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EUROPEAN SOCIAL CHARTER

6th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF LATVIA

(Articles 8, 16 and 17
for the period 01/01/2005 – 31/12/2009)

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MINISTRY OF WELFARE
OF THE REPUBLIC OF LATVIA

Sixth Report
on the implementation of the
European Social Charter
(Article 8, Article 16 and Article 17)

Riga

October 2010

ARTICLE 8: THE RIGHT OF EMPLOYED WOMEN TO PROTECTION

ARTICLE 8 PARA. 1

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

to provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after childbirth up to a total of at least 12 weeks;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Paragraph one of the Article 154 of the Labour Law provides that prenatal leave of 56 calendar days and maternity leave of 56 calendar days shall be summed and 112 calendar days granted irrespective of the number of days prenatal leave has been used prior to child-birth. Thereby the Labour Law guarantees the right of employed women to maternity leave of at least 16 weeks for all categories of employees.

In the Paragraph seven of the Article 37 of the Labour Law Paragraph two of the Article 8 of the Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) is transposed. Article 8 of this Directive provides that Member States of the European Union shall take the necessary measures to ensure that workers within the meaning of Article 2 are entitled to a continuous period of maternity leave of at least 14 weeks allocated before and/or after confinement in accordance with national legislation and/or practice. The maternity leave stipulated in the Paragraph 1 must include compulsory maternity leave of at least two weeks allocated before and/or after confinement in accordance with national legislation and/or practice.

Regarding a payment of the benefit during maternity leave and whether this benefit is paid in the form of paid leave - according to the Article 4 of the Law on the Maternity and Sickness Insurance and Articles 5 and 6 of the Law on State Social Insurance a person insured in accordance with the Law on State Social Insurance shall be entitled to maternity benefit.

Persons as follows (before and after confinement) are entitled to receive maternity benefit:

- an employee;
- a self-employed person, who has paid social insurance contributions;
- a spouse of a self-employed person, who has voluntarily joined social insurance scheme (in accordance with the Law On the State Social Insurance).

A maternity benefit shall be granted and disbursed for the entire period of maternity leave if the woman is absent from work and thereby loses income to be gained from paid work or if a self-employed woman loses income. Maternity benefit is paid in two parts – before and after confinement.

In accordance with the Law on Maternity and Sickness Insurance maternity benefit can also be granted for the entire period of childcare to the father of a child or to another person who actually takes care of the child, but not longer than up to the 70th day of the child's life in the following cases:

1) mother of the child has died during childbirth or during the time period up to the 42nd day of the period following childbirth; or

2) mother has relinquished the care and raising of the child in accordance with the procedures specified by regulatory enactments.

If the mother cannot care for the child during the time period up to the 42nd day of the period following childbirth due to sickness, injury or other health-related reasons, the father or another person who actually takes care of the child at home shall be granted a maternity benefit for the days when the mother was unable to take care for the child.

If pregnancy-related medical care was commenced at a medical prophylactic institution up to the 12th week of pregnancy and was continued during the entire period of pregnancy a benefit for a 14-day-long additional leave shall be added to the maternity leave, and thereby the benefit shall be granted for total of 70 calendar days.

A benefit for a 14-day-long additional leave shall be granted due to pregnancy or childbirth complications, or complications during the period following childbirth, as well as in cases where two or more children were born; such leave shall be added to maternity leave, and thereby the benefit shall be granted for the total of 70 calendar days.

A maternity benefit also shall be granted not less than for 112 calendar days for a woman who has had a premature delivery and therefore her pregnancy leave determined has been interrupted. In accordance with the Article 5 of the Law on Maternity and Sickness Insurance 14 day long additional leave shall be granted in this case.

In three above mentioned cases benefit during maternity leave is provided not more than for 140 days in total before and after confinement – all together 18 weeks.

For a woman who has been discharged from work due to the shut down of an institution, undertaking or organisation maternity benefit shall be granted in accordance with the general procedures if the entitlement to maternity leave has been set in not later than 210 days after the discharge from work.

When applying for the maternity benefit a person must submit:

- application for the benefit;
- medical certificate;
- confirmation of the employer, that during the incapacity for work period caused by pregnancy and labour, the person has not been working at the workplace (the self-employed persons confirms, that person is not gaining earnings during the period of incapacity for work).

Documents can be submitted to any local office of the State Social Insurance Agency (hereinafter – SSIA). That can be done by the applicant or by an authorised person. It is possible to mail the document to the SSIA as well. When applying for the benefit a personal ID document has to be presented.

Maternity benefit can be claimed within 12 months from the 1st day of the maternity leave. Decision for granting the maternity benefit must be made within 10 days after receiving all the necessary documents from the person.

Maternity benefit is allocated and paid in the amount of 100% (until 3 November 2010) from the average insurance contributions wages upon which contributions have been paid during 6 month, from January 2010 for 12 month period (for the self-employed also – 12 months).

Paternity benefit shall be granted and disbursed to a father of a child for ten calendar days of the leave granted due to the birth of the child. Claim for benefit, the birth certificate of the child (with an entry regarding the father of the child) and an employer certification regarding the father being on leave due to the birth of the child shall be the grounds for granting a paternity benefit. Paternity benefit shall be granted in the amount of 100% (until 3 November 2010) of the average insurance contributions wage of the benefit recipient. From January 2010 for 12 month period.

According to the Law on Maternity and Sickness Insurance starting from 3 November 2010 till 31 December 2012 maternity benefit and paternity benefit shall be granted in an amount of 80% of the average insurance contributions wages upon which contributions have been paid during previous 12 months, but not less than LVL 63 per month.

According to the Law on Maternity and Sickness Insurance during the period from 1 January 2010 till 31 December 2012 maternity and paternity benefits are disbursed in the following amounts:
1) if the amount of the granted benefit is not exceeding 11,51 LVL (included) per one calendar day – in the granted amount;
2) if the amount of the granted benefit exceeds 11,51 LVL per one calendar day — payable benefit is disbursed in the maximum amount of 11,51 LVL per one day and 50 % from the granted benefit, what exceeds the sum over 11,51 LVL for one calendar day.

Maternity benefit is allocated and paid in the amount of 100% from the average contribution wage to a person whose temporary incapacity for work due to maternity leave and confinement starts from 2 November 2010 and lasts without interruption after 3 November 2010.

Maternity benefit can be transferred to the beneficiary's bank account or postal accounts system (PNS).

Under the Article 31 of the Law on Maternity and Sickness Insurance average insurance contributions wage for a calculation of state social insurance benefit

(including maternity benefit) shall be identified from insurance contributions wage for period of twelve calendar months, terminating this period two calendar months before the month, when the case of insurance occurred. If during the aforementioned period the insured person is not registered as payer of the state social insurance contributions or he/she has not received the average insurance contributions wage due to leave without retention of work remuneration, the state social insurance benefit – in case of maternity or paternity benefit – shall be calculated for the amount of 70% of the state monthly average insurance contributions wage. If during the aforementioned period the insured person has not received the average insurance contributions wage due to temporary disability, pregnancy and childbirth, or childcare leave, then for the calculation of the state social insurance benefit average insurance contributions wage shall be identified from insurance contributions wage for period of previous twelve calendar months intending opportunity to step back and calculate the average insurance contributions wage for another period of one year from the day when the case of insurance occurred.

