has ordered referral of the child to the education establishment promptly decides, on the basis of referral from the SMSACFA, on the child care procedure and temporary residence in Latvia. The child may be given to care of the adoptive parent for the period up to six months. The previous practice shows that the care period normally lasts from a few days to two weeks. During the said period, the Orphan's Court (Parish Court) exercises regular monitoring of the adoptive parents to decide whether or not true parent-child relations can be expected to develop after the adoption.

206. Also, the SMSACFA has started inspections of the out-of-family institutions and review of personal files of children to establish whether or not the involved decision-making institutions have been acting with respect to the best interests of the child.

207. The SMSACFA has started negotiations with the MoJ, which, pursuant to Section 64.<sup>1</sup> of the Law on Protection of the Rights of the Child, has to ensure operation of judiciary in such a manner to ensure that cases involving the issue of protection of the rights and interests of the child are adjudicated as priority cases. Currently, adjudication of such cases is scheduled in line with other civil cases.

208. The drafted amendments to Section 261 of the Civil Procedure Code provide that approval of adoption by court has to be adjudicated in the presence of at least one adoptive parent and a public prosecutor. At present, the SMSACFA is assessing the possibility to draft amendments to the said law to provide that the court order on adoption comes into effect 7 days after the announcement thereof, instead of the currently applicable period of 20 days.

209. Concurrently, in order to facilitate domestic adoption, the SMSACFA has drafted amendments to four legislative acts - the Law on State Social Allowances, the Labour Law, the Law On State Social Insurance, the Law On Maternity and Illness Insurance that were adopted by the Saeima on 22 January 2004 and provide that before approval of adoption by the court the adoptive parent is entitled to child care leave and to monthly allowance in the amount of 35,00 LVL/month (52,32 EUR/month) during the leave, while after approval of adoption by court the adoptive parent is entitled to single adoption allowance in the amount of 1,000 LVL (1,495 EUR).

**Table 10**  
**The number of adopted children<sup>11</sup>**

Year	1998	1999	2000	2001	2002
In Latvia	55	49	39	46	30
Abroad	202	152	63	110	130
Total	257	201	102	156	160

**Table 11**  
**The number of adopted children<sup>12</sup>**

Age of adopted children	Data about children available for adoption from the database as of 15 October 2003	Children available for inter-country adoption (including with severe health conditions)	Prospective foreign adoptive parents - total
	2003	2003	2003
Under 1 year of age	40	10	64
From 1 to 2 years of age	31	11	100
From 2 to 3 years of age	43	16	104
From 3 to 6 years of age	84	24	72
From 6 to 10 years of age	87	14	9
From 10 to 18 years of age	415	51	7
	700	126	356
Adoption approvals for inter-country adoption of 40 children have been drafted for the Minister of Justice.			

210. In 2002, the Saeima ratified the 1993 Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption.

**Table 12**  
**The countries to which children from Latvia were adopted in 2003<sup>13</sup>**

Country	Number
France	59
USA	13
Canada	2
Spain	2
Sweden	2
Russia	1
Total	79

211. The status of foster families in Latvia is defined by Section 36 of the Law on Protection of the Rights of the Child, Section 13 of the Law On Orphan's Courts and Parish Courts and the CM Regulation No 211 of 10 June 1997 Regulation On Foster Families. According to Clause 2 of the said Regulation, a foster family is the family providing special state support and protection to a child deprived on a regular or temporary basis of family environment, or a child whose stay with his/her own family contradicts his/her best interests, until the child can return to his/her own family or, if impracticable, until the child is adopted, or until guardianship is established in respect of the child, or until the child is referred to child care and educational establishment.

212. In 2001, 27 children were placed with foster families, and in 2002 this number was 13.

213. Both remuneration to guardians for the performance of their guardianship duties and subsistence for the ward is allocated from the state budget, while foster families are funded from two sources: remuneration for performance of foster duties is funded by the state budget, while subsistence for the child is funded by the local government budget.

214. In order to promote the development of foster institution, the SMSACFA has developed the Foster Family Concept approved by the CM on 10 December 2003. The concept is aimed at creating preconditions for development of foster families in Latvia to reduce the number of children accommodated by out-of-family care establishments.

215. The concept envisages improving the functioning of foster families and increasing informative and methodical support, as well as improvement of the financial condition of foster families through increase of the remuneration for foster care. Given the costs of foster support, the following measures have to be implemented:

- (a) To provide motivating remuneration for performance of foster duties:
  - 70 LVL per month (104,63 EUR) - starting from 2004 (the funding has already been allocated);
  - 80 LVL per month (119,58 EUR) - starting from 2005;
- (b) To improve methodical guidance of Orphan's Courts (Parish Courts) for promoting the formation of foster families through the development of methodical recommendations by the SMSACFA;
- (c) The SMSACFA in cooperation with local government authorities have to ensure organization of regular seminars for foster families (at least 2 times a year) aimed at providing methodical support to the existing foster families;
- (d) The SMSACFA in cooperation with local government authorities and non-governmental organizations have to develop and distribute information booklets, prepare video-clips, launch a broadcasting program on radio, TV, and organize articles in press on the possibilities to become a foster family;

- (e) To take the following steps to improve the quality of foster family services:
- To prescribe that training of foster families takes place prior to granting the status of foster family;
  - To oblige the foster families to keep monthly diaries and to report annually to the Orphan's Court (Parish Court) on psychical and physiological development of the child;
  - To entrust Orphan's Courts (Parish Courts), in cooperation with psychologists and social workers, with assessment of psychological compatibility of the child and the concerned foster family, before the child is placed with the foster family;
  - To oblige social workers to submit regular reports to Orphan's Court (Parish Courts) on the situation in family, and to oblige Orphan's Courts (Parish Courts) to cooperate with social workers in order to establish reciprocal tie;
  - To fix the minimum and maximum age of foster parents between 25 and 60 years, respectively, and to provide for exemptions, for example, in case of relatives;
  - To ensure accommodation of the child by foster family until the child can return to his/her biological family or until adoption;
  - To establish the register of foster families and guardians with each Orphan's Court (Parish Court) stating the information about the foster family, the number of children placed with each family, received training, time and results of family examination, and including annual reports of the foster families on psycho-physiological development of the child in the form of a questionnaire, annual settlement of accounts by the guardians, as well as report of social worker on the situation in the family.

216. The approved version of the concept would lead to a positive stimulation of foster care development because it would improve the financial capacity of people to form foster families. However, simultaneous maintenance of the two functionally similar alternatives of care: guardianship and foster families can be expected in future.

**I. Periodic supervision of children for whom a guardian has been appointed (art. 25)**

217. In accordance with Section 94 of the CM Regulation of 26 March 1996 Rules On Orphan's Courts and Parish Courts, the officials of Orphan's Courts (Parish Courts) together with different specialists inspect a minor with established guardianship. By inspecting the children's files kept by Orphan's Courts (Parish Courts), the officials of the SMSACFA control whether or not inspections are being carried out. If no inspections are carried out, the SMSACFA instructs the required inspections.

**J. Child abuse and neglect (art. 19), social and psychological rehabilitation (art. 39)**

**Table 13**

**Child abuse including sexual abuse**

	2001	2002	01.09. 2003
Total number of children - victims of violence:	854	879	740
Murders (Criminal Law Section 116)	-	2	2
Murders under aggravating circumstances (Criminal Law Section 117)	5	2	2
Murder of a newborn child (Criminal Law Section 119)	3	3	1
Homicide by carelessness (Criminal Law Section 123)	3	3	-
Intentional heavy bodily injury (Criminal Law Section 125)	9	1	5
Intentional medium bodily injury (Criminal Law Section 126)	23	14	16
Larceny (Criminal Law Section 175)	109	170	137
Robbery (Criminal Law Section 176)	322	308	246
Hooliganism (Criminal Law Section 231)	89	88	82
Assault (Criminal Law Section 159)	69	51	52
Outrageous fulfilment of sexual drive (Criminal Law Section 160)	74	53	36
Seduction in depravity (Criminal Law Section 162)	55	65	39
Sexual intercourse, pederasty and lesbism involving person under 16 years of age (Criminal law Section 161)	22	14	23
Cruelty and violence against a minor (Criminal Law Section 174)	71	104	99
Application of narcotic and psycho-tropic substances against the person's will (Criminal Law Section 252)	-	1	-

218. The number of criminal cases instituted during the first 8 months of 2003 for offences involving children:

- For cruelty and violence against a juvenile - 42 cases involving 45 accused persons;
- For assault of a minor (under 16 years) - 13 cases involving 16 accused persons;

- For outrageous fulfilment of sexual drive - 7 cases involving 9 accused persons;
- For seduction in depravity - 5 cases involving 7 accused persons.

Referring to the Committee Recommendations No 31 and 32:

While noting the National Program for the Prevention of Sexual Violence for 2000-2004, the Committee expresses its concern about the lack of data, appropriate measures and mechanisms and resources to prevent and combat domestic violence, including child sexual abuse. Further, child victims do not have the right to free legal assistance and the judicial procedure is not child-friendly, in particular because the child victims are subjected to repeated questioning (Recommendation 31)

In light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill treatment and abuse, including sexual abuse, to understand the extent, scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy. Measures should also be taken to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention (Recommendation 32).

219. Understanding this country's problem concerning domestic violence, and in particular sexual abuse of children, has enabled the creation of legal grounds in Latvia for calling to account persons who commit criminal offences of such type.

220. Chapter XVI of the Criminal Law Criminal Offences Against Morality and Sexual Inviolability protects the morality and sexual inviolability of a person, in particular minors and infants. (Section 159 Part Three, Section 160 Part Two and Three, Section 161, Section 162, Section 164 of the Criminal Law). Chapter XVII of the Criminal Law Criminal Offences Against Family and Minors, in its turn, protects in particular the interests of family and minors. The said Chapter envisages accountability for cruel or outrageous treatment of a minor resulting in physical or psychical injury of the victim, and for such treatment by persons on which the victim is financially or otherwise dependent. (Section 174 of the Criminal Law). Cruel treatment is understood as abasement of esteem and dignity of a minor person, mocking, leaving without care, food, drink, and eviction from home, threat of physical reckoning with a minor. Outrageous treatment involves physical violence - beating, shellacking, torturing. The corpus delicti covered by this section is formal, and no actual consequences are required to consider it complete.

221. The children- victims of criminal offence are entitled to legal assistance free of charge. Section 104 of the Criminal Law of Latvia provides that advocates, close relatives and legal representatives may represent the victim in legal proceedings. The prosecutor decides on



inviting an advocate for a minor who is a victim if protection of the rights and interests of the minor is burdened or otherwise not ensured, or if the juvenile's representative or official of the institution for protection of the rights of the child submits a reasoned request. In such cases, the advocate's fees are covered by the state budget in accordance with the procedure prescribed by the CM. Inviting of the advocate does not prevent the legal representative from representing the minor.

222. The CM Regulation No 187 of 21 May 2002 On the Procedure for Covering the Advocates' Fees provide that the costs covered by the state budget include the costs related to advocate's fee and resulting from rendering legal assistance to provide defence, or from representing a minor victim in criminal proceedings. Paragraph 3 of the Regulation prescribes that the advocate has to issue invoice on his/her fees to the MoJ together with the prosecutor's decision on inviting him/her to represent a minor, as well as certification of the advocate's attendance of the criminal proceedings issued by the prosecutor. The costs are covered from the annual state budget within the amount assigned to the MoJ for the respective purposes.

223. The Law Amendments to Criminal Procedure Code of Latvia was passed on 20 June 2002 to amend Section 160 of the Code. The said Law provides that interrogation of a witness under 14 years of age or, at the performer's of an inquiry or prosecutor's discretion interrogation of a witness under 16 years, is subject to the presence of a pedagogue, psychologist or a specialist experienced in psychological work with children in criminal proceedings. Part Five of the above-stated Section provides that repeated interrogation of a witness under 14 years is subject to an approval by a judge and in presence of an expert psychologist, if the latter finds that such interrogation can be harmful to the psyche of the minor witness. The foregoing provisions also apply to victims under 14 years and to minors identified as victims of violence committed by a person on whom the victim is financially or otherwise dependent, or as victims of sexual abuse.

224. In addition, the above-stated law has supplemented the Code with a new Section 161.<sup>1</sup> Interrogation of a Minor with the Mediation of a Specialist to enable interrogation by technical means through the specialist Psychologist of a witness or victim under 14 years, or a minor identified as a victim of violence committed by a person on which the victim is financially or otherwise dependent, or as victim of sexual abuse, if, at the Psychologist's opinion, direct interrogation by the prosecutor would be harmful to the psyche of such person. Introduction of the above-described amendments ensures respecting of the rights of minor, as well as it makes the pre-trial investigation process most appropriate to the interests and needs of minors.

225. Criminological research centre has carried out the following criminological research:

- Informative analytic material Protection of the rights of the child: compliance of the legislation of the Republic of Latvia with the international requirements in the field of juvenile proceedings (2001). This comparison of the international legal instruments and the legislation of our country provides analysis of compliance of the Criminal Law of Latvia, Criminal Procedure Code, Law on Execution of Penal Sanctions, the Law On Application of Compulsory Educational Remedies to Juveniles, the Law On

Press, the Law On Police as well as the Law On Protection of the Rights of the Child with the requirements of UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). Analysis of the above-mentioned international requirements most crucial to juvenile justice has been necessary to adjust the laws and practice of the Republic of Latvia in juvenile justice with the applicable UN instruments, and it has been directly related to the report on status of the protection of children's rights prescribed by Section 44 of the UN Convention on the Rights of the Child by the State Parties including the Republic of Latvia;

- The survey Protection of the rights of the child and measures for improvement thereof (2001). Materials of this criminological research contain analysis of how fundamental rights of the child in our country are being ensured (social rights, personal rights, freedoms, rights of the child to education, creative work and wholesome development, etc.), as well as the structure for protection of the rights of the child, their efficiency and measures for improving their protection. The informative analytical material has provided additional information about the status of protection of the rights of the child in our country and enabled improvement of the activity of the law-enforcement authorities;
- The study Legal and social protection of children - victims of criminal offences (2002) giving assessment to various types of rights' infringement (physical, sexual and emotional abuse, domestic violence, non-respecting of interests and rights, discrimination) often involving children as the victims; analysing the factors contributing to the threat as well as identifying the types of social protection necessary for the victims and the directions of improvement thereof. Therefore, the study has provided information about the status of the rights of the child in our country and the factors causing threat to it, likely to contribute to the improvement of activities of the law enforcement authorities; for example, to improve qualification of the officials of competent authorities, to carry out information campaigns on the availability of assistance to children in crisis situations, and to promote inter-institutional cooperation;
- Analytical part of the latter study has been published in 200 copies for the use of the officials of the law enforcement authorities. The National Program For Elimination of Sexual Abuse of Children 2000 - 2004 includes establishing a separate office equipped with video and audio devices at each district police division. Such offices should enable interrogation of minor victims with minimum stress, making them to recall the facts for video/audio recording, and following use of the tapes for interrogation and justice purposes. For equipment of such offices, the amount of 42,300 LVL (63,229 EUR) is allocated on 2004 for repairs of premises and setting up 29 sites. Since the State Police has no specially equipped premises for interrogation of minors by technical means and with mediation of Psychologist, the specially equipped premises at the public organization Dardedze are currently used for this purpose.

### **Social and psychological rehabilitation**

226. Section 51 of the Law on Protection of the Rights of the Child provides that the necessary assistance must be available free of charge in accordance with the procedure prescribed by the CM to each and every child victim of a criminal offence, exploitation, sexual abuse, violence or any other cruel action or insult to dignity, so that the children can recover their physical and psychical case and achieve social integration. Such treatment and re-integration has to take place in the environment beneficial to the child's health, self-esteem and dignity, subject to thorough protection of the intimate secret of the child. The CM Regulation No 208 of 8 June 1999 On the Procedure for Providing Assistance to the Child Injured by Unlawful Actions prescribes the procedure for rendering assistance to the minor victims from the state budget.

