



**Meeting of the States Parties  
to the Convention on the  
Rights of the Child**

Distr.: General  
23 May 2006  
English  
Original: French

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-second session

SUMMARY RECORD OF THE 1126th (CHAMBER A) MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 16 May 2006, at 3 p.m

Chairperson: Mr. DOEK

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Second periodic report of Latvia

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*The meeting was called to order at 3.05 p.m.*

CONSIDERATION OF REPORTS OF STATE PARTIES (item 4 of the agenda)  
(*continued*)

Second periodic report of Latvia (CR/C/11/Add.22; core document (HRI/CORE/1/Add.123); list of issues (CRC/C/LVA/Q/2); replies to the list of issues (CRC/C/LVA/Q/2/Add.1))

1. *At the invitation of the Chairperson, the delegation of Latvia took places at the Committee table.*

2. Mr. KARKLINS (Latvia) said that he was anxious to put things back in perspective. The European Union was often described as a club of rich countries, but in fact Latvia was its poorest member country. According to the World Bank, Latvia was one of the countries with the highest intermediate income, which meant that it was often denied access to overseas development assistance. In fact, it was gradually becoming a donor country.

3. Gross domestic product (GDP) per capita had stood at 34 per cent of the European average in 2000 and 42 per cent in 2003; estimates put it at 62 per cent for 2010 and 100 per cent for 2020-2025, attesting to the country's dynamic economy. The average growth in recent years had been close to two digits, even without the substantial contribution of the grey economy.

4. The very considerable under-the-table practice of the 1990s was now declining as mentalities had changed. In order to fight abuses, the Government had introduced incentive measures – including flat-rate income tax, currently at 25 per cent, which should drop to 15 per cent as of 2007 – and tied the payment of social benefits to declared income.

5. Mr. KRAPPMANN (Country Rapporteur) announced that the Committee was highly appreciative of the development of the State party's economy and the improved financial situation of households and that its observations had also been based on official statistics from Government sources.

6. Ms. REINE (Latvia) said that, with regard to the organization of Latvia's institutional and legislative framework, the juvenile courts or district courts were institutions made up not only of jurists, but also of persons trained in psychology, education or medicine and qualified to interview children. Those courts had been created specifically to monitor respect for the best interests of the child; they studied each child's particular situation and ruled, for instance, on the need to take the child away from his/her family and were consulted, should the need arise, by the competent public bodies with a view to applying certain measures.

7. The term "administrative offences" (governed by the Code of Administrative Procedure), referred to minor offences without any major consequences, generally punished by a fine, educational penalties and so on. The related penalties were decided by special administrative bodies or under civil procedures. The administrative tribunals were competent to hear administrative disputes between State and citizens.

8. Before its submission to the Committee, the report had been published on various Internet sites in order to encourage discussion. The Office of the Deputy Minister responsible for special activities relating to children and family affairs had

also held consultations with non-governmental organizations working on behalf of children and had established bilateral contacts with the competent independent institutions. Given that Latvia had a policy of publicizing all documents transmitted to the Government as drafts, it was always possible for counter-reports to be submitted. Various consultation, financial support and monitoring programmes also enabled the Government to cooperate and communicate with non-governmental organizations (NGOs).

9. With Latvia's recovery of its independence in 1990 it had had to face the problem of former Soviet citizens on its territory. It had therefore granted them "non-citizen" status, under the Citizenship Act. Non-citizens could not invoke the 1954 Convention relating to the Status of Stateless Persons, especially since their status would gradually disappear, as recently confirmed by a ruling of the Constitutional Court. Nevertheless, they enjoyed most of the civil and political rights accorded to Latvians, including diplomatic protection and all of their social rights. Their political rights, concerning only adults, were somewhat different from those of Latvian citizens.

10. The Latvian authorities were continuing to make every effort, particularly through education and awareness campaigns, to promote the naturalization of non-citizens and acquisition of Latvian citizenship by non-citizen children. A Commission had been set up within Parliament with special responsibility for naturalization procedures. Naturalization applications had trebled in number between 2004 and 2005; Latvia currently had the highest naturalization rate in the European Union.

11. At 16 a child could apply independently for Latvian nationality. If the child had been brought up in Latvia, he/she could be exempted from the language test and secure reductions on naturalization charges and fees. Since 1995 most naturalization requests had come from the over-40 age group.

12. The CHAIRPERSON said he would like further information on the obligation imposed on a foreign child born of the marriage of a Latvian national and a foreigner to be in possession of a residence permit, on a child's automatic eligibility for Latvian nationality as a result of a non-citizen parent's naturalization, on the March 2006 amendment to the Citizenship Act and on the importance of the Latvian language test in the granting of nationality.