The average insurance contribution wage and the benefit amount are calculated in accordance with Regulation of Cabinet of Ministers No 270 of 28 July 1998 "Procedure of average insurance contribution wage calculation and the procedure of allocation, calculation and payment of the state social insurance benefits". According to the Regulation mentioned, the average insurance contributions wage for a calculation of maternity benefit to a person, who has obtained the insurance contributions wage during the twelve month period (stipulated by the Law on the Maternity and Sickness Insurance) shall be calculated according to formula:
Vd = (A1 + A2 ... + A12) : D, where
Vd – average insurance contributions wage per calendar day. Average insurance contributions wage per calendar day for calculation of maternity benefit shall not exceed 1/365 from the maximum annual amount of the state social insurance compulsory contributions, being effective on the day when the case of insurance occurred, (Paragraph four of the Article 31 of the Law on the Maternity and Sickness Insurance);
A1, A2... – insurance contributions wage payment sum, obtained during the period of twelve calendar months prescribed by the Article 31 of the Law on the Maternity and Sickness Insurance within respective calendar month;
D – number of calendar days during the twelve month period prescribed by the Law on the Maternity and Sickness Insurance.

If during the period of determination of average insurance contributions wage prescribed by the Article 31 of the Law on the Maternity and Sickness Insurance (twelve month period) a person was not registered as a payer of the state social insurance contributions or he/she has not received the average insurance contributions wage due to leave without retention of work remuneration, average insurance contributions wage per calendar day shall be calculated according to formula as follows:
Vd = Vvid x 0,7 x 12 : Dk, where
Vd – average insurance wage per calendar day;

Vvid – average insurance wage payment sum per month determined in the state, calculated from insurance wage payment in the state for twelve month period of calendar year, by end of this period one calendar year before the year, when the entitlement for benefit occurred;
Dk – number of calendar days during the twelve month period prescribed by the Law on the Maternity and Sickness Insurance.

Maternity benefit shall be calculated according to formula:
Pm = Vd x Dg, where
Pm – amount of maternity benefit;
Vd – average insurance payment wage per calendar day;
Dg – number of days for pregnancy and childbirth leave.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

No additional information.

3. Please provide pertinent figures, statistics or any other relevant information in order to demonstrate that the level of maternity benefit is adequate.

Table no.1

Maternity benefit

	2005	2006	2007	2008	2009	1st half of 2010
Average duration on 1 benefit recipients (in days)	106,51	105,59	103,66	100,07	102,64	89,35
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pregnancy leave	69,55	69,50	69,46	69,47	69,50	69,51
childbirth leave	61,07	61,01	60,61	57,69	58,10	59,88
The proportion of the number of maternity benefit recipients to the number of alive born children (per year)	74%	78%	84%	82%	79%	91%
Average age of maternity leave recipients (in years)	28,73	28,81	28,8	28,91	29,37	29,4
int.al.						
female	28,73	28,81	28,8	28,91	29,37	29,4
male	31	32	38	37	0	39
Replacement rate of maternity benefit to average insurance wage per day	100%	100%	100%	100%	100%	100%
Total expenditure for maternity benefit as % of GDP	0,16%	0,16%	0,17%	0,21%	0,26%	0,11%*

* Expenditure for maternity benefit as % of planned GDP for 2010

ARTICLE 8 PARA. 2

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

to consider it as unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave or to give her notice of dismissal at such a time that the notice would expire during such absence;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The Paragraph one of the Article 109 of the Labour Law stipulates that for an employer it is prohibited to give a notice of termination of an employment contract to a pregnant woman, as well as to a woman following the period after birth up to one year, but if a woman is breastfeeding – during the whole period of breastfeeding except in cases set out in the Article 101, Paragraph one, Clause 1 - the employee has without justified cause significantly violated the employment contract or the specified working procedures; Clause 2 - the employee, when performing work, has acted illegally and therefore has lost

the trust of the employer; Clause 3 - the employee, when performing work, has acted contrary to moral principles and such action is incompatible with the continuation of employment legal relationships Clause 4 - the employee, when performing work, is under the influence of alcohol, narcotic or toxic substances; Clause 5 the employee has grossly violated labour protection regulations and has jeopardised the safety and health of other persons and Clause 10 - the employer – legal person or partnership – is being liquidated. The employer does not have the right to give a notice of termination of an employment contract during a period when an employee is on a leave (the Paragraph three of the Article 109 of the Labour Law).

A woman who is on a pregnancy or maternity leave shall have ensured her previous work. If this is not possible, the employer shall ensure to the woman similar or equivalent work with not less favourable conditions and employment provisions (the Paragraph five of the Article 154 of the Labour Law).

The Chapter 29 of the Labour Law determines the protection of employees when employment legal relationships are terminated. An employee may bring an action in a court for the invalidation of a notice of the termination by an employer within a one-month period from the date of receipt of the notice of termination. In other cases, when the right of an employee to continue employment legal relationships has been violated, he/she may bring an action in court for reinstatement within a one-month period from the date of dismissal (Article 122 of the Labour Law).
If an employer as a result of justified cause has missed the time period for bringing an action specified in the Article 122, a court may renew such time period on the basis of an application by the employee.
The application regarding renewal of a missed time period shall state the causes as a result of which the time period was missed, and the application shall be accompanied by appropriate evidences. Concurrently with the submission of such application, an employee has a duty to bring in court also the action specified in the Article 122.
The application for the renewal of a missed time period for an action shall be submitted not later than within a two-week period from the day when the basis for the missed time period for an action has ended. Such application may not be submitted if more than one year has elapsed from the expiry of the missed time period for an action (Article 123 of the Labour Law).

If a notice of termination by an employer has no legal basis or the procedures prescribed for termination of an employment contract have been violated, such notice in accordance with a court judgment shall be declared invalid.
In accordance with a court judgment an employee, who has been dismissed from work on the basis of a notice of termination by an employer which has been declared invalid or also as otherwise violating the rights of the employee to continue employment legal relationships, shall be reinstated in his/her previous work (Article 124 of the Labour Law).

The employer has a duty to prove that a notice of termination of an employment contract has a legal basis and complies with the specified procedure for termination of an employment contract. In other cases when an

employee has brought an action in the court for the reinstatement in work, the employer has a duty to prove that, when dismissing the employee, he/she has not violated the right of the employee to continue employment legal relationships (Article 125 of the Labour Law).

In accordance with a court judgment an employee who has been dismissed illegally and reinstated in his/her previous work shall be paid average earnings for the whole period of forced absence from work. Compensation for the whole period of forced absence from work shall also be paid in cases when a court, although there exists a basis for the reinstatement of an employee in his/her previous work, at the request of the employee terminates employment legal relationships by a court judgment.
In accordance with a court judgment an employee who has been transferred illegally to other lower paid work and afterwards reinstated in his/her previous position shall be paid the difference in average earnings for the period when he/she performed work at lower pay (Article 126 of the Labour Law).

A court at the request of an employee may determine that a court judgment, which provides for the reinstatement of an employee in work and for recovery of average earnings for the whole period of forced absence from work, shall be executed without delay. If an employer has delayed the execution of a judgment referred to in the Paragraph one of this Article, the employee shall be paid average earnings for the whole period of delay from the date of proclamation of the judgment until the day of its execution (Article 127 of the Labour Law).

If the prohibition against differential treatment and the prohibition against causing adverse consequences is violated, an employee in addition to other rights specified in this Law, has the right to request compensation for losses and compensation for moral harm. In case of dispute, a court at its own discretion shall determine the compensation for moral harm (Paragraph eight of the Article 29 of the Labour Law).

According to the Article 1779 of the Civil law everyone has a duty to compensate for losses they have caused through their acts or failure to act.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In compliance with the Paragraph one of the Article 3 of the State Labour Inspectorate Law the function of the State Labour Inspection (hereinafter – SLI) is the implementation of the State supervision and control in the field of employment legal relationships and labour protection. In order to ensure the implementation of the function referred to in the Paragraph one of this Article, the SLI shall supervise and control observance of the requirements of the regulatory enactments regarding employment legal relationships and labour protection (Article 3, Paragraph two, Clause one of the State Labour Inspectorate Law).