227. The funds used for social rehabilitation of children - victims of violence:

- In 2001 - 140,312 LVL (209,734 EUR) (including 103,975 LVL (155,418 EUR) for rehabilitation in institutions, 32,338 LVL (48,338 EUR) for rehabilitation at home, 3,999 LVL (5,977 EUR) for the training of specialists);
- In 2002 - 159,692 LVL (238,702 EUR) (including 120,267 LVL (179,771 EUR) for rehabilitation in institutions, 32,493 LVL (48,569 EUR) for rehabilitation at home, 6,932 LVL (10,361 EUR) for the training of specialists);
- In 2003 - 158,673 LVL (237,179 EUR) (including 117,448 LVL (175,558 EUR) for rehabilitation in institutions, 39,061 LVL (58,387 EUR) for rehabilitation at home, 2,164 LVL (3,235 EUR) for the training of specialists).

228. The draft budget for 2004 envisages allocation of 131,472 LVL (196,520 EUR) for social rehabilitation in institutions of the children - victims of violence, and 36,425 LVL (54,447 EUR) for rehabilitation at home. No funding is allocated from the state budget in 2004 for the training of specialists.

229. In 2004, the SMSACFA has allocated the amount of 25,000 LVL (37,369 EUR) from the state budget for the training of specialists under the National Program for Improving the Situation of Children and Family. The training is intended for 250 specialists from various services - specialists in the area of protection of the rights of the child, social workers, judges, policemen, pedagogues, etc.

230. Taking into account the demand and development of the service, rehabilitation of the children - victims of violence in the institutions would require every year additional 24,210 LVL (36,188 EUR) for social rehabilitation of another 100 children. In its turn, rehabilitation of the children - victims of violence at their own home would require additional 9,600 LVL (19,350 EUR) every year for social rehabilitation of another 200 children.

231. Riga Regional Court Civil Division has reviewed in 2003 the complaint of mother of a child - victim of violence for recognition and enforcement of the Norway Romsdaale Regional

Court judgment of 6 April 2001 in the Republic of Latvia and analysed normative acts on protection of the rights of the child and the rights of family, with application of a number of fundamental principles for protection of the rights of the child.

232. First, in any legal relations involving a child, the interests of the child prevail. It also applies to collision of principles of the rights of the child and those of family. Priority should be always given to provision of the principle according to which the interests of the child are best protected, even when it comes to deciding on the rights of father or mother to meet their child.

233. Second, in respect of a child - victim of violence, the defined principle provides: in the case of even a minor suspicion that a person may have committed violence against child, everyone has the duty to protect the child from violence and to prevent eventual further meeting of the culprit with the child. The court makes special emphasis on the fact that in such cases the legal acts pay sufficient attention to probability.

234. Third, since the state provides assistance to the child - victim of violence, special attention is being paid to the actions intended to protect the child from violence, including sexual abuse. In the given case, it has been expressed in such a form that, where a reasonable suspicion exists of actual violence against a child, contact of the child with the potential culprit is impermissible, and possibly stable and safe environment has to be provided for further healthy development of the child.

235. In 2003 the SMSACFA, in cooperation with the UNICEF Central and Eastern Europe, CIF and Baltic regional division carried out a sociological Study of the factors contributing to marriage, birth and positive child-parent relations. The purpose of the study was identifying the social, economical and psychological conditions contributing in positive child-parent relations, against the conditions resulting in domestic violence. The study is expected to establish how school children estimate their family situation, their relations with parents and parenting methods of their parents. The study is also aimed at identification of the consequences of violent actions undertaken by parents - depression, alertness, anger, behavioural problems, etc.

236. Concerning corporal punishment, see Paragraphs 170 - 174 of Section Civil Rights and Freedoms, Sub-section Freedom from Torture.

## **VI. HEALTH AND WELFARE**

### **A. Children with special needs (art. 23)**

237. In the academic year 2002/2003, 10,055 children with various conditions and diseases were attending 64 special comprehensive education establishments and special education classes of comprehensive education establishments. The number of special comprehensive education establishments in 2002 has not changed, compared to 2001 - it is 64. In its turn, the number of students of special comprehensive education establishments has slightly decreased (against 10,169 in 2001). The number of home-schooled children has also remained almost the same: 1,445 in 2002 against 1,448 in 2001.

238. Special curriculum have been developed for children with sight, hearing, speech conditions, mentally/physically retarded children, children with specific disturbances of the development of learning skills, psycho-neurological or somatic conditions.

239. In accordance with Section 53 of the Law on Protection of the Rights of the Child, a child with special needs means a child dependent on medical and social assistance because of disturbed functioning of some organ system caused by illness, injury or inherited defect, regardless of disability determined in accordance with the applicable procedure.

240. According to the CSD data, the number of disabled children has increased in 2002 by 1,362. In 2001, the number of disabled children in Latvia was 9,725, while in 2002 this number was already 11,087.

241. The year 2002 showed positive trends - In 2002, only 6.9% of all disabled children were institutionalised, against 7.8% in 2001, while the others were cared and reared in families.

**Table 14**

**Number of disabled children against the total number of children  
in State and municipal institutions<sup>14</sup>**

	State		Municipal orphanages (number of disabled children against the total number of children at the institution)	Total number of disabled children (number of disabled children against the total number of children at the institution)
	Orphan social care centres (number of disabled children against the total number of children at the institution)	Specialized children social care centres (number of disabled children against the total number of children at the institution)		
As of 1 January 2002	291 from 740	453 from 453	61 from 2 412	805 from 3 605
As of 1 January 2003	286 from 672	401 from 419	81 from 2 499	768 from 3 590

242. The number of disabled children accommodated by long-term social care and social rehabilitation institutions funded from the state budgeted in 2001 was 744, against the total number of children, which was 1,193. Orphanages funded by local government authorities in 2001 accommodated 61 disabled children in comparison to the total number of children that was 2,412.

243. In 2002, 42 disabled children have been referred to the institutions funded from the state budget, and their number has notably decreased compared to 2000, for example, when 112 disabled children were referred to the institutions.

244. The services of day care centres for persons with mental conditions are available for children over sixteen years of age. In 2003, 18 such centres were operating in the country. Pursuant to the Law on Social Services and Social Assistance, the state is co-funding the establishment and maintenance of such centres during the first four years of operation. Starting from the fifth year of operation, the centres are funded from the local government budget. In 2003, the state was co-funding the maintenance of 10 such centres with the amount of 197,521 LVL (295,248 EUR).

245. The CM accepted the concept Equal Opportunities to Everyone on 30 June 1998. The purpose of the concept was outlining the fundamental positions to provide equal opportunities to all members of society and to eliminate obstacles to independent life of disabled people. The concept emphasized problems and outlined the preferable solutions in relevant areas of life: timely and qualitative health care services; the opportunity to pursue education according to one's abilities and needs; suitable and available environment; the opportunity to join the labour market; support, assistance and social services designed to overcome particular difficulties and obstacles. The concept addressed all people with special needs, however most of the measures also addressed, directly or indirectly, children.

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246. The concept was developed to cover the period until 2010, and the implementation thereof involved a number of state and local government authorities and non-government organizations. The respective ministries, depending on their funding capacities, annually included the measures for implementation of the concept in their action plans. The MW in collaboration with the National Council for Disabled People Affairs coordinated the implementation of the concept. The involved ministries were reporting annually on the implemented measures.

247 Report on the implementation of the concept Equal Opportunities to Everyone in 2003 emphasizes the following measures:

- In the area of health care - employees of rehabilitation sphere had access to measures directed to raising the level of their professional qualification; the work continued on developing areas of health care and social sphere, and improving the applicable legislation; in the field of pharmacy, measures were developed aiming at providing the population with the medicaments designed for out-patient treatment, medical devices and goods fully or partially funded by the state from the health care budget; a number of programs were implemented concerning improving the preventive and health education work;
- Provided access to education - integration of disabled children and their training under pre-school curriculum started within the mandatory program for preparing five and six years old children to school; to facilitate integration of children with special needs in the comprehensive education establishments, training of specialists was insured, and appropriate methodical material has been prepared, as well as adjustment of a number of education establishments;
- Availability of environment - the municipal transport infrastructure is undergoing adjustment to the needs of disabled people (e.g., reconstruction of Iecava and Daugavpils passenger terminals and the international airport Riga); certain culture & education establishments are developing special art and music programs designed to facilitate social integration of children with special needs.

248 The number of children with special needs attending comprehensive education establishments has been increasing notably during the recent years.

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**Table 15**

**Students with special needs<sup>15</sup>  
(beginning of academic year)**

	2000/2001 academic year	2001/2002 academic year	2002/2003 academic year
Number of rehabilitated school children who continue education at comprehensive education establishments	115	168	89
Number of mentally and physically retarded children attending comprehensive education day schools (excluding children at special schools and classes)	1 223	1 287	1 663

249. The Law On Social Services and Social Aid enacted by the Saeima on 31 October 2002 provides for obligation of the state to ensure professional rehabilitation of disabled people, social rehabilitation of people with seeing and hearing disabilities as well as provision of technical aids.

250. Technical aids are provided for disabled people and children with functional disturbances in order to compensate the effect of functional disturbance on the persons' ability to care after themselves and to facilitate their social integration.

251. Pursuant to the new law, disabled children and children with functional disturbances under 18 years of age who are dependent on technical aids to reduce or eliminate their functional disability are entitled to orthetic, prosthetic appliances, orthopaedic footwear, personal mobility aids, personal care aids, etc. free of charge, provided that they submit a specialist's certification on the need for such technical aid.

252. The state budget has envisaged about 2 million LVL (2.99 million EUR) for the provision of technical aids, however this is not sufficient to meet the entire demand for technical aids. Children with functional rights are entitled to technical aids on priority basis, compared to adults.

253. The number of people who receive additional state benefits paid to families with disabled children as of 1 January: in 2001 - 9,712; in 2002 - 10,202; in 2003 - 11,061.

254. The CM Regulation No 355 Regulation On the Procedure of Assignment of the State Benefits to Families with Disabled Children, the review thereof and Assignment and Payment of the Benefit and Additional Benefit in force from 1 July 2003 provides that the amount of additional state benefit to families with disabled children by 30 September 2003 makes 35 LVL (52,32 EUR), and from 1 October 2003 - 50 LVL (74,74 EUR).

255. As stated in some experts' opinions, the applicable legislation in Latvia is favourable to disabled people, however implementation of the legislation is problematic - the norms and guarantees contained in the law are not always being implemented in real life. Also, the legal norms not always complement each other; the area of social assistance, for example, is fully separated from the environment availability provision and other areas. The problem concerning

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practical implementation of laws is due to the fact that most of the normative acts in this field have been adopted recently. Therefore, the lapse of time has been insufficient to identify and eliminate all shortcomings.

Referring to the Committee Recommendations No 37 and 38:

The Committee expresses its concern about the fact that children with disabilities are granted additional State benefits only up to the age of 16 and that children with disabilities living in rural areas do not have access to the same level of services and medicines as children living in other parts of the country. Further, it is concerned at the high proportion of children with disabilities who are institutionalised. It also notes with concern that the integration of children with disabilities into the normal educational system is problematical owing to the lack of specialized teachers and the fact that schools are not easily accessible for children with mobility disturbances (Recommendation 37)

The Committee recommends that the State party allocate the necessary resources for programs and facilities for all children with disabilities up to the age of 18, especially the ones living in rural areas, and develop community-based programs in order for the children to be able to stay at home with their families. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69), it is also recommended that the State further encourage their integration into the educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible (Recommendation 38).

256. Concerning the number of disabled children at care institutions, see Paragraphs 240 - 243 of Section Health and Welfare, Sub-section Children with Special Needs.

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### **Integration of children with special needs in the overall education system**

257. To ensure compliance with the Standard Rules concerning provision of equal opportunities to disabled people and with the Committee Recommendations, the law on comprehensive education in Latvia provides that children with special needs are entitled to pursue education at any education establishment. Exact definition of and comments on the term-disabled child are not provided in the legislation. The term used in education field is person with special needs. In practice, the term person with special needs includes not only disabled children but also other children without defined disability. Another term -children with special needs - is used in the legislation of Latvia. No special distinction is made with respect to disabled children in organizing the education of children with special needs.

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258. Regional monitoring report The Child and Disability in Latvia concludes that:

- No optimum pattern has been established for distribution of responsibilities and funding necessary for the implementation of social programs;
- Local government authorities lack funds necessary to provide qualified specialists and required services;



- The level of medicinal and social rehabilitation is mainly inappropriate to the needs of disabled children;
- Integration of disabled children in the comprehensive education schools meets, while children graduating from special education establishments face problems in pursuing their profession;
- No system has been established to facilitate cooperation between the various concerned institutions;
- The families with disabled children have insufficient information on the available assistance and treatment possibilities;
- The number of disabled children trends to increase.

259. In 2002, the MW has drafted and the Saeima has accepted amendments to the Law On Medical and Social Aid to Disabled Persons to introduce uniform procedure for defining disability of children less than 18 years. Starting from 1 January 2004, disability of children, equally to that of adults, is determined by the structural units of the Inspectorate of Quality Expertize of Medical Care and Working Capability.

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260. The work has started in 1998 on gradual engineering adjustment of educational establishments for children with severe mobility disturbances. Two secondary schools in Riga and one in Rēzekne are completely adjusted for the needs of physically disabled children. Three secondary schools and four special schools are partially adjusted for the needs of mentally disabled children.

261. Until 2003, 23 comprehensive education establishments had special classes for children with various development disturbances. Comprehensive education establishments are promoted to open special classes. The number of such classes trends to increase.

262. Education of children with severe development disturbances has started from 1989/90 academic year. The MES has developed 25 special sample curriculum as well as two special elementary education curriculum for students with special needs integrated in the general elementary and secondary education establishments.

263. According to the available data, 1,899 disabled children have been integrated into the education establishments, including 856 children with medium or severe development disturbances. Currently, this process is very slow; according to the statistical data, it makes 0.5% of the total number of children receiving education.

264. The number of integrated children:

- In 2002/2003 academic year - 1,663, including 27.2% in educational establishments of the cities and 72,8% in educational establishments of the regions. 898 of the 1,663 children have disabilities.

- In 2001/2002 academic year - 1,287, including 24.7% in educational establishments of cities and 75,3% in education establishments of the regions.
- In 2000/2001 academic year - 1,223, including 25.7% in education establishments of cities and 74,3% in education establishments of regions.

265. To facilitate the training of pedagogues on working with disabled children, the cooperation project Education of Pedagogues in Latvia in 2000-2003 has been launched for developing the uniform special education curricula. The project scope includes education of pedagogues, approval and introduction of the individual curriculum. In 2004, the project shall be continued with the view to facilitate integration of children with various special needs in the comprehensive education establishments.

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266. Model experience Establishment of special assistance network at or close to the child's residence is developed within the framework of the cooperation project Provision of special assistance to children residing in the city/region of Rēzekne within the borders of the region. The expected result of the project is establishment of special assistance network designed to meet of the needs of disabled children near their residence, and to train, in collaboration with the University of Rēzekne, regional pedagogues to work with disabled children with specific needs. The work has started on the establishment of the Special Education Centre of Rēzekne region.

267. The MES will, jointly with higher education establishments, work on ensuring privileges to disabled people to pursue higher education in the budget groups, as well as it will continue implementing investment projects to solve the problem of the physical availability of universities to disabled persons with specific needs.

268. The MES is going to promote the opening of special classes and integration of disabled children at the comprehensive and vocational education establishments.

269. The MES will supervise the establishment of special education centres in Vidzeme region, Kurzeme region, as well as the State Special Education Centre, in order to ensure methodical, content and informative management of special education.