13. Ms. REINE (Latvia) explained that, following a protracted political debate, the Latvian authorities had decided to do their utmost to prevent an increase in the number of non-citizens and to encourage parents to naturalize their children. It was currently recommended that children of a non-citizen and a foreign parent should acquire either the foreign nationality or Latvian nationality on the basis of their parents' naturalization. Also, parents wishing to acquire Latvian nationality while their children were still minors could apply for the children's naturalization simultaneously with their own.

14. Inspectors from the Ministry of Social Affairs and the Latvian National Human Rights Office monitored placement. Inspectors of the competent national bodies had the right to conduct investigations, visit establishments and interview children in private. The Ministry and the Office also participated in the framing of policies and laws for consideration by Parliament or the Government and could, if necessary, have recourse to the Constitutional Court.

15. Judges received regular human rights training. The Judiciary Training Centre included an advisory commission responsible for training programmes that regularly pointed up judges' training needs as legislation, procedures and practices evolved. Judges were also brought up to date on the conditions in which detention should apply, non-detention measures, and the treatment to be meted out to minors. Unfortunately Latvia's budgetary resources prevented it from employing a children's ombudsman or special investigating magistrates. The Judiciary Training Centre was also concerned with practical enforcement of the law and worked with NGOs to that end. The latest study had dealt with divorce and maintenance payments. Reporting to the United Nations, as an instrument of follow-up and self-criticism, also contributed enormously to more advances in thinking and the law.

16. The Latvian Government endeavoured to protect children against all forms of violence connected with the Internet, be it pornography, racial discrimination, drug use or any other. Persons who allowed children access to that type of information were punishable, and preventive measures were applied. For instance, local Governments had promulgated special legislation prohibiting school-age children from frequenting Internet cafés or similar establishments during school hours. Chat sites were now systematically monitored by a moderator who oversaw the chats and deleted any offensive or illegal material. The Government was currently introducing a legal provision on the obligation to report any deviant behaviour observed.

17. Latvia had ratified International Labour Organization (ILO) Convention No. 138 on the minimum age for admission to employment, but not so far the European Charter for Regional or Minority Languages, having preferred to ratify the Framework Convention for the Protection of National Minorities.

18. Young people in conflict with the law naturally received special treatment regarding criminal procedures and sentences. Hence, they could not be placed in pretrial detention and the maximum period of detention to which they could be sentenced was six months, non-renewable, for serious crimes and 12 months for very serious crimes, which could be extended for up to three additional months in exceptional circumstances.

19. There were no detention centres for female minors, who were kept in a separate section of the country's only women's prison, where they did not share in any of the other detainees' activities. Cases of minors placed in pretrial detention with adults had been reported in 1999, but none had since occurred.

20. Data was collected by the Central Statistical Bureau of Latvia. The Ministry analysed the statistics in order to draw up reports and evaluate the programmes' efficiency. With regard to the education of minorities, 65 per cent of children were registered as Latvian and 33 per cent as Russian, followed by children of the Belarusian, Ukrainian and Polish minorities. More than two thirds of pupils chose Latvian as the language of instruction, less than one third Russian, and a small number Polish, Belarusian or Ukrainian.

21. On the subject of families evicted from their homes, it should be pointed out that tenants who found it difficult to pay their rent could seek housing assistance from the State. Only tenants three months in arrears with their rent could be evicted. Over 2,000 social housing units had been allocated in 2005. In the event that a tenant deemed a rent increase to be excessive, the dispute was decided by a judge.

22. Mr. SIDDIQUI pointed out that, on the one hand, the Latvian Government provided measures to assist the poor but, on the other, applied macroeconomic policies that in fact created poverty.

23. Ms. REINE (Latvia) said that her Government's employment policy aimed to protect employees, in particular by combating undeclared labour, since persons who agreed to be paid in cash in order to avoid paying taxes could be refused social assistance when they fell ill or lost their jobs. There were programmes that enabled the unemployed to refresh their training and acquire new skills. The unemployment rate had dropped from 10.7 per cent to 8.4 per cent in the past few years. Unemployment was highest among the elderly population. Young people usually did not have problems finding work.

24. Latvia had only 5 private schools to some 1,000 public schools. Although private schools were better equipped, a study had shown that the quality of instruction was superior in public schools, which meant that income level did not influence the quality of education.

25. Mr. KRAPPMANN requested further details on the target of devoting 7 per cent of GDP to education and on the real cost of schooling. According to a World Bank study, some payment was demanded for primary education, which was supposed to be free. The cost of purchasing textbooks and school equipment was in fact quite high. The delegation could perhaps offer some clarification on school attendance, since the figures supplied by certain NGOs differed from the official figures. He would also like to know whether there were measures for helping children starting education in Latvia to receive secondary education.