In accordance with the Article 41 of the Administrative Violations Code of the Republic of Latvia in the case of a violation of regulatory enactments regulating employment legal relations, except for the cases, which are specified in the Paragraphs two and three of this Article – a warning shall be issued or a fine shall be imposed on the employer – for a natural person or an official in an amount from LVL 25 up to LVL 250, and for a legal person – from LVL 50 up to LVL 750.

The SLI also provides consultations free of charge to employers and employees regarding the requirements of regulatory enactments with respect to employment legal relationships and labour protection (examines claims and provides replies on questions at presence and by advisory phone).

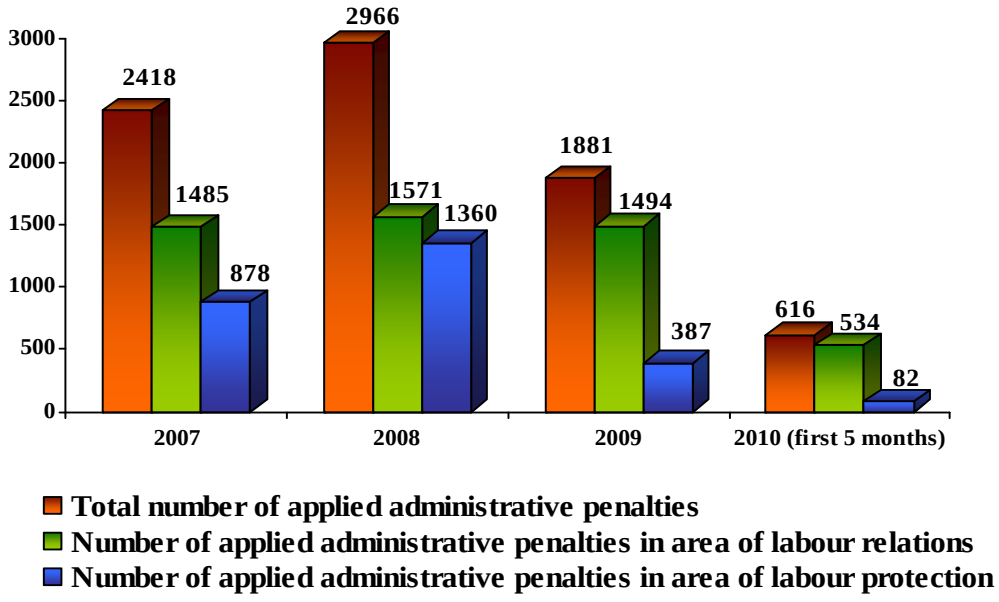
The procedure regarding dismissal issues are stipulated in the abovementioned legislation (in the State Labour Inspectorate Law and the Administrative Violations Code of the Republic of Latvia).

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Officials of the SLI have the right to impose administrative fines on employers, as well as on other persons for the examination of administrative violations in accordance with the procedures prescribed (Article 5, Paragraph two, Clause nine of the State Labour Inspectorate Law).

Table no.2

Penalties applied by the State Labour Inspectorate (SLI)[1]



Common data of actions for reinstatement (including actions for reinstatement of pregnant women, women following the period after birth up to one year, women, who are breastfeeding):

Table no.3

Actions for reinstatement in 2006[2]		
	In first instance, In courts of Latvia	In appellant instance, In regional courts
Number of received cases *(not including pending cases from previous years)*	147	102
Number of completed cases	199	101

[1] Data of the State Labour Inspectorate
[2] Data of the Court Administration

Table no.4

Duration of actions for reinstatement examination in months in 2006[3]		
	In first instance, In courts of Latvia	In appellant instance, In regional courts
Until 3 (including)	86	71
3 - 6 (including)	60	24
6 - 12 (including)	35	5
12 - 18 (including)	8	0
18 - 24 (including)	4	1
24 - 30 (including)	1	0
30 - 36 (including)	1	0
36 and more	4	0
Number of completed cases	199	101

Table no.5

Actions for reinstatement in 2007[4]		
	In first instance, In courts of Latvia	In appellant instance, In regional courts
Number of received cases *(not including pending cases from previous years)*	123	68
Number of completed cases	141	72

[3] Data of the Court Administration
[4] Data of the Court Administration

Table no.6

Duration of actions for reinstatement examination in months in 2007[5]		
	In first instance, In courts of Latvia	In appellant instance, In regional courts
Until 3 (including)	53	32
3 - 6 (including)	47	21
6 - 12 (including)	23	16
12 - 18 (including)	4	1
18 - 24 (including)	1	1
24 - 30 (including)	4	0
30 - 36 (including)	0	0
36 and more	9	1
Number of completed cases	141	72

Table no.7

Actions for reinstatement in 2008[6]		
	In first instance, In courts of Latvia	In appellant instance, In regional courts
Number of received cases *(not including pending cases from previous years)*	126	64
Number of completed cases	122	70

[5] Data of the Court Administration
[6] Data of the Court Administration

Table no.8

Duration of actions for reinstatement examination in months in 2008[7]		
	In first instance, In courts of Latvia	In appellant instance, In regional courts
Until 3 (including)	65	41
3 - 6 (including)	31	18
6 - 12 (including)	16	8
12 - 18 (including)	1	2
18 - 24 (including)	1	0
24 - 30 (including)	1	1
30 - 36 (including)	2	0
36 and more	5	0
Number of completed cases	122	70

Table no.9

Actions for reinstatement in 2009[8]		
	In first instance, In courts of Latvia	In appellant instance, In regional courts
Number of received cases	362	101
Number of completed cases	256	99

Table no.10

Duration of actions for reinstatement examination in months in 2009[9]		
	In first instance, In courts of Latvia	In appellant instance, In regional courts
Until 3 (including)	139	54
3 - 6 (including)	86	31
6 - 12 (including)	27	11
12 - 18 (including)	2	1
18 - 24 (including)	1	0
24 - 30 (including)	0	1
30 - 36 (including)	0	1
36 and more	1	0
Number of completed cases	256	99

[7] Data of the Court Administration
[8] Data of the Court Administration
[9] Data of the Court Administration

Information of relevant case asked previously by the Committee – on how protection against dismissal on grounds of maternity is effectively enforced.

Decision of Senate's Department of Civil cases on May 13, 2009 in case No. SKC-88/2009 about recalling of pregnant woman (member of the board of Ltd.) from post. Prejudicial questions are addressed to European Court of Justice. No answer is received yet.
Reference for a preliminary ruling from the Senate of Supreme Court of Republic of Latvia lodged on 25 June 2009 — Dita Danosa v LKB Līzings SIA.
Questions referred -
1. Are the members of the managerial body of a capital company to be regarded as being covered by the concept of worker laid down in Community law?
2. Do Article 10 of Directive 92/85/EEC [1] and the case-law of the Court of Justice of the European Communities preclude Article 224(4) of the Commercial Law, which provides that the members of the board of directors of a capital company may be removed without any restrictions, in particular, in the case of a woman, irrespective of the fact that she is pregnant?
[1] Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ 1992 L 348, p. 1)[10]

ARTICLE 8 PARA. 3

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;"

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

For an employee who has a child which is less than one and a half years old additional breaks shall be granted for feeding the child. The employee shall inform the employer without any delay for the necessity for such breaks.

Breaks of not less than 30 minutes for feeding a child shall be granted each three hours. If an employee has two or more children which are less than one and a half years old, the break of at least one hour shall be granted. The employer shall determine the length of breaks after consultation with employee or its representatives. When determining the procedure for granting the break, the wishes of the relevant employees shall be taken into consideration as far as possible.