270. According to the available data, the number of children in special education establishments and classes trends to decrease:

- In 2003/2004 academic year -9,822;
- In 2002/2003 academic year -10,055, including 43.8 % in the educational establishments of the cities, and 56.2% in the educational establishments of the regions;
- In 2001/2002 academic year - 10,169, including 44.0 % in the educational establishments of the cities, and 56.0% in the educational establishments of the regions;

- In 2000/2001 academic year - 10,250, including 44.3 % in the educational establishments of the cities, and 55.7% in the educational establishments of the regions.

#### **B. Health and health services (art. 24)**

Referring to the Committee Recommendations No 35 and 36:

While noting that the State party started a process focusing on preventive health care, the Committee is concerned that the situation of maternal, child and reproductive health is poor. In particular, it notes with concern the high rates of infant mortality, even though it has been decreasing in recent years, and of child morbidity, in particular the high incidence of tick-induced encephalitis and diphtheria. It also takes note that the immunization program has been delayed because sufficient funds were not available and that it is no longer available in schools (Recommendation 35).

The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programs to improve the health situation of all children, without discrimination. With reference to the immunization program, the Committee encourages the State party to look to international cooperation for support in the manufacture and procurement of vaccines (Recommendation 36).

271. Section 111 of the Satversme provides that the state protects human health and guarantees the minimum medical aid to each person.

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272. The health care system of the Republic of Latvia is formed from:

- Health care institutions providing health care services - state, municipal and private treatment institutions and treatment practitioners;
- State authorities entrusted with planning, coordination and supervision of the activities of health care service providers and administration of the state budget funds assigned for health care purposes in accordance with the applicable procedure.

273. Health care in the state is organized at three levels:

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- Primary health care - the first and primary health care level; the initial stage of contact between the patient and the provider of health care services, on which resolution of the primary health issues of the population takes place, involving application of simple and cost-efficient medicine technologies by the primary health care doctor (family physician, pediatricist, therapist and primary health care nurse, assistant physician and midwife);
- Secondary health care - specialized out-patient and in-patient health care oriented to urgent, acute or scheduled health care: quick high-quality diagnostics, intensive

treatment and rehabilitation designed to ensure recovery of the patient with maximum speed and quality or to reduce the condition to the extent where further treatment is available on the level of primary health care;

- Tertiary health care system - highly specialized health care services provided at specialized institutions by specialists of one or several medicine spheres with extra qualification. This system involves the application of technically versatile complicated diagnostic and medical equipment. Tertiary health care level can be described by one or several of the following features: high technologies, dangerous diseases, high-risk therapy, diagnostics and treatment of rare diseases.

274. In accordance with the CM Regulation No 13 of 12 January 1999 Regulation for Funding Health Care (issued by the virtue of Section 4 of the Medical Treatment Law), provision of those health care services to children under 18 years of age that are included within the basic health care package is covered by the state.

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275. The funds assigned to child health care come both from the main state budget (accident medicine services, operation of blood donor centre) and special health care budget (payment for services, tertiary care, and also out-patient and centralized medicines) included from 2004 in the main state budget. However, none of the programs specifies any fixed part of funds used directly for child health care.

276. Latvia has developed a number of significant policy planning documents. Though even these documents refer to society in general rather than to children alone, the measures covered are targeting, directly or indirectly, the improvement of maternal, child and reproductive health status. The said documents introduce common strategy and coordinate the activities of various institutions in the field of health protection. It must be noted, though, that the time lapsed is too short to assess the actual impact of the said documents on the improvement of health condition, since a number of covered measures are still at the level of planning, and the funding necessary for some measures sometimes is problematic.

277. The amount assigned in 2001 for health care needs made 162.5 mil. LVL (2,429 mil. EUR) or 3.4% of the gross domestic product (GDP). The funding assigned for health care may not be seen as sufficient, given the health and financial status of the population.

278. Special state-funded programs have been developed for treatment of the socially dangerous diseases (HIV/AIDS, tuberculosis, sexually transmitted and contagious skin diseases, psychical diseases).

279. In autumn 2003, the Government approved the Program of the Ministry of Health (MH) On Elimination of Dissemination of the Human Immunodeficiency Virus (HIV) and AIDS 2003 - 2007. The Program states that "given the trends of distribution of and addiction to drugs, as well as the still high ratio of sexually transmitted diseases, future distribution of the HIV infection in the state can be predicted affecting different groups of population, mainly the most vulnerable ones and those subject to the increased risk of infections - youth, women at the reproductive age, users of intravenous drugs, persons in custody, prostitutes, homosexual men".

280. The following principal strategic directions of activities are offered under the program to eliminate such a situation:

- Exercising of HIV/AIDS epidemiological supervision, including provision of laboratory examination of patients; restriction of distribution of the HIV infection and prevention of new infection occurrences;
- Informing society to promote understanding and knowledge of HIV/AIDS related issues;
- Ensurance of preventive measures for groups with increased risk of infection;
- Ensuring the availability of health care and psycho-social care to HIV-infected persons and AIDS patients;
- Scientific/practical research and assessment of efficiency of the measures designed for preventing of HIV/AIDS distribution;
- Exercising epidemiological supervision integrated in the European HIV/AIDS monitoring system.

281. In 2003, The Basic Approach to Healthy Nutrition was developed designed to provide information about the possibilities of healthy nutrition. The document sets the following goals:

- Education of the population in healthy nutrition matters, with particular stress being made on reducing the total consumption of fat, balance of fat acids in food, increased production and consumption of vegetables, legumes, fruits and berries, as well as the need for regular physical activities;
- Promotion of exclusive breast-feeding (the child's nutriment consists solely of human milk) until 7 months and breast-feeding until 2 years;
- Reduction of nutrition imbalance, taking into consideration the specific needs of the groups most subject to risk, thus reducing the distribution of food-related diseases;
- Development and implementation of healthy nutrition curriculum at schools and in the training of pedagogues, health care specialists, food technologists, food trading specialists, sports pedagogues and other food-related specialists;
- Development of healthy nutrition recommendations for pre-school education establishments, health care institutions and social aid establishments; promoting of the implementation of recommendations in the institutional catering system;
- Implementation of the project on reducing iodine deficit;
- Development and implementation of the project Milk at School at schools.

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282. The priorities of state health care include maternal and child health. The drafted Public Health Strategy envisages, among other goals, significant improvement of the health of the newly-born children, infants and children of pre-school age in Latvia by the year 2010:

- To increase the number of surviving newly-born children with the body mass under 2500 grams;
- At least 60% of infants should receive mainly breast-food until 6 months;
- The infant mortality rate should be under 10 per 1000 live born children;
- Mortality and disability of children under 5 years from external causes should be reduced at least by 25%;
- The net weight of healthy children of pre-school age should be increased at least to 65%.

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283. The state of Latvia provides puerperal aid free of charge, comprising a set of women health care measures during the pregnancy, natal and post-natal period (42 calendar days after delivery) as well as clinical monitoring, examination, health promotion and treatment measures before birth, during the natal period and infant care during the post-natal period.

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284. In 2002, 19,947 pregnant women had been recorded, including 91.5% of them registered before the 12<sup>th</sup> week of pregnancy; incomplete health care has been provided to 10.6% (1,919 pregnant women), complete care - to 90.4% (18,028 pregnant women). The net weight of parturient women who receive no anti-natal care has remained on the level of previous year - 3.3%.

285. In 2002, 19,995 children were born (in 2001 - 19,658 children) and 407 children deceased (on 2001 - 434 children). The number of childbirths on 2002 has increased by 1.8%, compared to 2001.

286. In 2002, same as in the previous three years, the number of induced abortions did not exceed the number of childbirths (73 abortions per 100 live-born children).

287. Though maternal mortality ratio in 2001 was lower compared to 1995 - 1999, it was however higher compared to 2000. The raise in ratio can be explained by the decrease of the live-born children, because in 2001, just like in 2000, 5 pregnant, parturient and puerperal women deceased, all of them in the in-patient institutions. In 2002, there was one case of maternal mortality.

288. On 9 March 2002, the Action Program for the Implementation of the Public Health Strategy 2004 - 2010 has been approved by the CM Resolution. The said Action Program pays special attention to the measures designed to provide healthy start of life for children, to

improve the health of school children and adolescents and to provide healthy and safe environment; to reduce the frequency of health conditions resulting from violence and accidents as well as the damage caused by alcohol, narcotic and psychotropic substances and tobacco, and to ensure the improvement of health in different social environments. The planned measures include:

- Regular monitoring of health (including mental health), physical development and physical background of school children and adolescents;
- Regular monitoring of the habits affecting public health (FINBALT monitoring);
- Regular monitoring of the distribution of addiction-causing substances among adolescents, users and addicts;
- Establishment of comprehensive alcoholism and drug-addict supervision system (data collecting, information analysis and dissemination).

289. On 30 January 2004 the MH has approved the Action Plan for the Implementation of Maternal and Child Health Care Strategy 2004 - 2007. The Action Plan includes measures designed to improve the structure, coordination and quality of prenatal care, to ensure timely and efficient health care for infants, children and adolescents, and to facilitate preventive work and health education in the field of sexual and reproductive health.

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290. The MH has drafted the action program The Program for Reducing Alcohol Consumption and Alcohol Restriction 2004 - 2008. The document envisages education of school children and adolescents, development of alternative leisure time choices for children and adolescents of various age groups, establishing treatment departments intended for children, and reducing the negative consequences of alcoholism. Public discussion of the document has taken several months, and on 11 March 2004 it was opened for discussion within the Government at the Meeting of State Secretaries. Following this internal discussion, it shall be submitted to the CM for approval.

291. Consequential policies are pursued in Latvia to reduce the consumption of alcohol. The Law on Circulation of Alcohol prohibits retail sale of alcohol from 22.00 to 8.00, except in bars, restaurants, cafes, clubs selling alcohol for immediate consumption, and tax-free shops on ships, at ports, on planes or in airports. Therefore, no alcohol can be bought at the food stores during night hours. Trading enterprises are hold liable for violating this provision.

292. Latvia has enacted the National Immunization Program 2001 - 2005. Data for the year 2002 prove the following immunization level in respect of children: at the age of 12 months - Tuberculosis 99.9%, Hepatitis B 97.8%, Poliomyelitis 97.5%, Diphtheria, Tetanus 97.5%, Whooping cough 97.2%, Hemophilus Influenza 86.9%, and at 24 months - Poliomyelitis 94.1%, Diphtheria, Tetanus 94.2%, Measles 98.3%, Rubella 98.2%, Mumps 98.2%.

**Table 16**  
**Immunization status in Latvia<sup>16</sup>**

Infectious disease	Age	Vaccine	Immunization level	
			2000	2001
Diphtheria	1 year	3. Inoculation	95.9	97.2
	2 year	4. Inoculation	91.5	92.6
Tetanus	7 year	5. Inoculation	85.7	86.9
	8 year	5. Inoculation	92.3	93.9
	14 year	6. Inoculation	82.2	85.1
	15 year	6. Inoculation	91.6	93.8
Whooping cough	1 year	3. Inoculation	95.6	96.9
	2 year	4. Inoculation	89.7	92.3
Poliomyelitis	1 year	3. Inoculation	95.8	97.3
	2 year	4. Inoculation	91.6	92.7
	7 year	5. Inoculation	85.1	87.4
	8 year	5. Inoculation	93.0	94.0
	14 year	6. Inoculation	84.1	87.4
	15 year	6. Inoculation	93.2	95.5
Measles	2 year	1. Inoculation	96.9	97.9
	7 year	2. Inoculation	86.7	88.5
	8 year	2. Inoculation	93.1	94.8
	12g year	2. Inoculation		
Rubella	2 year	1. Inoculation	96.6	97.9
	12 year*	2. Inoculation	93.0	95.0
Epidemical parotitis	2 year	1. Inoculation	96.9	97.9
	7 year	2. Inoculation	89.8	88.3
	8 year	2. Inoculation	92.1	95.0
Tuberculosis	1 year	1. Inoculation	99.9	99.9
Hepatitis B	1 year	3. Inoculation	95.0	96.1

\* Girls.

293. According to the data of CSD, in 2002 the affection of children and adolescents of all forms of tuberculosis decreased (142 occasions) compared to 2001 (200 occasions) by 58 occasions. The results of tuberculosis treatment are largely dependent on timely visit to doctor (see the below table Affection of children and adolescents).

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294. Funding for the implementation of immunization program has been recently increased in Latvia. The State Mandatory Health Insurance Agency has assigned 706,520 LVL (472,650 EUR) in 2003 and 889,426 LVL (595,025 EUR) in 2004 for the purchase of vaccines, anti-rabic immunoglobulin and standard tuberculine preparations from the Health care budget under sub-program "Purchase of Medicines".

295. Adolescent health parameters are among the poorest in Europe. According to the data of repeated survey among school children carried out by the World Health Organization in Latvia, the health of children and adolescents trends to deteriorate. The number of adolescents in risk

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groups has increased - frequent, lasting diseases, recovery problems. Concerning the national policy aimed at promoting of healthy nutrition, see Paragraph 281, Section Health and Welfare, Sub-section Health and Health Services.

296. Alarming is the fact that the increase of malicious tumour rate in children and adolescents continues. The eventual causes would be environment contamination or unhealthy life style, eating habits, as well as the consequences of the Chernobyl AES accident.

**Table 17**

**Sickness rate in children and adolescents<sup>17</sup>**

**Gender-specific individual diseases on 1999-2002**

	2002		2001		2000		1999	
	Men	Women	Men	Women	Men	Women	Men	Women
All forms of TBC (0-17)	73	69	103	97	15	9	82	72
Respiratory org. TBC (0-17)	70	68	100	95	108	64	78	70
Malicious tumors (0-19)	35	37	39	32	18	17	37	26
Syphilis (0-17)	2	14	7	12	18	19	16	48
Gonorrhoea (0-17)	5	18	13	20	17	37	28	45
HIV (0-17)	29		67		48		5	

**Table 18**

**Gender-specific individual diseases on 1999-2002  
(per 100,000 inhabitants of the respective age group)**

	2002		2001		2000		1999	
	Men	Women	Men	Women	Men	Women	Men	Women
All forms of TBC (0-17)	28.9	28.6	39.4	38.7	5.6	3.5	29.0	26.7
Respiratory org. TBC (0-17)	27.7	28.1	38.2	37.9	40.0	24.8	27.6	25.9
Malicious tumors (0-19)	12.1	13.3	13.1	11.2	5.9	5.8	11.7	8.6
Syphilis (0-17)	0.8	5.8	2.7	4.8	6.7	7.4	5.7	17.8
Gonorrhoea (0-17)	2.0	7.5	5.0	8.0	6.3	14.3	9.9	16.7
HIV (0-17)	5.9		13.1		9.1		0.9	

**Table 19**

**Age-specific mental diseases on 1999-2002**

0-17	2002	2001	2000	1999
Organic psychic disturbances including symptomatic (F00-F09)	330	360	403	454
Neurotic, stress-related and somatic forms of disturbances (F40-F48)	172	202	258	318
Mental development disturbances (F70-F79)	490	605	594	788
Psychical development disturbances (F80-F89)	489	505	539	641
Behavioural and emotional disturbances with traditional origin in child and adolescent age (F90-F98)	396	461	549	655

**Table 20**

**Age specific mental diseases on 1999-2002  
(per 100,000 inhabitants of the respective age group)**

0-17	2002	2001	2000	1999
Organic psychic disturbances including symptomatic (F00-F09)	66.8	70.3	76.3	82.2
Neurotic, stress-related and somatic forms of disturbances (F40-F48)	34.8	39.5	48.9	57.6
Mental development disturbances (F70-F79)	99.2	118.2	112.5	142.6
Psychical development disturbances (F80-F89)	99.0	98.6	102.1	116.0
Behavioural and emotional disturbances with traditional origin in child and adolescent age (F90-F98)	80.2	90.0	104.0	118.6

297. Infant mortality in Latvia has decreased by 20 occasions, compared to 2001. Infant mortality has decreased from 11 cases per 1000 surviving children in 2001 to 9.9 cases in 2002. Taking into account the fact that the number of live-born children has increased from 19,664 in 2001 to 19,996 in 2002, decrease of infant mortality is a positive trend. However, it is still high in Latvia, compared to other European countries (Hungary, Poland, Lithuania, Austria, the Czech Republic). Comparison of infant mortality rate by countries on 2001: Latvia 11, Lithuania 7.9, Estonia 8.8, Sweden 3.7, and Finland 3.2.