26. Ms. SNEIBE (Latvia) said that as part of the reform of the education system minority population groups could receive part of their instruction in their mother tongue. Children who experienced problems at school and did not attain the level required for award of a secondary school-leaving certificate were taught in small groups in order to revise the subjects with which they had most difficulty.

27. Ms. REINE (Latvia) said that the target of the 7 per cent of GDP devoted to education remained unchanged but that the priority assigned to other areas, such as health, explained why the country had lagged behind in that area. The fact that children did not attend school did not necessarily mean that they were not taught, since Latvian legislation permitted home education. According to Eurostat statistics, Latvia had a particularly high attendance rate.

28. The 1997 secondary education reform had not yet been completed. About 40 per cent of subjects were still taught in Russian, and Russian-speaking children received special assistance. A special working group had been set up by the Ministry of Education to monitor the progress of the reform. The Constitutional Court had found the reform to have been conducted thus far in line with international standards. An evaluation of examination results had shown that pupils' levels of knowledge had not dropped. That part of the reform was concerned only with educational establishments with Russian as the sole language of instruction.

29. Pursuant to a recommendation of the European Committee for the Prevention of Torture, the criminal procedure had been amended so that any person placed in detention, including children, could have access to a lawyer from the moment of arrest. A brochure for persons arrested had been prepared in order to inform them of their rights.

30. The distinction made in the statistics on minors charged with a criminal offence, as set out in tables 59 to 61 of the written replies, between those who were not tried, those exempted from criminal responsibility and those sentenced, was due to the fact that the competent judge could, even when a charge had been brought, decide to dismiss the charge or suspend the procedure and request a further inquiry. If the charges were upheld, a written indictment was sent to the court and the minor was put on trial. The annual variations shown in the tables occurred because cases not tried in a given year were entered under the following year. In the same tables, the obligatory correctional measures corresponded to certain measures decided on by the courts (warnings, parents' guarantee, fine, obligation to work in reparation of the act committed, apologies to the victim, community service, or detention in an education centre). Medical measures could also be ordered, for instance in the case of minors addicted to drugs or alcohol.

31. The CHAIRPERSON said that the figures suggested that the procedure between the minor's arrest and trial was quite protracted, and asked for more details.

32. Mr. KOTRANE said that he was distressed that the number of minors committed for trial was on the increase. He welcomed the news that the number of offences committed by minors under the influence of drugs had fallen by nearly 50 per cent, but noted that the number committed under the influence of alcohol had risen and that someone of any age could purchase alcohol. He would like to know whether alcohol sales were regulated and whether the NGOs were involved in the work of social rehabilitation of young offenders.

33. Ms. REINE (Latvia) said that her country had recently set the minimum age for alcohol consumption at 18. The authorities were considering the possibility of making parents who authorized their children to purchase alcohol criminally responsible. Persons providing minors with alcohol were criminally responsible and could be imprisoned. The increase in the number of offences was partly due to improvement in the method used for collecting crime statistics.

34. The Latvian authorities had introduced a system of simplified procedure for cases of minor infractions, in which the person acknowledged his or her guilt, in order to reduce the time between a minor's the arrest and trial. Such cases were heard by prosecutors and were punished by fines, apologies or community service. The authorities also paid a great deal of attention to the system, which would lighten the judges' workload and allow them to devote themselves to more serious cases. However, time was needed for assessing its effectiveness.

35. The statistics showed that there were fewer than 10 refugee children in Latvia, all accompanied by family members. It was therefore unnecessary for the time being to create a guardianship system as there were no unaccompanied child asylum-seekers.

*The meeting was suspended at 4.47p.m. and resumed at 4.52 p.m.*

36. Ms. LIEPA (Latvia) said that the juvenile or district courts thoroughly investigated nationals wishing to adopt a child. The file was then transmitted to the Ministry for Children and Family Affairs, which kept a register of children available for adoption. The child was placed in his/her future adoptive family for six months, at the end of which the court, basing its decision on the child's interests and the quality of the relationship with his/her parents, took a final decision on the adoption.

37. Foreigners wishing to adopt had to apply directly to the Ministry for Children and Family Affairs. The investigation was conducted not by the local courts, but by the institutions in their country of origin.

38. Foster families caring for children with disabilities benefited from specialized training programmes. Adoptive families, like foster families, could apply for free psychological assistance.

39. Ms. ORTIZ asked whether the adoption procedures comprised a competent institution responsible for declaring children suitable for adoption on the basis of their personal situations. She would also like to know whether, in accordance with the principle of subsidiarity of intercountry adoption, children were put up for intercountry adoption only when all measures to enable them to remain in their families or find suitable foster families in Latvia had failed, and what measures the State party was taking to promote national adoption. She would also like to know whether the intercountry adoption procedure was longer than that for national adoption.