[10] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:220:0020:01:EN:HTML

Breaks for feeding the child may be added to breaks in work or, if such is requested by the employee, transferred to the end of the working time thus shortening the length of the working day accordingly.
Breaks for feeding the child shall be included as working time, retaining work remuneration for such time. Employees to whom a piecework wage has been specified average earnings for such time shall be granted (Article 146 of the Labour Law).

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The given procedure is stipulated in the abovementioned legislation (in the State Labour Inspectorate Law and the Administrative Violations Code of the Republic of Latvia).

ARTICLE 8 PARA. 4

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

a. to regulate the employment of women workers on night work in industrial employment;

b. to prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature."

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

It is prohibited to employ at night persons who are under the age of 18, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding if there is a doctor's opinion that the performance of the relevant work causes a threat to the safety and health of the woman or her child (the Paragraph six of the Article 138 of the Labour Law).

For an employer, after receipt of the doctor's opinion, it is prohibited to employ pregnant women and women for a period following childbirth not exceeding one year, but if the woman is breastfeeding – during the whole period of breastfeeding if it is considered that performance of the relevant work poses a threat to the safety and health of the woman or her child (the Paragraph seven of the Article 37 of the Labour Law).

In order to prevent any risk, which may negatively affect the safety and health of a pregnant woman, an employer, after receipt of the doctor's opinion, has a duty to ensure such working conditions and working time for the pregnant woman as would prevent her exposure to the risk referred to. If it is impossible to ensure such working conditions or working time for the pregnant woman, the employer has a duty to temporarily transfer the pregnant woman to a different, more appropriate job. The amount of work remuneration after

making amendments to the employment contract may not be less than the previous average earnings of the woman.
If such transfer to another job is impossible, the employer has a duty to grant the pregnant woman a leave. During the period of such granted leave the previous average earnings of the pregnant woman shall be maintained.
The provisions of this Article shall also apply to the woman following the period after birth up to one year, but if the woman is breastfeeding, during the whole period of breastfeeding (the Article 99 of the Labour Law).

According to the Article 134 of the Labour Law an employer and an employee may agree in an employment contract on part-time work that is shorter than the regular daily or weekly working time. The employer shall determine part-time work if requested by a pregnant woman, a woman for a period following childbirth up to one year, but if the woman is breastfeeding then for the whole period of breastfeeding. The same provisions, which apply to the employee who is employed for regular working time, shall apply to an employee who is part-time employed .

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The given procedure is stipulated the abovementioned legislation (in the State Labour Inspectorate Law and Administrative Violations Code of the Republic of Latvia).

ARTICLE 16: THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

***"With a view to ensuring the necessary conditions for the full development* of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means."**

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

On 17 January 2007 the Section 110 of the Constitution of the Republic of Latvia (Satversme) was amended and it provides that the State shall protect and support marriage – a union between a man and a woman, the family, the rights of parents and rights of the child. The State shall provide special support to disabled children, children left without parental care or who have suffered from violence.

Protection of the Rights of the Child Law, Section 72, Paragraph three (amendments of the Protection of the Rights of the Child Law, Section 50 three prim, adopted on 29 June 2008) provides safety requirements when providing baby-sitter services. According to the Law the child may be left in a public place for a short period of time, to be baby-sit by a person providing such services (for example, child play and development centre, play centres in super markets etc.). The service provider shall ensure suitable environment that does not cause threat to the child's safety, life, health, moral and wholesome development.

The service provider ensures that persons who baby-sit have the necessary skills to carry out the defined duties according to the Law. It is not allowed to provide such services for persons who: 1) have allowed violations of regulatory enactments regarding protection of the rights of the child; 2) have allowed immoral behaviour at work or outside work, as determined by a court judgment or other decision of a competent institution; 3) have been convicted of criminal offences that are associated with violence or threats of violence; 4) have been convicted of criminal offences against morals and sexual inviolability – irrespective of spent convictions; or 5) the court has applied the compulsory measures of a medical nature specified in The Criminal Law for criminal offences provided for in The Criminal Law committed while being in a state of incapacity.

The baby-sitting service provider and service provider's employees shall: 1)register the receiving and delivering of the child who has been left at the place where the service has been provided, by providing information on the receiving and delivering time as well as the contact information of the person who has left the child; 2)ensures provision of first aid for a child who has suffered in an accident; 3)if necessary, informs the person, who has left the

child on his/her child, during the time the child is baby-sat; 4) ensures the child evacuation in emergency situations; 5) ensures the child's safety during the time the child has been left at the service provider. If the child requires special care or supervision, the person who has left the child informs the service provider about that. The service provider shall be equipped with a first medical aid kit. The service provider ensures such number of personnel that is sufficient in relation to the number of children.

Since July 2009, the Law (Amendments of The Sentence Execution Code of Latvia, adopted on 18 June 2009, Section 112 prim and Section 112 two prim, Section 126 prim) provides for the detention institutions to report to the Orphan's court about the fact that the person who has committed a sexual crime is released. It is also planned to inform the family, in which the person returns to about the fact (the respective amendments of the law are pending; amendments in the Law On Orphan's Courts, drafted by the Ministry of Justice, announced at the Meeting of State Secretaries on 22 April 2010, VSS-483). This information is brought to Orphan's court that according to its competence it is possible to monitor the behaviour of the person and minimize the possibility to cause risk situations for children, especially when there are children in the family to whom the person returns.

Roma rights

There has been a significant work done by the public administration institutions in the field of discrimination reduction regarding Roma. In recent years there have been new legislative acts introduced and implemented regarding Roma rights, as well as new European Union normative acts introduced, at the same time elaborating and financing specific programs in order to promote improvement of the situation of discriminated groups. In January 2007 there has been set up the Office of Ombudsman of the Republic of Latvia, which is ensuring the monitoring of the situation.

There are several laws and normative acts which guarantee the human rights and include discrimination prohibition principles, which states for human rights of each person without any discrimination, taking into account the equality principle. Human rights are guaranteed in the Constitution of the Republic of Latvia as well as in the Law on Framework Convention for the Protection of National Minorities and Law on the Rights to Free Development and Cultural Autonomy for National and Ethnic Groups in Latvia.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Since July 2009, when Ministry for Children and Family Affairs was reorganized, development and coordination of Child Protection Policy is the responsibility of Ministry of Welfare of the Republic of Latvia.

At the same time monitoring of the implementation of the laws on protection of children's rights is implemented by the State Inspectorate For Protection Of Children's Rights (hereinafter – the inspectorate), established at the end of 2005 (from 1 July 2009 - subordinated to the Ministry of Welfare). The

inspectorate also is the central state institution providing educational and informative support for specialists, parents, children and society in general about children's rights. The inspectorate is also responsible for methodological support and supervision of Orphan's courts that ensure children's right protect on the local level. In the inspectorate's competences lies also provision and support for guardians and foster families as well as promotion of the foster families' movement so that more children would receive alternative care in the foster family instead of an institution. The inspectorate provides anonymous psychological consultations through Child Hotline (116111), operated seven days per week, for children and young persons who have experienced violence and other kinds of abuse as well as children who need anonymous counselling on sensitive matters for their life (Regulation of Cabinet of Ministers No 898 of 29 November 2005 "By-law of the State Inspectorate for Protection of Children's Rights").

Child care facilities

With government's financial support from year 2004 until 2009 there have been created more than 44 children's play and development centres, which provide alternative services to pre-school educational institutions. Currently the main difference between pre-school educational institutions and children's play and development centres is that for the later there are no special regulatory requirements. With less requirements to fulfil, it is easier and more flexible in terms of its establishment and running. Additionally the State has provided support for local governments in order to improve the material supply of the already established centres. In 2008 the state supported 6 such projects submitted by the local governments (the adjustment of the environment suitable for physical activities, purchase of games and toys). In 2007 2 such projects have been supported.