298. The main causes of mortality include conditions of prenatal period, congenital abnormalities, infections and parasitic diseases, respiratory system development disturbances.

**Table 21**  
**Infant mortality by causes of death<sup>18</sup>**  
**(Children deceased less than one year)**

Deceased under 1 year	1999	2000	2001	2002
Total	219	210	217	197
Including from:				
Infection and parasitic diseases	7	4	5	10
Respiratory system diseases	5	3	7	4
Certain prenatal period conditions	119	97	90	75
Congenital malformations, deformities and chromosome abnormalities	58	67	75	60
Symptoms and signs not classified elsewhere, abnormal clinical and laboratory findings	11	17	18	17
External causes	11	11	11	18
Other causes	8	11	11	13

299. The number of registered diseases in children under 1 year of age has decreased in 2002, compared to 2001 (see the table Number of registered diseases in children under 1 year). However, comparative analysis of the registered diseases in per cents leads to conclusion that the number of congenital abnormalities has increased (by 0.31%).

**Table 22**  
**Number of registered diseases in children under 1 year<sup>19</sup>**

Disease	Number of occasions			
	1999	2000	2001	2002
Total	54 318	50 585	50 053	41 724
Including:				
Infection and parasitic diseases	1 137	1 369	1 110	978
Endocrine, nutrition and metabolism diseases	923	858	1 075	780
Diseases of nerve system and organs of sense	3 363	3 637	2 865	2 483
Diseases of respiratory system	29 399	27 040	28 719	22 653
Diseases of digesting system	4 523	4 218	3 972	3 378
Diseases of uro-genital system	448	439	430	314
Certain prenatal period conditions	7 138	6 310	5 386	5 115
Congenital abnormalities	903	738	649	669
Injuries, intoxication and other external effects	650	567	562	474
Other diseases	5 834	5 409	5 285	4 880

**Table 23**

**Sickness rate of various diseases in children under 1 year registered with the primary health-care physician<sup>20</sup> (out of 1,000 examined children in this age group)**

	1999	2000	2001	2002
Total sickness rate	2 810.3	2 732.3	2 591.8	2 238.2
Including:				
Infection and parasitic diseases	58.8	73.9	57.5	52.5
Endocrine, nutrition and metabolism diseases	47.8	46.3	55.7	41.8
Diseases of nervous system, eyes and ears	174	196.4	148.4	133.2
Diseases of respiratory system	1 521.1	1 460.5	1 487.1	1 215.2
Diseases of digesting system	234	227.8	205.7	181.2
Diseases of uro-genital system	23.2	23.7	22.3	16.8
Congenital abnormalities	46.7	39.9	33.6	35.9
Certain prenatal period conditions	369.3	340.8	29.1	274.4
Consequences of external effects	33.6	30.6	29.1	25.4
Other diseases	257.9	292.1	273.7	261.8

300. Alarming are the data about the consequences of life style of children and adolescents. According to the research Distribution of the use of drugs in Latvia among the pupils of 5th-12th grade and students of vocational education establishments carried out in 2003 by the Institute of Physiology and Sociology of the University of Latvia under the PHARE 2000 National program, 60% of the 13-14 years of respondents have smoked at least 1 cigarette. The proportion of regular smokers trends to increase proportionally to the respondents' age to 44% at the age of 17-18 years.

301. The net weight of regular alcohol users is also increasing proportionally to the age (1% at 11-12 years, compared to 18% at 17-18 years). The proportion of school children that have experienced severe alcohol intoxication increases from 14% among 11-12 old school children to 80% among 17-18 years old school children. The alcohol used most often includes beer (52% of respondents have been using during the last month); wine (38% of respondents), also-strong alcohol (28% of respondents have been using during the last month).

302. According to the data of the above-stated research, the drug used most often is marijuana (71% of respondents indicate to it as the first drug they have tried; the net weight of users increases from under 1% at the age of 11-12 to 24% at the age of 17-18), followed by inhalators (at least once have been tried by 14% at the age of 11-12 and 12% at the age of 13-14).

303. In April 2004, Latvia intends to sign and in June 2004 - to ratify the General Convention of the World Health Organization on Tobacco Monitoring. The purpose thereof is to protect the population from the consequences and damages resulting from the use of tobacco (including from passive smoking) to health, environment and economy.

Referring to the Committee Recommendations No 39 and 40:

The Committee expresses its concern regarding the rise in the number of children and youths using drugs, alcohol and tobacco, the increase in cases of sexually transmitted diseases (STDs) and HIV/AIDS among youth, and the growing use of abortion as a method of birth control. Further, it notes the limited availability of programs and services in the area of adolescent health, including mental health, in particular treatment and rehabilitation programs for alcohol and drug addiction. It also notes the lack of sufficient prevention and rehabilitation information, especially on reproductive health in the schools (Recommendation 39).

The Committee recommends that the State party increase its efforts to promote adolescent health, including mental health policies, particularly with respect to alcohol consumption, substance abuse and reproductive health, and develop a program for health education in schools. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of STDs and HIV/AIDS, in order to be able to develop adequate policies and programs. It is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programs in health education, in particular as regards reproductive health, and to develop youth-friendly counselling, care and rehabilitation facilities that are accessible, without parental consent when this is in the best interests of the child (Recommendation 40).

304. Though the number of children affected by sexually transmitted diseases has remained virtually unchanged, according to the data of CSD (67 occasions in 2001 against 57 in 2002), the information provided by the MH shows, however, that the number of adolescents infected with sexually transmitted diseases has increased, compared to the total number of occasions. 17 to 29 years young persons make 60% of the total number of patients.

305. Changes can be observed in the distribution of new HIV cases by age groups: in 2002, 18% of the detected cases pertained to the age group from 10 to 19 years, or by 9% less than in 2001; while in other age groups the distribution percentage has increased. The distribution of the way persons get infected by age groups is also different: the per cent of heterosexually infected patients is increasing and the number of intravenous infection patients is decreasing with the increase of age.

306. During the period from 1998 to 2003, the total number of HIV positive pregnant women who have delivered children at Riga City Maternity House was 91. In 2003, the number of childbirths involving such diagnosis has increased from 25 to 33, compared to 2002. Antenatal care has not been provided in 2002 to 9 and in 2003 to 12 women, while incomplete monitoring has been provided in 2002 to 8 and in 2003 to 65 women.

307. Analysis of the psychical and behavioural disturbances in children and adolescents resulting from the use of psychoactive substances shows that the number of acute alcohol intoxication or alcohol abuse has increased notably (by 37.14%). At the end of 2001, the number of children under 17 years with registered diagnosis was 315, while at the end of 2002 the registered number had increased to 432. At the end of 2003, 488 children and adolescents have been registered with alcohol intoxication and alcohol abuse, and 14 minors with alcohol addiction diagnosis.

308. The number of children dependent on other psychoactive substances has decreased from 239 in 2001 to 142 in 2002. Also, the number of registered opium-dependent children has decreased (151 in 2001 in comparison to 67 in 2002), as well as the number of children with registered dependence on volatile organic solvents or inhalants has decreased from 64 in 2001 to 53 registered children at the end of 2002. The number of children with diagnosed alcoholism continues to increase - 21 children were registered at the end of 2002. In 2003, the Narcological Service of Latvia has made primary registration of 190 children and adolescents with diagnosed dependence on, intoxication or abuse of narcotic and psychotropic substances. 18 of the above-mentioned children have been identified as dependent, 172 - intoxication or abuse of narcotic and psychotropic substances. Also, 2 juvenile gambling addicts have been primarily registered.

309. With regard to social rehabilitation of children dependent on psychoactive substances, see paragraph 92 of Section General Principles, Sub-section The Best Interests of the Child. For more information on Government activities to promote healthy life-style, restrict alcoholism and reduce the use of alcohol, see paragraphs 288 and 290 of Section Health and Welfare, Sub-section Health and Health Services.

### **C. Social security and services for children (arts. 26 and 18)**

310. The MW is drafting the national policy in the field of social security of child and family, including policy in the fields of social insurance and state social benefits, social aid, social care, social and professional rehabilitation, employment of adolescents, as well as coordinate the implementation of and responsibility for the projects, organize and coordinate social services and social aid in accordance with the relevant national programs and the Law on Social Services and Social Assistance.

311. In accordance with the draft law On the State Budget 2004, the MW main budget includes the planned program State Social Benefits in the amount of 75.5 mil. LVL (1.129 mil. EUR) including support to families with children:

- Child birth benefit - support to the family upon child birth;
- Child care benefit - support to a person caring child under 2 years born after 1 January 2003, or child under 3 years born before 31 December 2002, provided that the person is not employed on full-time or part-time basis, and receives no maternity benefit;
- State benefit to family - regular support to families experiencing additional costs due to parenting of children;
- Supplementing state benefit for families with disabled children - regular support to the families caring for disabled children, in order to facilitate social integration of disabled children;
- Child subsistence benefit to guardian - regular support to guardian for subsistence of the child;
- Remuneration of guardian functions - regular support to persons exercising guardianship over the child;
- Remuneration of foster family functions - regular support to the families or individuals who have obtained the status of foster families and entrusted with rearing a child.

312. The following is provided from the MW main budget program State Social Services:

- Social rehabilitation of children - victims of violence;
- Social institutional rehabilitation of children dependent on narcotic, toxic or other intoxicating substances;
- Specialized care of mentally retarded children at long-term social care institutions;
- Care of orphans and children under four years left without parental care at long-term social care institutions.

313. Section 20 of the Law On Social Assistance provides state family benefit to persons rearing children. The state family benefit is granted immediately upon birth for each child, and it continues until the child reaches the age of 15 years. The benefit is also paid for children over 15 years attending general or vocational education establishments, provided that these children are not married. In the latter case, the benefit is paid as long as the child is attending educational establishment, to the maximum age of 20. The amount of benefit may be changed from time to time.

314. Before 30 June 2002, the state family benefit was granted depending on the order of birth of children in the family and the year of birth.

**Table 24**

**State family benefits before 30 June 2002**

Amount of benefit depending on the order of birth in family and year of birth (LVL/month <sup>21</sup> ):		
Born before 01.01.1999.	1st child: 4.25	
	2nd child: 5.10	1.2 times higher than for the 1st child
	3rd child: 6.80	1.6 times higher than for the 1st child
	4th and following children: 7.65	1.8 times higher than for the 1st child
Born after 01.01.1999.	1st child: 6.00	
	2nd child: 7.20	1.2 times higher than for the 1st child
	3rd child: 9.60	1.6 times higher than for the 1st child
	4th and following children: 10.80	1.8 times higher than for the 1st child

315. On 20 June 2002, the Saeima of the Republic of Latvia approved amendments to the Law On Social Assistance, and the amount of state family benefit for the first child in respect of children born after 1 January 1994 was fixed in the amount of 20% of the state social benefit (6 LVL per month), effective from 1 July 2002.

**Table 25**

**State family benefits from 1 July 2002 to 31 December 2002**

Amount of benefit depending on the order of birth in family and year of birth (LVL/month <sup>22</sup> ):		
Born before 31.12.1993.	1st child: 4.25	
	2nd child: 5.10	1.2 times higher than for the 1st child
	3rd child: 6.80	1.6 times higher than for the 1st child
	4th and following children: 7.65	1.8 times higher than for the 1st child
Born after 01.01.1994.	1st child: 20% of the state social benefit (6.00)	
	2nd child: 7.20	1.2 times higher than for the 1st child
	3rd child: 9.60	1.6 times higher than for the 1st child
	4th and following children: 10.80	1.8 times higher than for the 1st child



316. The Law on State Social Benefits has been enacted on 1 January 2003, and Section 6 thereof provides granting state family benefit to persons rearing children. The state family benefit is granted immediately upon birth for each child and it continues until the child reaches the age of 15 years. The benefit is also paid to children over 15 years attending general or vocational education establishments, provided that these children are not married. In the latter case, the benefit is paid as long as the child is attending educational establishment, however to the maximum age of 20 years, or until marriage. No state family benefit is paid for a child attending vocational education establishment and receiving scholarship.

**Table 26**

**State family benefits from 1 January 2003**

Amount of benefit depending on the order of birth in family (LVL/month <sup>23</sup> ):	
1st child: 6.00	
2nd child: 7.20	1.2 times higher than for the 1st child
3rd child: 9.60	1.6 times higher than for the 1st child
4th and following children: 10.80	1.8 times higher than for the 1st child

317. According to the information summarized by the CSD, the number of children entitled to free catering funded by local government authorities at schools and kindergartens has decreased in 2002. In 2000, the number of children entitled to free catering was 75,476, compared 69,800 in 2002. The number of granted benefits for education and rearing of children was 81,288 in 2000 compared to 47,769 in 2002. The number of granted benefits for education and rearing of children has increased by 2,1% in 2002, compared to 2001.

318. The entitlement to survivorship pension is governed by the law On State Pensions. Pursuant to the above-named law, survivorship pension may be claimed, in case of socially secured person, by superannuated family members dependent on the deceased: children (regardless of the fact of maintenance) under 18 years, siblings, grandchildren under 18 years with superannuated parents. The persons listed in the above categories are entitled to pension until they reach the age of 24, in case of students of vocational education establishments or full-time university students. The right to pension regardless of age is granted to children, siblings and grandchildren of the deceased if they have become disabled before reaching the age of 18 years.

319. Survivorship pension is paid on a monthly basis in the amount calculated on the basis of the eventual old age pension of the deceased breadwinner, provided that the deceased person would have continued employment until the pension age fixed in the law On State Pensions and continued contributions to the pension fund in the previous amount. The amount of survivorship pension in case of a single child is fixed in the amount of 50% of the eventual old age pension, in case of two children - 75%, in case of three and more children - 90% of the pension amount.

320. In case of children who have lost both parents, the survivorship pension is calculated on the basis of the eventual old age pension of both parents. The minimum amount of pension has been fixed: the total amount of pension may not be less than the amount of state social security benefit (30 LVL (44,84 EUR)), and not less than 50% of the state social security benefit for each child. The amount of granted pension is protected against inflation through regular (at least annual) indexation, taking into account the consumption price change index and, starting from 2002, also the certain portion of the insurance payment wage index. Payment of survivorship pension is funded from the social insurance contributions (state special social insurance budget).

#### **D. Standard of living (art. 27)**

##### **Financial situation**

321. Review of the financial situation of households by demographic composition enables distinguishing between two types of households most vulnerable to poverty - households with three and more children and those with one adult and one or more children (mainly in case of households run by women); in addition, financial imbalance between cities and rural areas trends to increase. The program for the development of special support regions has been drafted to facilitate formation of equal social/economical conditions on the entire territory of the state. Under this program, special regional development tools are operating in the territories with persisting negative economic and/or social development trends, designed to accelerate development of the territory and facilitate economical activities thereof. Currently, the status of special support regions has been granted to 5 regions, 16 cities, 1 county and 113 parishes.