40. Ms. LIEPA (Latvia) said that when circumstances so permitted everything was done to ensure that children temporarily placed in a family or establishment could return home and grow up with their biological families and that those for whom that was impossible were put up for adoption once the orphans' court had declared them suitable. However, the number of children suitable for adoption was higher than the number of persons wishing to adopt, and couples were often reluctant to adopt children over 10 years of age. Also, since 2001, suitable children had been put up for national adoption as a matter of priority, which explained why the number of national adoptions had increased fivefold between 2001 and 2003.

41. The intercountry adoption procedure was not longer *per se* than that for national adoption, but foreign prospective adopters of an infant had to wait for a candidate to appear, which was rare, because infants were usually adopted by Latvian families.

42. Street children benefited from rehabilitation programmes run by the local authorities and consisting mainly of play areas, day centres offering activities, youth hostels and other creative workshops and were taken care of in large cities by special educators. A new regulation banned eviction of a family with children unless provision was made for rehousing them.

43. Mr. KOTRANE asked what measures the State party had taken in recent times to combat human trafficking for purposes of sexual exploitation and prostitution and what was the minimum age of consent to sexual relations.

44. Ms. REINE (Latvia) said that 18 was the age of consent to sexual relations. On the subject of child prostitution and pornography involving children, in 2002 Latvia had brought its domestic legislation, particularly its Criminal Code, into line with international norms. Such crimes were rare, with two cases in 2003 and only one in 2004. In that area, the Government was cooperating with INTERPOL and the International Organization for Migration (IOM) and had set up a nationwide monitoring system for its prevention. Minors were now prohibited to leave the territory without the express authorization of one of their parents or, where necessary, of their legal representative or the person exercising authority over them.

45. In 2004 some dozen projects had been carried out to equip crèches and primary and secondary schools for children with disabilities, and the Ministry for Children and Family Affairs had plans to create new centres for children with special needs with a view to their reintegration into society.

46. Ms. DOMPALMA (Latvia) said that, while Latvia's infant mortality rate was the highest in the European Union, the figures showed an improvement in the situation, proving that the awareness campaigns were bearing fruit. Pregnant women were encouraged to stop smoking, their husbands not to expose them to passive smoking, and obstetricians to conduct regular genetic tests from the very first suspect symptoms. The satisfactory results were doubtless also linked to the success of the "baby-friendly hospitals", which were designed to help bring down the infant mortality rate. There were also prevention campaigns to prevent domestic accidents and traffic accidents involving children. Doctors also kept registers of children's injuries and recorded all circumstances surrounding the accident and a description of the injuries.

47. In 2005 four new cases of HIV/AIDS among the 0-17 age group had been reported. Countrywide information campaigns were being carried out; young people could also obtain free condoms and had access to free HIV and Hepatitis B and C screening.

48. There had been 21 reported child suicides in Latvia in 2005. The authorities had set up a training programme to enable teachers to detect in their pupils the early symptoms of depression and anorexia nervosa, which could lead to an irreversible act, and to steer them promptly towards professional care. Crisis units were being established in schools in the event of the suicide of a pupil; as a general rule, school psychologists attended pupils who needed to consult them.

49. The increase in the number of malignant tumours was partly due to improved detection.

50. Ms. ORTIZ asked what measures the State party had taken or intended to take to guarantee follow-up of complaints of ill-treatment, sexual abuse or other types of violence filed by minors placed in institutions.

51. Ms. LIEPA (Latvia) said that children in institutions who wished to make a complaint could use the telephone hotline, approach the inspectors who regularly visited the establishments, appeal to the orphans' court or go directly to the police station. Should they fear reprisals, they could report the practices from which they were suffering by anonymously filling out the form that the inspectors distributed on each of their monthly visits to the institution concerned. It was, in fact, by that procedure that two cases had taken to court, resulting in the suspension of two professionals.

52. A pilot project was under way in a social establishment for children, which aimed at establishing a family-like environment in that type of institution. According to the results obtained, the project might be extended to all regions of the country.

53. Mr. KRAPPMANN applauded the fruitful dialogue with the State party delegation, which had given the Committee a better idea of the situation of children in Latvia. Convinced of the State party's genuine desire to implement the Convention, he encouraged it to disseminate as widely as possible the concluding

observations and the recommendations relating to consideration of the second periodic report, which would be submitted to the Latvian mission on the last day of the current session.

54. Mr. KARKLINS (Latvia) assured Committee members that every attention would be given to the Committee's concluding observations and recommendations, stressing that Latvia greatly appreciated the Committee's working methods and the fact that its website afforded State parties access to a great deal of information and enabled them better to prepare for consideration of their reports. He also commended the Committee's leadership role in treaty-body reform.

*The meeting rose at 6.05 p.m.*