In 2007 in Liepaja a pilot project was launched to promote availability of qualitative and accessible nanny services. Within this project 60 nannies have been trained, a website has been developed (http://www.liepad.lv/), special premises have been created for the nannies' service, necessary material and technical basis has been provided. According to information provided by the Liepaja municipality full-time nannies' services on regular bases are provided for 25 families, part-time – for 5-7 families. Main target group of the nannies' service are families with 1-2 year old children.

The government has also provided financial support for the improvement of the infrastructure of pre-school education institutions in order to ensure sufficient number of places for pre-school aged children. Therefore in 2009 the infrastructure of 13 pre-school education institutions has been improved in different regions of Latvia and building of one new pre-school educational institution has been supported.

State guaranteed maintenance – support for single parents

As one of the additional support measures for families, where child maintenance is ensured by one of the parents only, the state offers additional material support by means of the state guaranteed maintenance. The Administration of the Maintenance Guarantee Fund pays maintenance from

the Maintenance Guarantee Fund, in cases when it is impossible to collect the maintenance from the parent. Such situations when the child is living with one of the parents while the other parent is not providing maintenance for the child are comparatively quite numerous. In June 2010 22 133 children received maintenance from the Maintenance Guarantee Fund, which is approximately 6 % of the total number of children in Latvia. In total 785 800 LVL have been paid for them. However, this is only data about the cases when the state is actually providing maintenance. Altogether in the first half of 2010 in the first instance court 2 687 cases have been reviewed regarding collection of resources for the maintenance of a child.

Prevention of violence

In 2007 Ministry of Children and Family Affairs of the Republic of Latvia has provided financial support (10 000 LVL) for development of an internet site for safety of children www.dzimba.lv. The Internet site has been developed by the foundation "Centrs Dardedze". It provides educational information for children, parents and professionals on how to protect children from violence.

Regarding equality rights between spouses

Latvian legislation, but particularly The Civil Law of the Republic of Latvia (hereafter – the Civil Law), prescribes that the spouses join together into marriage on the basis of voluntary agreement and legal equality. Pursuant to the Civil Law a person may enter into a marriage from the age of 18. By way of exception, a person who has attained age of 16 may marry with the consent of his/her parents or guardians if he/she marries a person of age of majority. If the parents or guardians, without good cause, refuse to give permission, then permission may be given by an Orphan's court for the place where the parents or appointed guardians reside.

A marriage shall be declared annulled if it entered into force before the spouses or one of them have attained the age provided for in the law. Such marriage shall not be declared annulled if, following the marriage, the wife has become pregnant or if both spouses have attained the specified age by the tune of the court judgment. A man and women has an equal right to choose his/her spouse and the choice derives from each person's free will. This principle is followed by the bride and the bridegroom expressing their wish to enter into the marriage during the wedding ceremony. A marriage shall be declared annulled in which, at the tune of its being entered into, one of the spouses had been declared as lacking the capacity to act due to mental illness or mental deficiency, or was in such condition that such spouse was not able to understand the meaning of his/her actions or able to control them.

A spouse may contest a marriage if the spouse has married under the influence of criminal threats. A marriage shall be regarded to be fictive if the next spouse is chosen under the influence of the other spouse or other person; such a marriage without the purpose to establish a family shall be declared to be annulled.

Equal rights during a marriage

The Civil Law provides that a marriage creates a duty on the part of a husband and a wife to be faithful to each other, to live together, to take care of each other and to jointly ensure the welfare of their family. Both spouses have equal rights in regards to the organisation of family life. In the event of differences of opinion, spouses shall endeavour to reach an agreement. Spouses may apply to the court for the resolution of disputes.

Marital surname

Upon entering into marriage, the spouses, pursuant to their wish, may select the premarital surname of one of the spouses as their common surname.
During marriage, each spouse may retain his/her premarital surname and not assume a common marital surname or one of the spouses may add to his/her surname the surname of the other spouse.

Property relations

The Civil Law provides for the regulation of lawful property relations of the spouses, pursuant to which each spouse retains the property, which belonged to him/her before the marriage, as well as the property he/she acquires during the marriage. Throughout the time the marriage subsists, each spouse has the right to administer and use all of his/her own property that he/she owned before the marriage, as well as that acquired during the marriage. Everything acquired during the marriage by the spouses together, or by one of them, but from the resources of both spouses, or with the assistance of the actions of the other spouse, is the joint property of both spouses; in case of uncertainty, it shall be presumed that such property belongs equally to both spouses. The spouses shall jointly administer and act in regard to the joint property of both spouses, but upon both spouses agreeing it may also be administered by one of them. Any acts regarding such property by one of the spouses shall require the consent of the other spouse. Both spouses have a duty to cover the family and joint household expenses out of the joint property of the spouses.

Marriage contract

The spouses may establish, alter or terminate their property rights in a marriage contract before marrying as well as during marriage. A marriage contract instead of lawful property relations of the spouses will stipulate separate ownership or joint ownership of all property of the spouses. If a marriage contract provides for the separate ownership of all the property of the spouses, each of the spouse not only retains the property which belonged to him/her prior to the marriage, but also, during the time of the marriage, may independently acquire, use and act in regard to it independently of the other spouse. If the marriage contract provides for joint ownership of the property of the spouses, the property which has belonged to them prior to marriage, as well as the property which has been acquired during the marriage, except for their separate property, shall be combined in one joint, indivisible whole which, during the duration of the marriage, shall not belong to either of the spouses as separate parts. In the marriage contract, when providing for the joint ownership of their property, the spouses shall agree which of them shall be the administrator of the property in joint ownership (the husband, the wife or both jointly). The property relations of spouses provided for in the marriage

contracts, to the extent that they are required to be in effect as against third persons, as well as other information required by law shall be registered in the Spousal Property Relations Register maintained by the Register of Enterprises of the Republic of Latvia. If a marriage contract provides for provisions regarding immovable property the marriage contract shall be registered in the Land Register, as well. Extracts of registrations in the Spousal Property Relations Register shall, without delay, be published for information in the official newspaper Latvijas Vēstnesis. Each spouse, regardless of the form of property relations of the spouses, has the right, on the basis of general principles, to act independently regarding their property in the event of death.

Dissolution of the marriage

A court may dissolve a marriage based upon the application of one or both spouses. The Civil Law provides that in case if the spouses have lived separately for less than three years, the marriage may be dissolved only in the case if:

1) the continuation of the marriage for the spouse who has requested the dissolution of the marriage is not possible due to reasons that are dependent upon the other spouse and due to which cohabitation with him/her would be intolerable cruelty towards the spouse who has requested the dissolution of the marriage;
2) both spouses request the dissolution of the marriage or one spouse consents to the request of the other spouse for the dissolution of the marriage; or
3) one of the spouses has commenced cohabitation with another person and in such cohabitation a child has been born or the birth of a child is expected.

If one spouse requests the dissolution of the marriage due to a reason, which is not referred above and the other spouse does not consent to the dissolution of the marriage, the court shall not dissolve the marriage prior the spouses have lived separately for three years, for the purposes of the reconciliation of the spouses shall adjourn the adjudication of the matter.

A marriage shall not be dissolved if and insofar as the custody of children born in the marriage, maintenance for the children, the division of common property or relevant claims have not been resolved prior to the dissolution of the marriage and are not raised together with the request for the dissolution of the marriage.