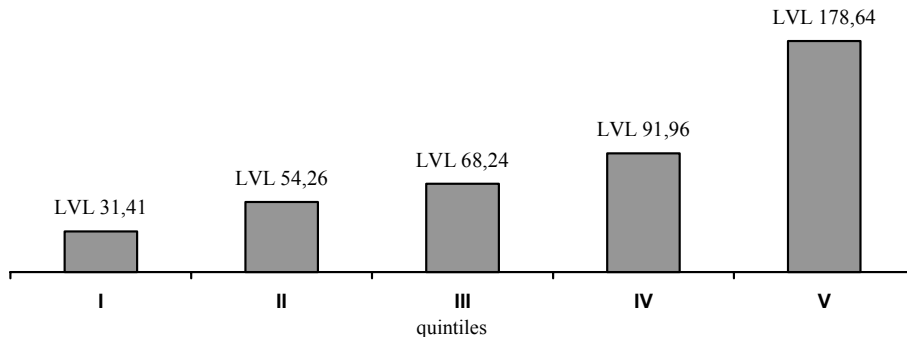
322. Children themselves cannot improve the quality of their lives, and the welfare of children depends directly on the parents' resources. In line with the polarization of society, the financial situation of families with children continues to deteriorate. The results of research Identifying social exclusion risk factors in children from poor families carried out by the Institute of Philosophy and Sociology of the University of Latvia in 2002 show that poverty is an important problem of Latvia today, and that the poor families are based on the model of physical survival with limited mental and social development possibilities; and distribution of poverty entails socially unprepared new generation.

323. Research of household budgets shows that in households divided into quintiles according to their income per each household member. In 2002 the average in the 1st quintile was 31.41 LVL (46.95 EUR). It is important to note that 39 of the total number of children in all households in 2002 belonged to the 1st quintile.

324. Compared to 2000, the number of children in families with the lowest income (1<sup>st</sup> quintile) has decreased (in 2000 - 42% of the total number of children in all households).

**Fig. 1**

**Income of households by quintile groups on 2002<sup>24</sup>  
(average per one household member/month, in LVL<sup>25</sup>)**



325. Since the research of household budgets shows that families with children are most vulnerable to poverty, it is especially important to ensure that social aid benefit system addresses the aid to such families.

Referring to Committee Recommendations No 41 and 42:

The Committee expresses its concern at the high proportion of families, in particular those with three or more children, living at the subsistence level and families threatened with eviction because of the effect of the transition to a market economy on the social welfare system as a whole (Recommendation 41).

In light of articles 3, 4, 6, 26 and 27 of the Convention, the Committee encourages the State party to take all appropriate measures to the maximum extent of its available resources, in particular at the local level, to support families in a difficult economic and/or social situation in order to ensure, to the maximum extent possible, the survival and development of all children living in Latvia (Recommendation 42).

326. Enactment of the Law on Social Services and Social Assistance has enabled formation of a new social aid benefit system. Before 1 January 2003, the social aid provided by local government authorities was regulated by the Law On Social Assistance. The law distinguished between two types of local government funded benefits: income-tested social aid benefit to needy families, housing benefit, care benefit and funeral benefit. Two of the above-listed benefits - social aid benefit to needy families and housing benefit - are granted to families, and therefore they have indirect impact also on the situation of children in families. The law provided for authorization of local government authorities to pay other social aid benefits as well. Concerning other local government social assistance benefits, the situation of children is directly affected by the local government authority-funded free catering at school or kindergarten and benefits for education and rearing of children.

327. Analysis of the people who receive this social aid lead to conclusion that social aid does not reach the families (persons) with the most severe financial condition lacking funds for provision of the fundamental needs due to objective reasons; i.e., to families with children. Therefore, starting from 1 January 2003, the local government social assistance is governed by the Law on Social Services and Social Assistance providing for two social assistance benefits instead of the previous four: income-tested benefit to ensure the guaranteed minimum income level (GMI benefit) and single benefit in extraordinary situations. The law authorizes the local government authorities to pay other benefits no sooner than all inhabitants of the local government authority have been provided with the GMI benefit.

328. The Law on Social Services and Social Assistance provides that social aid is available to people on the basis of assessment of their financial resources - income and property. The purpose of social aid is to provide financial or property support to the most needy persons and families, and therefore the persons (families) who most of all lack funds for provision of their basic needs, regardless of the group of population to which they belong.

329. The CM Regulation No 95 of 25 February 2003 Regulation on the Guaranteed Minimum Income Level and the Amount of Benefit to Ensure the Guaranteed Minimum Income Level provide that the GMI level per one person is 15 LVL (22.42 EUR) per month. Local government authorities are authorized to fix other guaranteed income level, according to their budget capacities, however it may not be less than 15 LVL (22.42 EUR). In 2004, the GMI level is 18 LVL (26.9 EUR) per month/person. Computation of the benefit does not involve application of the equivalence scale - the calculated GMI benefit is equal to all adults and children in the family.

330. Analysis of the information submitted by local government authorities about granting of benefits in order to provide the GMI level, carried out by the MW shows that the currently applicable GMI level is insufficient to ensure efficiency of the new benefit system in providing support to needy families, in particular families with children, in crisis situation.

331. The Law On Municipal Assistance in Housing Matters effective as of 1 January 2002 establishes for housing benefit as one of the forms of assistance provided by local governments to families with income insufficient to pay for rent and utility services. This benefit has indirect effect also on the situation of the child.

### **Eviction from residence**

332. The applications received by the SMSACFA show the need for settling the issue of eviction of families with children from their residential space. The information obtained from the specialists contacting such families in their routine work shows that families with children are evicted from their residences by court judgments.

333. The Law On Rent of Residential Premises and the Law On Assistance Provided by Local Governments in Housing Matters provide social guarantees to the low-income category of tenants. Pursuant to the law, if a low-income tenant cohabitating with or maintaining at least

one child is evicted, local government authority shall provide assistance through registration in the corresponding register. To prevent lack of housing in case of evicted families entitled to social guarantees while waiting for the provision with housing, the Law On Rent of Residential Premises includes the obligation to postpone enforcement of the judgment concerning eviction until the local government authority assigns another residence to the concerned tenant. In addition, special procedure applies for priority provision of families with social guarantees with housing.

334. Local government authorities are doing their best to retain residences for families with minor children in case of enforceable court judgment on termination of lease agreement and eviction of family from residential premises. Riga City Council, for example, has drafted regulations for prolongation of agreements on lease of residential premises through making trilateral agreements with the house owners and repayment of indebtedness, or deciding on removal of the family to a social residential house.

335. As noted before, the families with children have the lowest income and therefore their possibilities to pay rent for residential space are also limited. Unfortunately, no statistics are available on this issue. With respect to mortgage loan for purchase or renovation of residence for married couple with children, the banks decide on granting loans taking into account the average income per one member of household including children. However, the banks also apply different exemptions, for example, for purchase of the first dwelling (Aizkraukles Banka is granting loans up to 95% of the value of real estate), to families with children (Parex Bank applies reduction of interest rate by 0.3% per each minor child in the family), and almost all banks provide the opportunity to make temporary agreement on suspending of loan interest or all payments in case of birth of a child in the family.

336. On 15 December 2003, the CM approved the Regulation No 774 On Establishing of the State Corporation Dwelling Guarantee Fund. The main directions of activities of the Dwelling Guarantee Fund is promoting renovation of multi-residential houses and construction of new economic housing, as well as improving the access of the tenants of denationalised houses to purchase of dwelling and the opportunity for new families to buy their first dwelling. It is a significant financial tool of state support for development of housing loan-granting system and availability of dwelling.

## **VII. EDUCATION AND CULTURE**

### **A. Education, including professional education (art. 28)**

337. The Constitution of Latvia protects the right of each person to education, and it provides that the state ensures the access to elementary and secondary education free of charge, and that elementary education is mandatory to everyone (Section 112).

#### **Pre-school education**

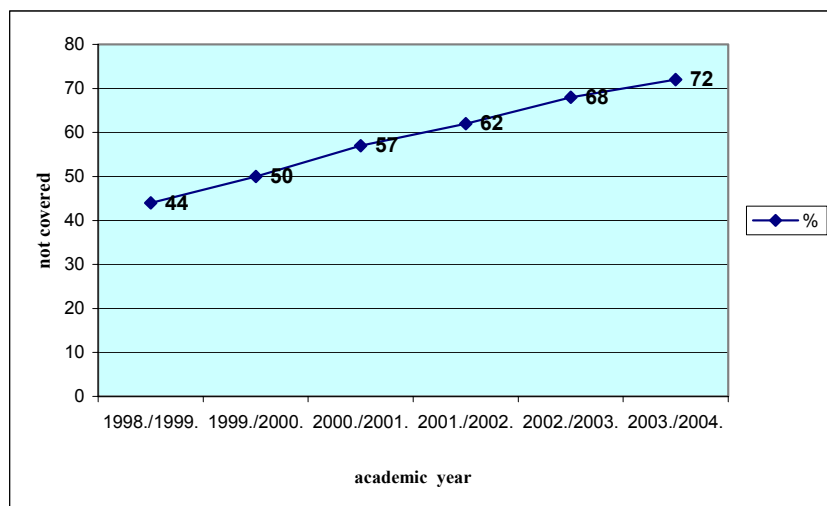
338. Provisions of Section 4 of the Law on Education effective as of 1 September 2002 set forth Mandatory preparation of five and six years old children to the elementary

education. Preparation of the five and six years old children to school means involvement of all children of this age group in pre-school education. In 2003/2004 academic year, the mandatory preliminary education of five and six years old children covers 93% of all children. Approved curriculum for mandatory preliminary education of the five and six years old children may be carried out by education establishment in co-operation with the family. 95 preschool curriculum were approved in 2003. The wages of pedagogues involved in the implementation of curriculum are paid from the state budget target grant. Pre-school education is available to children in Latvia in Latvian, Russian, Polish and Ukrainian languages.

339. The number of children under seven years covered by the pre-school curriculum has increased in 2003/2004 academic year.

**Fig. 2**

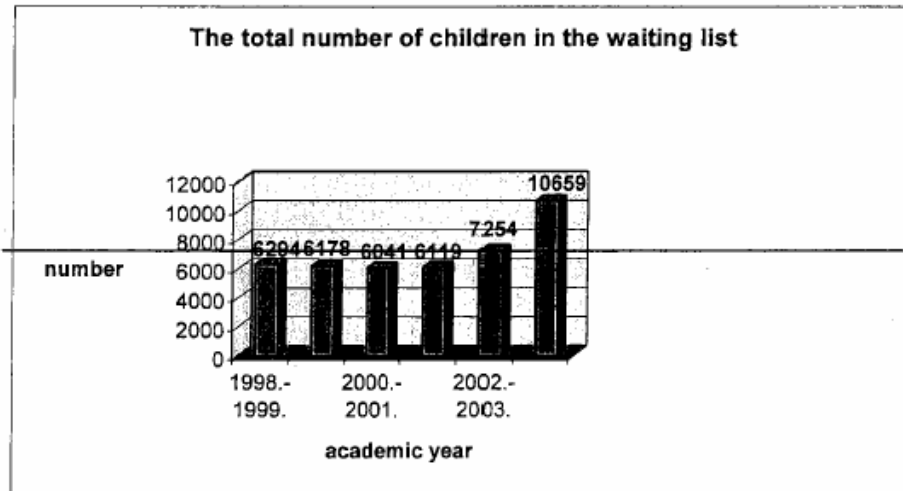
**Number of children (2-7 years) covered by pre-school education (%)<sup>26</sup>**



340. The procedure for admission to pre-school educational establishments is regulated by the local government. The procedure for admission to private educational establishments is regulated by the founder. Admission of children to special pre-school educational establishments takes place on the basis of parents' (guardians') application and conclusion of the state or local government medical commission. In 2003, the demand for admission to pre-school education establishments exceeded the available number of places, and this lead to formation of waiting lists.

Fig. 3

**Number of pre-school age children waiting for places  
in the education establishments<sup>27</sup>**



341. Pursuant to the legal provisions setting forth the requirements for the education level and qualification of pedagogues, the qualification of pedagogues involved in pre-school education has notably improved during the recent years. In 2000/2001 academic year 57% pedagogues had university degree, while in 2001/2002 academic year this rate was 81%.

**Elementary and secondary education**

342. The number of comprehensive education establishments as of 2002 had reduced. In 2002, there were 1,052 comprehensive education establishments in Latvia - 953 comprehensive day schools including 64 special schools and 35 evening (night) shift comprehensive education establishments. Though the number of boarding schools remained unchanged in 2002, the total number of comprehensive day schools has decreased by 8. Also, the number of pre-school educational establishments has decreased by one in 2002 (551 pre-school education establishments in 2002) and the number of professional education establishments - by 2 (126 in 2001, compared to 124 in 2002).

343. The decrease in number of educational establishments continued in 2003: there are 1,044 comprehensive and special education establishments in Latvia including 945 comprehensive day schools, while the number of special schools and evening (night) shift schools has remained at the level of 2002.

344. The number of pupils in comprehensive education establishments has decreased- while in 2001 the comprehensive education establishments were attended by 351,989 children, in 2002 their number was 340,308 and in 2003 - only 327,358 children, respectively. The number of

students in boarding schools has also decreased from 4,500 in 2001 to 4,175 in 2002. Professional education establishments in 2002 had 46,500 students or by 1,100 fewer than in 2001. The most relevant causes of decrease in the number of pupils include the rapid decrease of birth rate in 90-ties.

345. In its turn, the number of 10th - 12th grade pupils in comprehensive education establishments has slightly increased: in 2003, the number of 10th - 12th grade pupils was 66,746, while in 2002 such education establishments were attended by only 62,343 pupils and on 2001- by 61,234 pupils.

346. While during the period from 1995/1996 academic year to 2001/2002 academic year the number of pedagogues in comprehensive education establishments decreased, the number of pedagogues in comprehensive education establishments in the beginning of 2002/2003 academic year was 33,900 or by 200 more than in the previous academic year, and in 2003/2004 academic year the number of pedagogues had increased to 34,232.

347. According to the data of CSD, 4% graduates of elementary schools in 2002 (2% graduates in 2001, respectively) and 26% graduates of comprehensive secondary schools (29% in 2001, respectively) do not pursue further education.

348. In 2001/2002 academic year, 14.4% of students of the professional education establishments have dropped out.

349. The number of universities and colleges has slightly increased, and in 2002 it had increased by one, compared to 36 in 2001. The number of students in universities and colleges has also increased by more than 8,000 (In 2001 - 110,500, in 2002 - 118,900). It means that students of universities and colleges make 5.1% of the total population of Latvia.

#### **Number of children not attending schools**

350. Pursuant to the Law on Education and the CM Regulation No 439 of 28 December 1999 The procedure for the registration of children who have reached the mandatory education age, registration of children who have reached the mandatory education age takes place on annual basis. The result thereof is registration of children with education establishments, and also the information is collected about the children of mandatory education age who do not attend any school and who have not received elementary education.

351. The results of registration show that 2,512 5 to 15 years old children have not attended school in 2002, including 1,755 children from 7 to 15 years. The number of non-attending 7-15 years old children has decreased by 3.8%, compared to 2001 when 2,824 children of this age group were not attending any school.

352. The highest number of non-attending children in 2002 was registered in Riga where 665 children of mandatory education age were not attending any schools. The second highest number - 292 children was registered in Liepāja, followed by Jelgava with 278 children and Ventspils with 103 non-attending children at the age between 7 and 15 years.



353. Analysis of the percentage of children of mandatory education age and the total number of children of the respective age group in each city shows that the highest rate of non-attending children is registered in Jelgava where 3.3% of all children who have reached the mandatory education age do not attend school. It is followed by Liepāja with 2.6%, Venstpils with 1.9% and Riga with 0.8% of children who have reached the mandatory education age and do not attend school.

354. Registration of children who have reached the mandatory education age by regions shows that the highest rate of non-attending children who have not received elementary education is registered in Limbaži Region (1.8%), Daugavpils Region (1.3%), Ventspils Region (1.2%) and Talsi Region (1.1%).

### **B. Objectives of education (art. 29)**

355. The objective of comprehensive education is to provide conditions for the formation of creative, polymathic personality, continued education, mastering of profession, and discretionary orientation in the social and national life.

356. The amendments to the Law on Education adopted on 5 July 2001 provide that the CM defines the common government education policy and strategy, and submits for approval by the Saeima the education development concept for the following four years. The education development concept defines the objectives of development of the education system in 2002 - 2005 and the ways to achievement thereof.

357. The objective of the education development concept is to provide changes in the education system intended to facilitate the formation of knowledge-based, democratic and socially integrated society and increase of competitiveness of population and national economy of Latvia, in line with the preservation and development of the culture values typical to Latvia.

358. To provide objective information about the roles of genders reflected in the school teaching aids, a study was carried out in 2001 aimed at analysing the professions, leisure preferences, family status, appearance and other parameters of the personalities reflected in the texts and illustrations of school teaching aids. The study involved 50 textbooks in Latvian by the comprehensive education establishments. The study included recommendations to teachers on how to analyse the teaching aids and to use the existing teaching aids for the promotion of gender equality.

359. On 27 July 2003, the CM Regulation was adopted Amendments to the Cabinet of Ministers Regulation No 347 On the requirements applicable to the education and professional qualification of pedagogues. The CM Regulation in respect of the elementary and secondary education pedagogues retains the provision of the Law on Education concerning the higher pedagogic education, while enactment of the said amendments provides legal solution to equalization of the qualification of pedagogues to specialists with other education and qualification. The said specialists, after mastering post-diploma curricula defined by the MES, are qualified to undertake the implementation of comprehensive curricula. In 2002, over 4,200 pedagogues have participated in the measures for raising the professional qualification level funded from the state budget (103,254 LVL (154,341 EUR)).

360. For more information the role of education in the social integration, see paragraphs 456, 457, Section Special Protection Measures, Sub-section Children Belonging to National Minorities or Indigenous People.

**C. Extracurricular activities, cultural events, the right to play and leisure time (art. 31)**

361. Section 16 of the Law on Protection of the Rights of the Child provides for rights of the child to recreation and leisure time, the right to participate in games and entertainment events, as well as the right to engage in culture life and arts. According to the CSD data, 67,886 children were engaged in amateur art collectives and hobby groups of culture houses and folk houses. It should be noted that both the number of hobby-groups and the number of involved children has increased, compared to 2000. In 2002, the number of participants was 67,886 and the number of hobby-groups - 3,801, compared to 63,398 and 3,539, respectively.

362. The NYIC already for a number of years is coordinating and managing the interest education activities in Latvia through organizing state-scale events, seminars, courses, camps and forums, and providing versatile methodical assistance to the interest education establishments.

363. In 2003, the NYIC has formed the Youth Policy Department employing specialists for working with the youth, the matters of the youth policy, rearing activities and coordination of the camp work. The Interest Education Department is employing specialists in the areas of music, dance, environment education, applicable and visual arts, technical creative work as well as interest education policy.

**Table 27**

**State-scale events in the interest education<sup>28</sup>**

Area of activities	Number of events	Number of participants
Culture education	20	43 090
Environment education	3	303
Technical creative work	13	989
Scientific activities of school children	6	902

364. In 2004, the project Funding children projects for construction playgrounds, recreation and sporting grounds shall be implemented under the National Program for Improvement of the Condition of Children and Family. The project envisages the construction of 33 playgrounds, sporting and recreation grounds designed by children. Funds for implementation of the children's projects in the amount of 2,000 LVL (2,989 EUR) shall be allocated to each regional and city council of Latvia.

365. It should be noted that the leisure time activities of children fall into the competence of local government authorities. A number of local governments maintain children amateur art collectives and hobby-groups available free of charge. They are also responsible providing environment fit for children. For example, the approved Riga development plan for 2002 contained the proposals drafted by the Technical Creative Work Centre including the

construction of contest tracks for children in each park of Riga and the network of biking paths. Further, various competitions are organized on a regular basis in the parks of Riga, including, for example, skijoring competitions organized every weekend in winter.

366. In 2003, Riga City Council, for example, organized a campaign to collect the necessary funds for construction of skate-park in Riga. Pedagogues are continuously present at the skate-park to provide supervision of children. It is planned to organize such a park in each district of Riga.

367. The Technical Creative Work Centre plans to organize a seminar on 7 May 2004 within the framework of Euro day Dance on the children's right to engage in sports. The relevant initiatives include attracting international investors to restoration of 11 carting tracks in Latvia.

368. There are 964 choirs of comprehensive education establishments in Latvia with 35,334 singers participating in them. Analysis of the choir work show that the number of both choirs and participants trends to decrease, while the artistic level of the best collectives trends to improve. Positive is the fact that the best choirs of the comprehensive education establishments were participating at the 23rd Latvian Song Festival and managed to master the complicated repertoire of the festival.

369. 12,433 children and adolescents are participating in amateur theatres of education establishments, including 423 school theatres, 39 puppet theatres and 76 Theatre sports teams. The total number of such collectives, groups and hobby-groups is 527.

370. The art of dance is one of the most popular areas of the interest education. In 2003, there were 1,537 folk dance collectives with 24,000 dancers and 550 modern dance collectives with 8,060 participants.

371. 414 hobby groups with 8,122 participants have been identified in the area of visual art. The area of applicable art is represented by 803 hobby-groups with 14,385 participants.

372. Participation of children and adolescents with special needs in the integration projects organized until present can be described by episodic cooperation with the students of comprehensive education establishments, professional education and interest education. The project The best friends was implemented with the view to develop stable mutual relations.

373. The project was divided into three stages and it lasted throughout the 2002/2003 academic year. The first and second stage included participation of 22 clubs (46 educational establishments and non-governmental organizations), while the third stage - gathering in Cēsis - accommodated 15 clubs with 184 participants. The main objective of the gathering was to enable the children and adolescents with special needs to establish mutual cooperation and to exchange experience with each other and with children and adolescents from comprehensive education establishments.

374. The total number of school children engaged in different environment-education hobby-groups in Latvia in 2003 was 13,280 (including 5,734 in the interest education establishments and 7,546 in comprehensive education establishments).

375. In 2004, special attention is being paid to the regions which have not yet demonstrated high activity in the area of environment education. It is planned to expand the circle of participants of the project Experiments of school children through organizing competition at the regional level as well (by now, the competition was only organized at the state level). It is also planned to make the project My reference path available not only to reference path developers but also to visitors.

376. Technical creative work includes 47 interest education establishments with 7,908 children and adolescents covered by various technical creative work programs.

377. The main tasks of scientific research carried out by students is providing direction to the students' academic studies and developing the necessary skills and approaches to scientific cooperation on both institutional, state and international scale. Implementation of or participation at the following activities has been provided for the above-mentioned purposes:

- On 26-27 April 2003, the 27th Scientific conference of school children was organized in Riga at the University of Latvia, Academy of Art of Latvia And Academy of Culture of Latvia;
- Latvia was represented at the 15th Congress of Young Scientists of the European Union which took place in September 2003 in Budapest (Hungary) by 3 school children, including M. Lukjanska, student of Krāslava Grammar School who won the special prize for research in Mathematics The compatibility of tetramonds, pentamonds and hexamonds;
- The exhibition EXPO Science Europe 2003 in Moscow on 11 - 19 July 2003 presented 56 works in Physics; only 3 of them were awarded including 2 works developed by the Latvian students;
- On 6 - 26 July 2003, the annual camp Alfa for the winners of annual curricular discipline contests and the prize-winners of the student scientific contests took place at Vecpiebalga Rural Regional Grammar School. A seminar cycle Beta on nature and social issues was organized in 2003 for the participants of the Alfa camp.

378. 726 camps organized in summer 2003 in Latvia accommodated 27,198 children and adolescents. According to the information provided by the children and youth camp coordinators of regional and city local governments, during the summer season in 2003 49% of all camps for children and adolescents were organized in Riga Region, 17% in Latgale, 16% in Vidzeme, 13% in Kurzeme, and 5% in Zemgale. The organized camps included camps for creative work, sports and tourism, recreation and adventure, labour and leisure, and other types of camps.

379. In 2003 the information about 44 camps intended for integration of the children with special needs and about 171 social assistance and social integration camps (intended for the integration of children from social risk groups, children from low-income families, etc.) was separately summarized and analysed for the first time. According to the data, over 900 children and adolescents with special needs participated in the summer camps. Participants of a number

of summer camps included children with special needs or children from low-income families, therefore the social integration of these children was facilitated and the public understanding and formation of positive attitude was promoted.

380. The program Concert Lectures for Children and Adolescent Audience is implemented with the view to promote musical education of the school children. Professional music organizations are providing concert lectures for children and adolescent audience at the educational establishments as an integral part of the culture education for children, in line with the mandatory curricular disciplines. At present, this task is carried out by the Concert Management of Latvia and professional music collectives who organize about 250 concerts per annum funded from the state budget.

## **VIII. SPECIAL PROTECTION MEASURES**

### **A. Children in emergency situations**

#### **1. Child refugees (art. 22)**

381. The program Phare Light The rights of asylum seekers and refugees was launched in December 2003 including analysis of the situation in Latvia in the area of asylum, as well as the necessary amendments to the legislation and the required funding.

382. The number of asylum seekers in Latvia trends to decrease from year to year. In 2002, there were 25 asylum seekers in this country including 8 children, compared to 58 asylum seekers including 18 children in 1998. According to the 1951 Geneva Convention Relating to the Status of Refugees, by the end of 2002 this status had been granted to 8 persons including two children. Therefore it can be concluded that protection of the children with the status of refugee or any alternative status, and the children injured in armed conflicts at present if not a matter of urgency.

383. Concerning the amendments to the Law on Asylum Seekers with respect to family reunion and availability of the status of refugee to children, see Section Family Environment and Alternative Care, Sub-section Family Reunification.

#### **2. Children in armed conflicts (arts. 38 and 39)**

384. No changes have occurred in Latvia concerning the children in the areas of armed conflict, and the present situation corresponds with that provided in the initial report of Latvia.

### **B. Children in conflict with the law (arts. 40 and 37)**

385. In 2002 and 2003, juveniles committed every sixth registered criminal offence. According to the CSD data, 3,730 crimes committed by juveniles have been registered in 2002, or by 257 less than in 2001. The number of registered criminal offences committed by juveniles in 2003 was 4,255 or by 525 more than in 2002.

**Table 28**

**Committed criminal offences<sup>29</sup>  
(at the age of 14-17)**

	1999	2000	2001	2002	2003
Total	3 757	3 923	3 987	3 730	4 255
Including:					
Murders*	10	14	10	13	11
Heavily bodily injuries	16	15	15	26	20
Violation*	11	13	12	11	10
Robbery	232	219	244	206	256
Theft of property	2 713	2 725	2 733	2 367	2 490
Hooliganism	202	215	196	247	257

\* Including attempts to commit a crime.

386. According to the information provided by the State Police, 2,860 juveniles have been called to criminal account in 2002 for committing various criminal offences (by 345 less than in 2001), including 980 at the age of 14 - 15 years and 1,544 at the age of 16 - 17 years. 3,395 juveniles have been called to criminal account for various criminal offences in 2003 (by 526 more than in 2002) including 1,190 at the age of 14 - 15 years and 1,737 at the age of 16 - 17 years.

387. The information summarized by the CSD, in its turn, shows that 1,794 s at the age of 14 - 17 years had been sentenced in 2002 (by 40 more than in 2001). Analysis of the types of imposed sentences shows that the number of juveniles sentenced to deprivation of liberty had increased in 2002 by 38, while the number of conditionally sentenced juveniles has decreased (by 47).

388. The number of conditionally sentenced, however, was still high - 1,110 juveniles were conditionally sentenced in 2002. Social rehabilitation of juvenile offenders is of particular importance to ensure that the conditionally sentenced juveniles are not convicted repeatedly for commitment of yet more severe offences.

389. The work with conditionally sentenced persons in Latvia should be made more efficient. The conditionally sentenced persons should be subject to strict control, and the reasons that led them to committing a crime should be eliminated; namely, a complex solution of the problem should be offered. The juveniles who have served imprisonment should have access to the necessary assistance in order to facilitate their social re-integration and to prevent commitment of new criminal offences.

390. To eliminate the high number of imprisoned persons, the State Probation Service has been established and operating as from 1 January 2004, entrusted with uniform coordination of sentence enforcement that do not imply deprivation of liberty. The Probation Service shall be informing the Orphans' Court about the juveniles released from detention and taking steps,

together with the specialists of different areas, to facilitate social reintegration of such persons. The Probation Service shall also work with the conditionally sentenced persons to prevent repeated offences.

**Table 29**  
**Sentenced juveniles by types of sentence<sup>30</sup>**  
**(at the age of 14-17 years)**

	1999	2000	2001	2002
Sentenced persons in total	1 795	1 797	1 754	1 794
Including:				
Imprisonment	366	382	395	433
Conditional sentence	1 319	1 244	1 157	1 110
Pecuniary penalty	44	30	19	13
Other penalties	9	141	183	188

391. The crimes most popular amongst the young people include larceny (2,367), hooliganism (247) and robbery (206).

392. It is important to note that the number of crimes committed under the influence of drug intoxication has decreased on 2002 by more than a half. The number of such crimes has decreased from 132 in 2001 to 64 in 2002. It proves the notable results of preventive steps addressed to preventing use of drugs.

393. At the same time, according to the information of the State Police, the number of criminal offences committed by juveniles under the influence of alcohol intoxication has increased. In 2002, the number of registered offences of this type was 776, namely, every fourth criminal offence committed by juveniles involved alcohol intoxication. 848 protocols have been drawn up in 2002 by the virtue of Section 181 of the Administrative Offence Code for public use of alcoholic drinks or other intoxicating substances.

394. It shows the need for different actions, informative material and campaigns directed against the consumption not only of drugs but also of alcohol. Success of such actions depends on the public support to and participation at such processes.

395. At the same time, minors were permitted to buy alcohol at the stores, and children and adolescents in such a situation treat alcohol as a norm. Moreover, if a salesperson refuses to sell alcohol to a minor, the child can easily find "helpful" adult to buy alcohol for him/her. Therefore, public understanding of and approach to this issue is the first step towards limiting the consumption of alcohol by children and adolescents.

396. The amendments drafted by the SMSACFA to the Law on Protection of the Rights of the Child for discussing at the meeting of CM lay down a provision on calling to legal account persons who involve children in consumption of alcoholic drinks. The said amendments provide that involvement of a child in the consumption of alcohol includes also the provision of access to alcoholic drinks or causing the circumstances under which alcoholic drinks are freely accessible to the child.

397. The number of criminal offences committed by juveniles who are neither employed nor attending school has decreased in 2002 (from 1,945 in 2001 to 1,568 in 2002), however in some regions it has increased. The authorities of such regions responsible for protection of the children's rights should pay more attention to employment of the children as well as take preventive steps in accordance with Section 58, Part 1 of the Law on Protection of the Rights of the Child.

398. On 31 October 2002 a new law was passed On Application of Mandatory Educational Measures to Children, with scheduled enactment as from 1 January 2005.

399. Though the mandatory educative measures should be treated as a progressive method and the application thereof should increase, the practical experience shows the contrary: In 1999, 572 files had been transferred to courts for application of mandatory educative measures, while in 2000 this number decreased to 311, in 2001 - to 338, and in 2002 it was only 307.

400. In the opinion of the specialists of State Police, such trend is eventually related to the excessively complicated case preparation procedure. The issues here include the requirement of outpatient examination of the child prior to forwarding the case, thus notably complicating the situation. It is true in particular in respect of the rural areas where such examination is often available only at the regional centre, and this presents serious problems to a number of rural people. Such circumstances quite often contribute to criminal sentencing of juvenile offenders. To eliminate the existing situation, it is important to assess whether or not the procedure for application of the law On the Application of Mandatory Educational Measures to Children should be simplified.