Maintenance

In dissolving a marriage or after the dissolution of a marriage, a former spouse may claim means from the other former spouse commensurate with his/her financial state if the latter by his/her actions has promoted the break down of the marriage and the means are necessary to ensure or maintain the previous level of welfare. The duty to ensure the previous level of welfare or maintenance of the former spouse terminates when the same amount of time has passed subsequent to the dissolution of the marriage or the declaration of the annulment of the marriage as the duration of the relevant dissolved marriage or cohabitation in the marriage, which has been declared annulled. In cases where the common child of the former spouses has in this period not

reached the age of majority and he/she is under the custody of a former spouse, who has the right to claim means, such duty shall continue until the child reaches the age of majority. The duty to ensure the previous level of welfare or maintenance of the former spouse ceases if:

1) the former spouse has entered into a new marriage;
2) the income of the former souse ensures the previous level of welfare or maintenance;
3) the former spouse avoids obtaining means for maintenance through his/her own work; and
4) there are other circumstances, which testify that the need to obtain means from the former spouse has disappeared.

Parental right

Pursuant to the Civil Law until reaching age of majority, a child is under the custody of his/her parents. Custody is the rights and duties of parents to care for the child and his/her property and to represent the child in his/her personal and property relations. Parents living together shall exercise custody jointly. If any differences of opinion arise between the parents, such differences shall be resolved by an Orphan's court unless otherwise provided by the law. If the parents are living separately, the joint custody of the parents continues. Daily custody shall be implemented by the parent with whom the child is living. In respect of issues, which shall significantly affect the development of the child the parents shall take a joint decision. The joint custody of the parents shall terminate upon the establishment on the basis of an agreement between the parents or a court adjudication of the separate custody of one parent. The parent with whom the child is located in separate custody has all the rights and duties, which arise from custody. The other parent has access rights. Parents, commensurate to their financial state, have a duty to maintain the child. Such duty lies upon the father and the mother until the time the child is able to provide for himself/herself.

The duty to provide for the maintenance of the child shall not be terminated if the child does not live together with one of the parents or with both parents. A child has the right to maintain personal relations and direct contact with any of the parents (access rights). Each of the parents has a duty and the right to maintain personal relations and direct contact with the child. This provision shall be applicable also if the child is separated from one of the parents or both of the parents. The parent who does not live with the child has the right to receive information regarding him/her, especially information regarding his/her development, health, educational progress, interests and domestic circumstances. Parents jointly shall represent a child in his/her personal and property relations (joint representation). If the parents are living separately, joint representation is possible only if both parents have agreed regarding joint custody or it is presumed that joint custody of the parents exists.

Equal rights to adopt

The Civil Law prescribes that the spouses shall adopt a child jointly, except in cases where the children of the other spouse are adopted; the other spouse has been declared missing (absent without information as to whereabouts) or the other spouse has been recognised as lacking capacity to act due to mental illness or mental deficiency.

Mediation services

The conception Implementation of mediation in settlement of civil disputes provides for gradual implementation of clear mediation, derived court mediation, court and integrated mediation. The Cabinet of Ministers with the Decree No 121 of 18 February 2009 approved gradual implementation of mediation models as stated in the conception. The conception does not reject any of the mediation models, but it recognizes court derived mediation model to be prior for ensuring effective interaction of legal proceedings and mediation process. It envisages gradual implementation of the mediation models thus the implementation of the other mediation models, i.e. court mediation and integrated mediation, will depend upon the results and effectiveness of the implementation of court derived mediation model.

For the purpose of elaboration of an action plan with the Decree of the Minister of Justice No 1-1/73 of 19 March 2009 a working party was established. The aim of the action plan is to envisage and ensure gradual implementation of approved mediation model. Working party consists of representatives from non-governmental sector, courts, and Riga's Orphans' court, the Ministry of Welfare, State Probation Office and the Ministry of Justice.

In order to ensure implementation of mediation not only for the civil proceedings, but also for other legal processes and in order to establish common principles and rules of mediation process, action plan envisages elaboration of Mediation law. The action plan for the implementation of the conception also foresees making adequate amendments in procedural laws, training of the judges and distribution of information regarding mediation and other activities, as well. As to the existing practice regarding solution of family conflicts in years 2007 and 2008 a mediation project was carried out as a permanent measure. Within the framework of the mentioned pilot project families were offered free mediation services provided by qualified specialist team – a lawyer as a mediator and psychologist as a by-mediator. Within the mediation process leading problems to be solved were division of spousal common property, as well as agreement of access rights and custody rights. In the time period from June, 2006, up to December, 2006, mediation services were used by 23 couples attending from one to ten meetings. In the year 2007 mediation services were provided for 32 couples and on total 101 consultations were given. Since 2007, mediation services are available in Riga's Orphans' Court, in which within the framework of a pilot project, free mediation process was held in the matters regarding child's interests and rights, disputes on maintenance, determination of child's domicile, access rights, custody, guardianship as well as upbringing of a child. In the time period from August 30th, 2007, to May 31st, 2008, in Riga's Orphans' Court 79 mediation sessions were held. The implementation of mediation in Latvia is also supported by several associations.

Domestic violence

As regards to domestic violence and criminal law regulations in the time period from 2006 to 2010 no crucial changes have been made. In the case of domestic violence persons are hold criminally liable under the general regulation on commission of intentional slight, moderate or serious bodily

injury as provided in the Section 125, 126, 130 of the Criminal Law of the Republic of Latvia (the Criminal Law). Thus criminal liability is applied following the consequences of an offence regardless relationship between the offender and the victim. The mentioned Sections of the Criminal Law has been amended ("Amendments of the Criminal Law" of 30 October 2008) supplementing the Paragraph 2 of the Section 125 with the Clause 6 and the Paragraph 2 of the Section 126 with the Clause 6 both providing more serious criminal liability for committing serious or moderate bodily injury against a person in the state of helplessness (juveniles, i.e. children under the age of 14, included).

Pursuant the Section 174 of the Criminal Law special regulation is applied to persons who commits cruel or violent treatment of a minor, if physical or mental suffering has been inflicted upon the minor and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent and if the consequences provided for in Section 125 or 126 of the Criminal Law are not caused by these acts. The second Paragraph of this Section provides more serious criminal liability if the same actions are done against a juvenile.

The application of liability regarding other kinds of violence, for example, emotional violence, also in the case if the victim is a major, is a question of discussion, which does not directly refer to observation of the victims' interests. It is regarded to be more important to establish a mechanism to prevent violence instead of applying punishment, the latter of which actually does not solve the problem. Thus with the Decree of the Cabinet of Ministers No 6 of 9 January 2009 On the conception of criminal penalty policy, the Ministry of Justice is asked to draft a conception of compulsory measures of the public safety. The document states that for the purpose of the safety of practically and potentially suffered persons and society it is necessary to perform preventive measures, i.e., the State has to cope with the potential offender instead of coping with the consequences of offences done, thus the conception envisage to establish in the Latvian legal system new legal institution of compulsory measures, namely, compulsory measures of social safety which comparing to criminal penalty are not meant to punish offender, but will provide for the prevention of the threat caused by potential offender and protection of threatened persons. Those measures are to be applied prior to commitment of an offence, i.e. not to the persons already committed a crime, but to those who might commit one, cases of domestic violence included. The measures envisaged in the conception would function in two ways. Firstly, immediate preclusion of the threats and secondly as preclusion of the causes of such threats. For the aims stated the conception provides for an establishment of a mechanism that will be grounded on institutional cooperation.

Social protection

In accordance with the Article 3 of the Law on State Social Benefits there are following benefits paid for facilitation of family welfare in the country: family state benefit and benefit for child care; guardian's benefit for a dependent child; remuneration for the fulfilment of a guardian's duties; remuneration for the fulfilment of a foster family's duties; an benefit for the compensation of transport expenses for disabled persons who have difficulties in movement;

State social security benefit; remuneration for the care of an adopted child; disabled child care benefit; child birth benefit; remuneration for adoption.

From 1 January 2007 in order to improve the quality of life for families with children, the amount of family state benefit has been increased from 6 LVL to 8 LVL per month for the first child in family, from 7.20 LVL to 9.6.LVL for the second child, from 9.60 LVL to 12.80 LVL for the third child, from 10.80 LVL to 14.40 LVL for the fourth and the every following child. In the period from 1 July 2009 to 31 December 2012 - 8 LVL per month. For the child born until 30 June 2009 or within 306 days from 1 July 2009 the family state benefit is allocated and granted till the day when child reaches age of one year. In the period from 1 July 2009 to 31 December 2012 - 8 LVL per month for each child is granted. For children born after 2 May 2010 the benefit is allocated after he/she reaches age of one year.

In cases the child is older than 15 and studies in the general education or vocational education institution and has not entered into marriage, the state continues to pay the benefit also after the age of 15, while the child attends educational institution, but not longer than the day, when the child reaches the age of 19 or enters marriage.

In order to provide additional support for families caring for children with disabilities with serious functional disorders, and to ensure more wholesome development of such children and safer care at home, the state provides for those families disabled child care benefit. The benefit shall be granted to the person caring for the child up to the age of 18 or until the end of term of established disability or the statement for need of special care. The person may receive the benefit even if he/she is working.
In accordance with the Article 7 of the Law on State Social Benefits child care benefit shall be granted to a person taking care for a child:
1) up to one year of age, if this person was not been employed on the day of the granting of the benefit (is not deemed to be an employee or self-employed person in accordance with the Law on State Social Insurance);
2) from one year up to two years of age.

The benefit for child care shall not be granted for the child in relation to the birth of whom a maternity benefit or parent's benefit has been granted during the same period of time.

Amount of the benefit for a person who is not employed and takes care for the child until the age of 1 year is 50 LVL per month and 30 LVL per month for child care from 1 till 2 years of age.

If the child care benefit or parent's benefit has been granted for twins or more children born during one birth, a supplement shall be granted for each next child in the amount specified by the Cabinet of Ministers.

Supplement of care for twins or for more children born in the same birth till 1 year - 50 LVL per month for second and every next child. Supplement of care

for twins or for more children born in the same birth from 1 till 2 years - 30 LVL per month for every child.

In accordance with the Article 8 of the Law on State Social Benefits child birth benefit shall be granted in case of child birth to one of the parents of a child; or to a person who has taken guardianship of the child under one year of age. The right to the child birth benefit arises from the eighth day of the child's life or from the day of the establishment of guardianship. The amount of child birth benefit is LVL 296 as well as the supplement for every child is paid. In the period until 4 April 2010 - 296 LVL and the supplement, but after 4 April 2010 only benefit is paid, without supplements.

Parent's benefit in accordance with the Law On Maternity and Sickness Insurance of 1 January 2008 is paid to persons who are on child care leave or continued to work during child care period (after 3 May 2010 only to persons who are on child care leave) and who are raising children under 1 year of age, if this person has been employed on the day the benefit is granted (is considered to be an employee or self–employed person in accordance with the Law on State Social Insurance). The benefit shall be granted to one of the parents or a person who has taken guardianship of a child.

The amount of parental benefit is 80% of the average insurance contributions wages upon which contributions have been paid during 12 months, but not less than LVL 63 per month. This 12-month period applies from two months before the month of the child's birth. For children born till May 2, 2010, one of the parents who will actually work during the children care period will be paid 50% of the allocated parents benefit. For the children born in the period from 3 May 2010, only the parents who during the child care period will be on leave for child care and thus do not receive any income from his/her status of an employee or self-employed can receive the parents benefit. For the children born in the period after 2 November 2010 - if the calculated amount of benefit exceeds 11,51 LVL per day, the maximum amount of the payable benefit per day is 11,51 LVL + 50% of the sum over 11,51 LVL. Average insurance contribution wage and benefit amount is calculated in accordance with the Regulations of Cabinet of Ministers No 270 of July 28 1998 Average insurance contribution wage calculation procedure and procedure for granting, calculation and payment of state social insurance benefits. (See also information Article 8 Paragraph 1).

Roma rights

In year 2006 there has been State program "Roma in Latvia" approved for the period of 2007-2009 (hereinafter – Roma program). Main goal of the Roma program was to promote the integration of the Roma community into the society of Latvia, ensuring the discrimination reduction and equal opportunities for the Roma community in the fields of education, employment and human rights under special community conditions, according to the requirements and comments of the Article 4 paragraph 2 of the Framework Convention for the Protection of National Minorities of the Council of Europe. The goals stated in the Roma program were: 1) to promote the integration of the Roma community in the society of Latvia at the same time promoting the

maintenance of the Roma ethnic identity; 2) to support activities of non-governmental Roma organizations in the civic society in Latvia; 3) to promote a dialogue between the Latvia's Roma community and society.
In order to promote the Roma community integration in the context of different policy fields, after the Roma program ended in the year 2009, Roma integration affairs are planned to be addressed in terms of general society integration policy. Elaborating the new policy development project "Guidelines for Society integration policy for 2011-2017" there are Roma integration matters and measures included. Furthermore, Latvia is between those European Union member states, which promoted the Council Conclusion project on Roma integration, agreeing Common Roma integration principles, because they can be seen as a ground for elaboration and promotion of more effective Roma integration policy. In addition Latvia supported the Belgium Presidency proposal to elaborate mid-term road map for European Union Roma platform.

3. Please provide pertinent figures, statistics or any other relevant information to show that Article 16 is applied in practice, including legal information on domestic violence, information on child care arrangements and housing for families, the level of family benefits, the number of recipients as a proportion of the total population, as well as information on tax benefits and other forms of financial assistance for families.

Table no.11

Marriages registered in Latvia in the time period from the year 2006 to the year 2009[11]

Year	Number of registered marriages
1st half of 2010	2759
2009	9905
2008	12889
2007	15036
2006	14220

Table no.12

Claims for dissolution of the marriage (at the court of first instance) in the time period from the year 2006 to the year 2009

Year	Number of received cases	Cases finished in the first instance court	Case received in the appellation court	Case finished in the appellation court
2009	5621	5851	116	118
2008	7471	7188	115	111
2007	8520	8429	119	114
2006	8435	8298	129	141

Table no.13

[11] Figures included in the answer are provided by the Department of Civil Registries and Division of Policy of Judicial System of the Ministry of Justice of the Republic of Latvia.