401. On 20 June 2002, the law Amendments to the Criminal Procedure Code of Latvia was enacted to amend Section 160 of the Code and provided for the presence of a pedagogue, a psychologist or a specialist in psychological work with children in criminal proceedings during the interrogation of a witness under the age of fourteen years or, at discretion of the performer of an inquiry or prosecutor, under sixteen years. Also, Section 152 of the Criminal Procedure Code provides for interrogation of a juvenile during trial in the presence of a legal representative, a pedagogue or a psychologist.

402. The draft Criminal Procedure Law provides for summoning of juveniles to interrogation with the mediation or a legal representative or the educational establishment. If the legal representative is not available, or if any other circumstances prevent application of such a procedure for summoning, the juvenile is summoned without the said mediation.

### **1. Adjudication procedure following charges brought against a child (art. 40)**

Referring to the Committee Recommendations No 45 and 46:

The Committee is concerned that the juvenile justice system is not fully in compliance with the Convention and that the justice system as a whole is not efficient. In particular, it expresses its concern at reports of juvenile offenders spending long periods



in pre-trial detention because the justice system is overloaded. Further, it expresses its concern at cases of juvenile offenders kept in adult prison facilities and that there are no programmes for their rehabilitation and reintegration into society (Recommendation 45).

The Committee recommends that the State party review its law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), with a view to ensuring child-friendly practices by the police and other levels of the juvenile justice system and the separation of juvenile and adult offenders in prison. In particular, it reminds the State party that juvenile offenders should be dealt with without delay and that pre-trial detention should not be longer than the period prescribed by law and should be used only as a measure of last resort. Alternative measures to detention should be used whenever possible. The Committee recommends that the State party incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular to guarantee them access to effective complaints procedures covering all aspects of their treatment, and take appropriate rehabilitative measures to promote the social reintegration of the children involved in the juvenile justice system.

Finally, the Committee recommends that the State party seek assistance from, among others, the Office of the High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice (Recommendation 46).

403. The Criminal Law pays particular attention to the peculiar personalities of minors and to mitigation of accountability for the criminal offences committed by them.

404. The Criminal Procedure Code provides additional guarantees to minors during the proceedings, such as mandatory participation of defence counsel upon adjudicating of the minor cases (Section 98), presence of legal representatives of the juvenile during the trial (Sections 105, 251), presence of teachers and psychologists during the interrogation of minors (Section 152), application of special means of security measures to minors, such as placing under supervision of parents (section 81), special safeguards in respect of the accused minors in detention (Sections 76, 77), special provisions for adjudicating their cases (Section 264).

405. Taking into account the fact that the detention period depends on the prosecutor, the institutions subordinated to the Department of Prison Facilities are only entrusted with the implementation of the means of restraint. The problem is not only the overburdening of the justice system but also the fact that the prosecutor applies the mean of restraint without considering alternatives to detention, with the view to use detention only as the last resort.

**2. Detention as a measure of restraint, and children serving prison sentences (art. 37 (b)-(d))**

406. In accordance with Section 78 of the currently applicable Criminal Procedure Code, the performer of an inquiry, the prosecutor or the court should promptly notify the education establishment and the family of the suspect, accused or tried juvenile about the use of detention as a mean of restraint. Section 122 of the Criminal Procedure Code provides that the prosecutor in case of detention of a juvenile should promptly, within 24 hours from detention, notify about the detention the parents or guardians of the juvenile. Detention of a juvenile - national of a foreign country, should be notified to the Ministry of Foreign Affairs of the Republic of Latvia.

**Table 30**

**Number of juveniles kept in places of deprivation of liberty during the pre-trial investigation**

	As of 1 January 2002	As of 1 September 2003
Total	29	29
Under 6 months	29	28
From 6 months to 1 year	0	1

407. The juvenile offenders are not kept in places of deprivation of liberty together with the adult offenders. If even juveniles and adults are kept in the same facility (pre-trial detention), they are kept separately to exclude any contacts between these two categories of offenders.

408. The sentenced juveniles are kept separately - in Juvenile Detention Facility of the city of Cēsis (boys), and in a separate section of the Iļģuciems prison for women (girls).

409. Trans-institutional cooperation has largely resulted in the possibility to engage in comprehensive education measures in accordance the approved curricula all juveniles in detention.

410. Before April 2002, the comprehensive education measures were only available to the girls detained in the Iļģuciems prison and to the boys detained in the facility at Cēsis (at that time - about 40% of the total number of detained juveniles).

411. Since April 2002, comprehensive education measures are available to the juveniles detained in Brasas Prison. Upon removal of juveniles to Mafisa Prison, the education measures are continued in this latter facility.

412. Starting from 1 September 2003, the detained juveniles can pursue education in the facility of Cēsis, in Daugavpils Prison and also in Liepāja Prison.

413. Special child-care establishments are designed for keeping the juveniles who have committed a criminal offence, and sentenced by court to mandatory educative measures - referral to education and reformatory institution. There are two special child-care institutions in Latvia (education and reformatory facility Strautiņi and education and reformatory facility Naukšēni).

414. In case of violence against a juvenile at the said institutions, the juvenile is entitled to make a complaint to the prosecutors' office in accordance with Section 16 of the Law on Prosecutors' Office. The prosecutors' office has to carry out statutory inspection upon each complaint received from a person in the juvenile detention centre. The statistic reports make no distinction between the complaints received from the persons in juvenile reformation establishments and other complaints.

415. Pursuant to Section 111 of the Criminal Procedure Code, a victim with minor bodily injuries caused by intentional actions in the detention facility can make a complaint to the city (district) court for bringing a criminal action.

416. Also, juveniles have access to confidential contact with the institutions for protection of the rights of the child, for example, the LNHRO and the SMSACFA. No complaints have been received by the LNHRO on infringement of the rights of children kept in the juvenile reformatory facilities. The SMSACFA had received one complaint in 2003 on violence at juvenile reformatory facility. Following this complaint, the SMSACFA carried out an inspection to check how the rights of the child were observed. Representative of the LNHRO participated in the inspection. The inspection included anonymous questioning of children, individual discussions with children and staff members of the facility, as well as inspection of the internal standards and documentation of the facility. The breaches referred to in the complaint were not established.

417. The CM Regulation No 211 was adopted in 29 April 2003 Internal Rules of Procedure in Investigation Prisons prescribing the following conditions for keeping the detained persons: the minimum space 2,5 m<sup>2</sup> per one detained person, and 3 m<sup>2</sup> per person in case of a woman or a juvenile; each detained person has shared lodging, bed-clothes and a towel; bath or shower is available at least every seven days; bedclothes etc. are changed with the same interval. Internal Rules of Procedure in Investigation Prisons further provide that no restrictions may be imposed on the contacts with the organizations for protection of human rights, the prosecution office and the court, as well as the defence counsel.

### **3. Permissible criminal sentences for children, in particular the prohibition of imposing capital punishment and life sentences (art. 37 (a))**

418. Section 94 of the Satversme provides that deprivation or restriction of personal liberty may only take place in accordance with the law.

419. In accordance with provisions of the Criminal Law, the following types of sentence may be applied to juveniles: imprisonment, detention, forced labour, as well as the auxiliary sentences set forth in the Criminal Law. Imprisonment term in case of a person who has committed a criminal offence at the age under eighteen may not exceed ten years, or fifteen years in case of particularly grave crime. However in case of less severe and severe crimes not involving violence or threat of violence, and not resulting in severe consequences, the period of imprisonment may not exceed five years. Therefore, in accordance with the legislation of Latvia, a child may not be sentenced to life. Death sentence was abolished in Latvia in 1996, and the applicable legislation provides that death penalty can only be imposed for crimes committed at the time of war.

420. A person who has committed a criminal offence before reaching the age of eighteen may be released on parole, provided that at least a half of the imposed sentence has been served. Pecuniary penalty may only be imposed on the income-earning juveniles. The amount of pecuniary penalty imposed on juveniles may range from one to fifty minimum monthly wages applicable in the Republic of Latvia (4,000 LVL (5,979 EUR)). A person who has committed a criminal offence before reaching the age of eighteen shall be treated as a non-convicted person after serving of the sentence.

421. The court may release a juvenile from the imposed sentence and apply the mandatory educational measures provided for in the law, taking into account the specific circumstances of the criminal offence and taking into account the culprit's personality mitigating his/her liability. The sentence is subject to enforcement, however, if a minor released from sentence fails to meet the obligations imposed by the court.

422. The available mandatory educational measures include referral of a juvenile to education and reformatory facility or social correction educative establishment - a comprehensive educational establishment carrying out the social or pedagogical correction curricula, provide receiving of educational or improvement of the quality thereof, and carrying out pedagogic work in respect of juvenile offenders. The work of the said education establishments is governed by the above-mentioned Law on Education including the above-stated sections concerning the rights and obligations of the pedagogue and the student.

### **C. Exploitation of children**

#### **1. Economic exploitation of children, including child labour (art. 32)**

423. The National Program for Preventing of the Trafficking in Human Beings 2004 - 2008 includes accession in 2006 to the Convention of the International Labour Organization Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

424. Concerning the legal employment relations, juveniles (persons under 18 years) are treated equally as adults, however, pursuant to the Labour Law in force as from 1 June 2002 and other legislation of Latvia, certain privileges are granted to them concerning the labour protection, working hours, leaves and other employment conditions.

425. Pursuant to Section 7 of the Labour Law providing for equality of employees in the Republic of Latvia, equality is ensured to children in their legal employment relations, regardless of their race, complexion, gender, age, religious, political or other beliefs, national or social origin, property or family status and other conditions.

426. The norms included in Section 37 of the Labour Law prohibit full-time employment of persons under 15 years or persons less than 18 years pursuing elementary education. The child may be employed on exceptional basis in culture, art, sports and advertisement events, provided that written consent of at least one parent (guardian) has been obtained and permission of the State Labour Inspectorate has been received, and provided that such employment does not harm the child's safety, health, morality and development, and that it does not prevent education of the child. The procedure for granting permissions to employment of the child in culture, art, sports

and advertisement events, and the applicable restrictions concerning the employment conditions and employment terms is determined by the CM. Children over 13 years may be employed, on exceptional extra-curricular basis for easy work not harmful to the child's safety, health, morality and development, subject to written consent of one parent (guardian). The permissible areas of employment of the children over 13 years are determined by the CM.

427. Section 37 of the Labour Law emphasizes the prohibition to employ adolescents, namely, persons at the age of 15 to 18 years, in special conditions involving increased risk to their safety, health, morality and development. The prohibited areas of employment of adolescents and the exceptions related to professional education of the adolescent are determined by the CM.

428. Section 37 of the Labour Law further provides that the employer is obliged to inform a parent (guardian) of the child/adolescent about the estimated risk of labour environment and labour protection measures at the given working place, prior to concluding employment agreement. Further, employment of persons less than 18 years is conditional upon prior medical examination and regular mandatory medical examination of such persons until they reach 18 years of age.

429. Section 132 of the Labour Law provides for yet shorter working hours in case of persons who have reached 13 years, stipulating that the maximum employment time of such persons is two hours per day and 10 hours per week during the academic year, and four hours per day and 20 days per week during the school holidays, respectively. In case of adolescents, i.e. persons at the age from 15 to 18 years, the maximum employment time is seven hours per day and 35 hours per week. Further, the Labour Law prohibits night-time and overtime employment and holiday employment of persons less than 18 years.

430. If the employer breaches provisions of the Labour Law concerning employment of children, the State Labour Inspectorate is entitled to impose administrative penalty in accordance with Section 41, Part One of the Administrative Offence Code. The said provision provides that the State Labour Inspectorate can impose pecuniary penalty for up to 250 LVL (374 EUR) on the employer/official for the breach of the Labour Law or the Labour Protection Law, or any other legal provision regulating the concerned matters.

## **2. Addiction to narcotic and psychotropic substances (art. 33)**

431. For more information on the number of children addicted to psychoactive substances, see paragraphs 307, 309, Section Health and Welfare, Sub-section Health and Health Services.

432. For more information on the planning of long-term policy designed to reduce smoking and the use and distribution of alcohol, narcotic and toxic substances, see paragraphs 13 - 15, Section General Measures for the Implementation of the Convention, subsection The Applicable Legislation.

433. For more information on the training of specialists to work with children addicted to alcohol, narcotic, psychotropic and other intoxicating substances, see paragraphs 48, 50, 52, Section General Measures for the Implementation of the Convention, subsection Institutional Structure for the Protection of the Rights of the Child.

434. With respect to the planned measures designed to ensure the improvement of the children's health through the elimination of distribution of alcoholism and addiction to drugs and other addictive substances, see paragraphs 288, 290, 291, Section Health and Welfare, subsection Health and Health Services.

435. For more information on the national programs designed to ensure social rehabilitation of the children addicted to narcotic, toxic or other intoxicating substances, see paragraph 312, Section Health and Welfare, subsection Social Security and Services for Children.

436. For more information on the criminal offences committed by juveniles under the influence of alcohol or drug intoxication, see paragraphs 395 - 399, Section Special Protection Measures, subsection Children in Conflict with the Law.

### **3. Sexual exploitation, child abduction, illegal trafficking (arts. 34 and 35)**

Concerning the Committee Recommendations No 47 and 48:

The Committee notes with concern that prostitution is rapidly spreading among minors and that the only rehabilitation programmes available are short term (Recommendation 47).

The Committee recommends that the State party implement the National Programme for the Prevention of Sexual Violence for 2000-2004, in particular its rehabilitation and reintegration aspects. Further, it recommends that the State party its scope and causes and to develop programmes for monitoring the problem and to prevent and combat it, taking into account the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children. In particular, it encourages the State party to prevent the criminalization and stigmatisation of the victims (Recommendation 48).

437. In May 2002, the Saeima amended Sections 154.<sup>1</sup> and 154.<sup>2</sup> of the Criminal Law to enable Latvia to accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Trans-national Organized Crime. The maximum punishment for trafficking in minor persons is 15 years of imprisonment.

438. While pursuing the accession to the European Union, the Republic of Latvia had to coordinate the legislation and to introduce the corresponding changes to provide an efficient, crime-commensurate mechanism of punishment to prevent commitment of crimes.

439. The legislation currently applicable in the Republic of Latvia meet the above requirements and ensure calling to criminal liability persons engaged in the trafficking in human beings or supporting their sexual exploitation, even with the consent of such persons. The legislation is efficient in particular concerning the involvement of minors in the commercial sexual industry. The amendments to legislation adopted in 2000 resulted in rapid decrease of the number of minors involved in prostitution and brought abroad.

440. According to the analytical information at the disposal of police, more than a hundred adult women go voluntarily to the European countries every month to engage in prostitution. The number of recruited minors has decreased rapidly because since the introduction of more severe sentences for the involvement of minors in prostitution both in Latvia and abroad the criminals do not take the risk of long-term sentences, while the recruiting and exploitation of adults on voluntary basis is subject to rather symbolic punishments in a number of countries.

441. Since the enactment of Section 165<sup>1</sup> of the Criminal Law (Sending a person to sexual exploitation) as from 15 June 2000, the State Police has initiated 32 criminal actions including three cases involving minors.<sup>31</sup>

442. In recent years the police has been successfully investigating new types of crime in a number of countries worldwide, such as sex tourism, for example. To this end, cooperation between the police of Sweden and of Latvia on investigation of two criminal cases in the two countries in 2000 can be mentioned as the first and very successful example of cooperation.<sup>32</sup>

443. In 2001 and 2002, two citizens of the USA were detained in Latvia for actions qualified as sex tourism in accordance with the Palermo Convention. One of these persons had been sentenced to 5 years of imprisonment, while the trial of another person is pending.

444. The total number of criminal cases initiated since 2000 pursuant to the Section 165<sup>1</sup> of the Criminal Law Sending of a person to sexual exploitation is 32, including 13 criminal cases in 2002. The recent court judgments show that the judges understand the severity of such crimes.

445. In November 2003 the CM approved the National Programme for the Prevention of Sexual Violence 2000-2004 drafted by the MoI. The Program included the following main courses of action and objectives:

- Bringing in compliance the legislation of the Republic of Latvia with the recommendations and requirements of UN, EU, EC, Europol and other international institutions dealing with the prevention of trafficking in human beings. The Program includes the list of legislative acts to be amended in order to achieve their conformity with the requirements of the international legal instruments in the area of prevention of trafficking in human beings;
- Informative analytical work, the task of law enforcement authorities to eliminate the effect of criminal processes: to detect and neutralize organized groups and criminal corporations, to bring actions against them and to ensure sentencing of their participants; to analyze and summarize the international experience in preventive work with the risk groups (children from orphanages, boarding schools, crisis centres, homes of various kinds) and to use such experience in the practical work. The Program sets forth specific actions to be taken by the ministries and the government authorities and the actions required to establish a coordinated system for combating trafficking in human beings;

- In the area of education - to ensure the information and education of public about the issues of trafficking in human beings. The Program envisages the development of training system for the officials of law enforcement authorities, education establishments and social workers about the issues of prevention of trafficking in human beings; to develop and introduce comprehensive educational and informative preventive education of the youth about the trafficking in human beings. The study project on prevention of trafficking in human beings shall commence in 2005 at the instruction of government institutions as a priority;
- Supporting services to the victims of trafficking in human beings (rehabilitation) - to ensure social integration of the victims of trafficking in human beings by means of inter-institutionally coordinated social support services. The intention is to establish a shelter for accommodation of the victims of trafficking in human beings after their return to Latvia. The Law on Social Services and Social Assistance shall govern the granting of funds required for social rehabilitation of the victims of trafficking in human beings.

446. Other actions have been taken in addition to the drafting of the above-stated National Program to prevent and combat the trafficking in human beings. In early 2003 the Vice Squad, for example, in cooperation with the IOM and the MW organized an information campaign on the main aspects of trafficking in human beings. The target audience of this campaign was the main risk group - the graduates of secondary schools. Such information campaign was organized also in cooperation with the Youth Centre of Latvia.

447. For information on abuse, including sexual abuse of children, see the Chapter Family Environment and Alternative Care, Section Abuse and Neglect of the Child, Social and Psychological Rehabilitation.

#### **D. Children belonging to national minorities or indigenous people (art. 30)**

448. Section 94 of the Satversme provides that deprivation or restriction of personal liberty may only take place in accordance with the law.

#### **Education**

Referring to the Committee Recommendations No 51 and 52:

The Committee notes with concern that the Education Law of 1998 foresees that, as of 2004, all State-funded schools will provide secondary education in Latvian only, while bilingual education will be available only until 9th grade. Further, it notes the slow pace of the National Programme for Integration of Society in Latvia, owing in particular to a lack of funding. (Recommendation 51).

The Committee encourages the State party to ensure that children belonging to minorities can also use their own language in secondary education, in accordance with articles 29 and 30 of the Convention. Further, it encourages the enforcement of the integration process, in particular at community level, and the provision of more information about the process. (Recommendation 52).



449. Pursuant to the Education Law, education at state and local government educational establishments is provided in Latvian, while education in other (minority) languages is available in private educational establishments as well as the state and local government educational establishments with special curricula.

450. The information provided by the MES shows that the number of educational establishments with Russian language of instruction has decreased in 2002/2003 academic year, compared to the previous two academic years. It may be explained by the overall demographic situation - the total number of school children is decreasing. The latter is also a reason for decrease in the number of educational establishments with Latvian language of instruction. The number of other minority schools remains unchanged. The number of students in the Polish, Ukrainian, Belorussian, Lithuanian and Hebrew schools has slightly increased in 2002/2003 academic year. Also, the number of students in Roma classes has increased from 155 in 2001/2002 academic year to 178 in 2002/2003 academic year.

451. Education is provided in Latvian at one Polish school (377 students), one Lithuanian school (182 students), one Estonian school (132 students) and to 178 Roma students. Education is provided in Russian at two Hebrew schools (to 377 students).

**Table 31**

**The number of educational establishments and students with minority language<sup>33</sup>**

Schools by language of instruction	2000/2001 academic year		2001/2002 academic year		2002/2003 academic year	
	Educational establishments	Students	Educational establishments	Students	Educational establishments	Students
Russian	177	96 053	173	89 874	164	83 432
Polish	6	1 272	6	1 319	6	1 380
Ukrainian	1	302	1	306	1	307
Belorussian	1	64	1	68	1	87
Lithuanian	1	116	1	145	1	182
Estonian school	1	119	1	131	1	132
Hebrew	2	326	2	355	2	377
Roma classes		132		155		178

452. On 5 February 2004 the Saeima amended the Education Law providing that “from 1 September 2004, education at the state and local government comprehensive secondary education establishments implementing the minority curricula shall provide education in the official state language, starting from the 9th grade, in accordance with the state standard of comprehensive secondary education; education at the state and municipal professional education establishments shall be provided in the official state language, starting from the first year, in accordance with the state standard of vocational education or the state standard of professional secondary education. The state standard of comprehensive secondary education, the state standard of vocational education and the state standard of professional secondary education provides that learning of the education contents is provided in the official state language to the extent of at least three fifths of the total curricular load including foreign language lessons; it provides education of the contents related to the language, identity and culture of the national minority in the minority language.”

453. The education reform as a whole, designed to teach 60% of disciplines at the secondary schools for national minorities in the official language and 40% of disciplines in the minority language, complies with the international standards. It should be taken into account that the international standards of human rights concerning the minorities only set forth the minimum to be complied with by the State parties; also, concerning education, no detailed answer is given as to whether children belonging to minorities are entitled to receive education in their own language or to learn their own language. For example, Section 1 of the OSCE Hague recommendations of 1996 provides: “the rights of persons belonging to national minorities to maintain their identity can only be fully realized if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language”.

454. A number of international human right experts have acknowledged that the education reform complies with the international standards. For example, Rolf Ekeus, the High Commissioner on National Minorities, acknowledged during his visit in spring 2003 that the reform complies with the international standards of protection of the rights of minorities.

455. Also, the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy of the European Parliament noted in its draft report of 15 January 2004 On the comprehensive monitoring report of the European Commission on the state of preparedness for EU membership of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia noted that “the legislation on citizenship, language and education complies with the international standards”. Active work is currently taking place to clarify the essence of the education reform and to develop a dialogue between all parties concerned.

456. The National Program Social Integration in Latvia developed in 2001 defines the following objectives of education:

- To ensure acquisition of Latvian language knowledge to the extent providing free communication in Latvian by all inhabitants of Latvia, and the young generation in particular;
- To develop the education system as the main instrument for the formation of values of civic society, tolerance and political culture of the young generation;
- To ensure the development and implementation of the minority education programs corresponding with the above-listed objectives and concurrently facilitating the maintenance of identity of the national minorities and their integration into the society of Latvia.

457. The Program offers the following courses of action for achievement of the above objectives:

- Development of national minority education programs. The national minority program should include the development of optional curriculum related to the learning of culture, history, traditions and language of the respective national minority. This part of curricula can take the form of either individual disciplines or

integrated inter-disciplinary topics, and the applicable statutory documentation should be developed for this part of the education contents. Other possibilities of the education programs, such as education at Sunday schools, for example, should find wider application;

- Inter-culture education. Implementation of both the national minority education programs and any other comprehensive education programs should take into account the inter-culture education, and the learning process should emphasize the context of Latvia, the values of civic society and democratic communication. The education programs should both cover different opinions and reflect the reality of the modern society of Latvia in its entire complexity;
- Conceptual and contentual development of civic education program. Summarizing of the experience of the most active schools and pedagogues to develop the civic education norms acceptable to the modern society; promotion of the participation of children and youth in the identification and solution of problems at the school, local government and the whole society;
- Ensuring participation of the national minorities. Promoting participation of national minorities in the development and improvement of curricula to facilitate the development of democratic self-governance structures at schools. Developing the skills of representative democracy within the scope of civic education, and reaching the agreement on formalized participation if necessary.

#### **The right to maintain the person's own culture**

458. The dialogue between different national cultures is promoted in Latvia - minority culture events take place on a regular basis with participation of both children and adults:

- The international folklore festival Baltica is the largest event in the area of traditional culture. The festival covers all Baltic States, and its target audience includes representatives of all generations and different nations. The purpose of the festival is to introduce the inhabitants of Latvia with the traditional Latvian culture as well as the culture values of other nations. Therefore, a dialogue between cultures of different nations, formation of mutual tolerance and cooperation, as essential factors to development of the integration process in Latvia is being promoted;
- The international folk dance festival Sudmalīgas is listed in the official calendar of the Council for the International Folklore Festivals and Traditional Arts (CIFFTA), and it has been highly appreciated by the international society. The festival reflects not only the peculiarities of traditional dance of different nations but also their modern expressions. This festival is also aimed at the formation of cultural dialogue, promotion of more active involvement of national minorities in the amateur activities and the cultural life of Latvia as a whole. The festival also contributes to the understanding by Latvians of the cultural values of other national minorities in Latvia;

- Daugavpils International Mask Festival. Until present, the festival in Daugavpils has been organized with the emphasis of the local traditions Aizgavēnis (Metēņi) and Masļeņica. Now, there is the intention to expand the activities of the festival through cooperation with other regions of Latvia and foreign countries. Daugavpils is an ideal location for embodying and continuation of the mask procession tradition, due to its versatile national composition (34 represented nations) since these traditions are common to and celebrated by a number of nationalities represented in Daugavpils. The festival is directed to the identification of the basic traditions (development of methodical material, seminar, preparation to competition), improvement of traditions and their tailoring to the present culture situation. The Festival is going to join the CIFFTA organization. Therefore, the representatives of the CIFFTA shall be invited to the festival in the status of observers to assess the compliance of the festival with the CIFFTA requirements (a festival lasting three days, with participation with at least four or five foreign groups; organizers of the festival bear the accommodation costs of the guest groups except their travelling expenses);
- The traditional Festival of Singing is a complex event. It includes the development of methodical material, organization of training and the actual fest. It provides more wholesome understanding of the typical manner of traditional songs and the principles of sound development in various regions of Latvia, as well as it ensures collection of culture historical information about maintenance of traditions. Identification and preservation of the traditional manner of singing is improved at the ethnographic ensembles and the quality of reproduction thereof by the folklore clusters. The traditional singing and therefore the entire traditional culture finds more appreciation in the modern society as well. The invited foreign performers, groups and specialists provide comparative insight into the singing traditions of other countries, thus providing valuable information to other participants of the festival and to the visitors.

459. At present, about 150 national minority culture societies are operating in Latvia. Their activities also involve children.

460. Regular support is provided to the performance of Riga Theatre of Russian Drama, Daugavpils Theatre and the Russian troupe of the State Puppet Theatre. About 25% of the total state donation allocated from the overall income to theatres is annually used for this purpose. In line with the theatres receiving regular support from the state budget, there are also operating independent private theatres and theatre groups staging their shows in Russian, such as the Russian Youth Theatre, for example. Such theatres and troupes are entitled and have access to funding from the state funds. Drama societies are operating at the national minority schools, and the school theatre festival The Russian Classics is taking place every year with the financial support of the Culture Capital Fund.

461. Traditionally, the libraries in Latvia have been including the books and other editions in the languages of national minorities in Latvia into their stock. The historical development has led to the situation where the prevailing net weight has been represented, in line with the literature published in Latvian, by the editions in Russian, and at present they amount to 40-45% of the total library stock. Libraries in the areas bordering in Lithuania provide wider range of books in Lithuanian, in those bordering in Estonia - in Estonian, and the regions bordering in

Russia - in Russian. The inhabitants of Riga have access to the editions in different languages at the specialized public libraries - the Library of Foreign Literature, the Library of Nordic Literature. The books in Modern Hebrew are concentrated in the Library of Riga Community of Hebrews, and the books in other languages (English, French, German, Swedish, Danish) represent about 10% of the total library stock.

### **Freedom of religion**

462. As mentioned earlier in the Report, the Law on Religious Organizations guarantees the freedom of religious beliefs as well as the right of parents to bring up their children in accordance with their own religious beliefs.

463. Pursuant to the Law on Religious Organizations, religious teaching typical to the concerned national minority may be provided at the state and local government national minority schools in accordance with the procedure determined by the MES, at discretion of the students and their parents/guardians.

### **Notes**

<sup>1</sup> Exchange rate of the Bank of Latvia on 22 March 2004 1 EUR=0.669 LS.

<sup>2</sup> The Working Group chose the title Public Advocate for the future Ombudsperson-type institution in Latvia.

<sup>3</sup> For definition of the term “juvenile”, see Paragraph 64, Section “Definition of the Child”.

<sup>4</sup> *Source*: CSD.

<sup>5</sup> *Source*: CSD.

<sup>6</sup> *Source*: CSD.

<sup>7</sup> *Source*: MES.

<sup>8</sup> *Source*: MES.

<sup>9</sup> *Source*: CSD.

<sup>10</sup> *Source*: CSD.

<sup>11</sup> *Source*: CSD.

<sup>12</sup> *Source*: CSD.

<sup>13</sup> *Source*: SMSACFA.

<sup>14</sup> *Source*: MW.

<sup>15</sup> *Source:* MES.

<sup>16</sup> *Source:* Public Health Agency.

<sup>17</sup> *Source:* Health Statistics and Medicine Technologies Agency.

<sup>18</sup> *Source:* Health Statistics and Medicine Technologies Agency.

<sup>19</sup> *Source:* CSD.

<sup>20</sup> *Source of data:* Health Statistics and Medicine Technologies Agency.

<sup>21</sup> The rate of the Bank of Latvia on 22 March 2004 1 EUR=0.669 LVL.

<sup>22</sup> The rate of the Bank of Latvia on 22 March 2004 1 EUR=0.669 LVL.

<sup>23</sup> The rate of the Bank of Latvia on 22 March 2004 1 EUR=0.669 LVL.

<sup>24</sup> *Source:* CSD, research of household budget.

<sup>25</sup> Rate of the Bank of Latvia on 22 March 2004 1 EUR=0.669 LVL.

<sup>26</sup> MES data as of 15.09.2003.

<sup>27</sup> MES data as of 15.09.2003.

<sup>28</sup> *Source of data:* Ministry of Education and Science.

<sup>29</sup> *Source:* CSD.

<sup>30</sup> *Source:* CSD.

<sup>31</sup> In March 2001, the officers of the Vice Squad brought a criminal action for sending of people for the purpose of sexual exploitation, and detained in Riga a criminal group of five persons engaged in supply of false documents to and sending of young women, including minor, to Germany. All except one detained person had been previously convicted. In this case, the Police managed to prevent the supply with falsified documents to and sending of two minor girls (12 and 15 years old) to Germany for work in brothels. It was established that prior to the given episode the same group of persons had sent to Germany a group of women including a 17 years old girl. The court sentenced the culprits to 8 and 13 years of imprisonment, respectively.

<sup>32</sup> In May 2000 a national of Sweden was detained in Sweden as a suspect for sexual exploitation of children, and an amateur video shot in 1998 was found in his house. The Swedish policemen who were investigating the contents of the videotape identified two nationals of Sweden who were taking profligate actions to two boys, 10 to 14 years old, in an unidentified flat in Riga together with once citizen of Latvia and one adolescent. Since the detained person

refused to identify the two nationals of Latvia seen on the video, the police of Sweden applied for assistance to the law enforcement authorities of Latvia and provided them with a copy of the said videotape. The officers of the Vice Squad of Drug Combating Office identified most of the residents of Latvia seen on the tape, detained the adult citizen of Latvia charging him for profligate actions against minors and involvement of minors in the screening of pornographic material. Video copies of the testimonies of both the sexually abused children, the adolescent and the adult were given at disposal of the police of Sweden. All the culprits were sentenced to imprisonment, in particular, Latvian culprit was sentenced in Latvia to 8 years of imprisonment.

<sup>33</sup> *Source:* MES.

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