Claims for acknowledging the marriage to be invalid in the time period from the year 2006 to the year 2009

Year	Number of received cases	Cases finished in the first instance court	Case received in the appellation court	Case finished in the appellation court
2009	4	4	1	0
2008	9	7	2	2
2007	11	8	2	3
2006	6	7	1	0

Table no.14

Amount of Households in Latvia (in thousands)

2006	904,6
2007	899,4
2008	899,4
2009	898,6
2010	888,6

Table no.15

Average size of a household (in persons)

Year	Average number of member
2006	2,50
2007	2,50
2008	2,49
2009	2,49
2010	2,50

Table no.16

Structure of Household consumption in socioeconomic groups, average for one member of the household per month in 2006

	2006							
	LVL				%			
	Employed worker households	Self-employed households	Retired person households	Other households	Employed worker households	Self-employed households	Retired person households	Other households
Food and non-alcoholic drinks	42,77	46,94	47,00	35,61	26,1	25,9	42,6	35,2
Alcoholic drinks, tobacco	5,61	5,08	2,79	3,78	3,4	2,8	2,5	3,7
Clothing and footwear	13,91	13,81	4,08	4,27	8,5	7,6	3,7	4,2
Housing, water, electricity, gas and other fuel	19,30	15,43	20,64	14,06	11,8	8,5	18,7	13,9
Housing equipment, household accessories and house cleaning	9,68	11,88	4,52	6,63	5,9	6,6	4,1	6,6
Health	4,83	4,75	10,36	5,10	2,9	2,6	9,4	5,1
Transport	22,67	30,68	5,42	9,11	13,8	17,0	4,9	9,0
Communications	10,53	10,38	5,25	5,99	6,4	5,7	4,8	5,9
Recreation and culture	12,59	15,41	5,65	6,53	7,7	8,5	5,1	6,5
Education	2,59	2,99	0,13	1,05	1,6	1,7	0,1	1,0
Restaurants and hotels	10,54	14,29	0,94	4,33	6,4	7,9	0,8	4,3
Different goods and services	8,99	9,37	3,68	4,58	5,5	5,2	3,3	4,5

Table no.17

Structure of Household consumption in socioeconomic groups, average for one member of the household per month in 2007

	2007							
	LVL				%			
	Employed worker households	Self-employed households	Retired person households	Other households	Employed worker households	Self-employed households	Retired person households	Other households
Food and non-alcoholic drinks	50,77	53,44	50,88	49,37	24,0	23,7	38,0	29,2
Alcoholic drinks, tobacco	6,21	8,21	3,52	7,13	2,9	3,6	2,6	4,2
Clothing and footwear	19,44	18,31	7,22	9,19	9,2	8,1	5,4	5,4
Housing, water, electricity, gas and other fuel	20,61	16,50	22,09	21,89	9,8	7,3	16,5	12,9
Housing equipment, household accessories and house cleaning	13,78	11,95	5,93	15,42	6,5	5,3	4,4	9,1
Health	8,46	7,45	17,64	6,35	4,0	3,3	13,2	3,8
Transport	34,47	45,71	6,87	18,01	16,3	20,2	5,1	10,6
Communications	11,19	11,59	5,77	9,70	5,3	5,1	4,3	5,7
Recreation and culture	17,32	24,58	7,45	11,52	8,2	10,9	5,6	6,8
Education	2,88	2,34	0,53	3,87	1,4	1,0	0,4	2,3
Restaurants and hotels	13,64	13,63	1,64	7,47	6,5	6,0	1,2	4,4
Different goods and services	12,61	12,14	4,48	9,35	6,0	5,4	3,3	5,5

Table no.18

Structure of Household consumption in socioeconomic groups, average for one member of the household per month in 2008

	2008							
	LVL				%			
	Employed worker households	Self-employed households	Retired person households	Other households	Employed worker households	Self-employed households	Retired person households	Other households
Food and non-alcoholic drinks	58,75	68,73	59,21	44,93	24,1	23,6	37,7	33,2
Alcoholic drinks, tobacco	7,94	9,48	3,66	6,33	3,3	3,3	2,3	4,7
Clothing and footwear	19,76	26,32	6,71	8,68	8,1	9,0	4,3	6,4
Housing, water, electricity, gas and other fuel	27,67	25,17	29,90	20,29	11,3	8,6	19,0	15,0
Housing equipment, household accessories and house cleaning	14,96	25,28	6,31	7,48	6,1	8,7	4,0	5,5
Health	9,85	9,27	18,90	4,77	4,0	3,2	12,0	3,5
Transport	38,64	45,65	8,87	11,71	15,8	15,7	5,6	8,6
Communications	11,64	12,31	6,50	6,32	4,8	4,2	4,1	4,7
Recreation and culture	20,47	31,22	8,94	9,26	8,4	10,7	5,7	6,8
Education	3,97	2,88	0,20	1,65	1,6	1,0	0,1	1,2
Restaurants and hotels	14,82	18,35	1,20	7,02	6,1	6,3	0,8	5,2
Different goods and services	15,66	16,76	6,80	7,00	6,4	5,8	4,3	5,2

Table no.19

Structure of Household consumption in socioeconomic groups, average for one member of the household per month in 2009

	2009							
	LVL				%			
	Employed worker households	Self-employed households	Retired person households	Other households	Employed worker households	Self-employed households	Retired person households	Other households
Food and non-alcoholic drinks	51,20	57,30	55,53	41,12	24,8	24,7	35,4	31,5
Alcoholic drinks, tobacco	7,81	7,82	4,70	5,83	3,8	3,4	3,0	4,5
Clothing and footwear	11,87	13,04	5,24	5,92	5,8	5,6	3,3	4,5
Housing, water, electricity, gas and other fuel	30,48	26,60	32,60	24,92	14,8	11,5	20,8	19,1
Housing equipment, household accessories and house cleaning	11,47	13,54	5,60	4,63	5,6	5,8	3,6	3,6
Health	8,35	10,26	19,02	4,28	4,0	4,4	12,1	3,3
Transport	30,66	29,33	8,29	16,57	14,8	12,7	5,3	12,7
Communications	10,75	10,75	7,15	6,97	5,2	4,6	4,6	5,3
Recreation and culture	16,34	28,03	10,13	6,46	7,9	12,1	6,4	5,0
Education	4,25	5,62	0,33	2,33	2,1	2,4	0,2	1,8
Restaurants and hotels	9,74	14,51	2,18	4,47	4,7	6,3	1,4	3,4
Different goods and services	13,55	14,85	6,30	6,90	6,6	6,4	4,0	5,3

Table no.20

Expenses for Households with children, in average per person (LVL)

	2006	2007	2008	2009
Household with 1 child	160,74	200,53	225,44	193,53
Household with 2 children	125,63	170,45	190,44	159,23
Household with 3 and more children	90,24	129,14	150,66	119,14
Household without children	167,90	216,51	260,53	213,54

Table no.21

Expenses for Household type, average per person (LVL)

	2006	2007	2008	2009
One person	184,04	239,85	303,14	246,52
One adult with children	142,00	191,49	212,75	179,13
Childless couple	188,57	228,91	267,56	242,60
Couple with children	158,35	211,13	222,87	200,71
The rest of the households with children	122,88	148,42	177,47	141,72
The rest of the households without children	146,74	199,49	236,76	182,07

Table no.22

Poverty risk index by household type

	2005	2006	2007	2008
All households without children	24,7	25,8	32,4	31,4
1 person households	55,4	59,0	61,0	58,6
2 adults without children (both younger than 65)	21,6	19,7	20,3	18,6
All households with children	22,1	17,8	20,8	21,4
One-parent household with at least 1	40,4	34,4	41,8	39,0

children				
2 adults with 1 child	15,1	11,8	13,4	15,0
2 adults with 2 children	21,6	16,4	21,1	22,1
2 adults with 3 children	51,6	46,3	38,0	44,8
3 or more adults	11,3	9,8	11,9	14,8
3 or more adults with children	16,2	12,8	17,3	16,5

Table no.23

Claims for collection of resources for maintenance of children (at the court of first instance) in the time period from the year 2006 to the first half of the year 2010[12]

Year	Number of finished cases	Claims satisfied	Cases dismissed	Cases left without further consideration
The first half of 2010	2867	1806	461	59
2009	6805	4619	946	77
2008	5205	3329	817	42
2007	4773	3131	666	48
2006	4905	3089	771	70

Table no.24

Claims for collection of resources for maintenance of children in the time period from the year 2006 to the year 2009

Year	The claims received in the first instance court	The cases finished in the first instance court	The cases received in the appellation court	The cases finished in the appellation court.
2009	6743	6805	173	189
2008	6145	5205	155	147
2007	4833	4773	207	189
2006	4624	4905	251	242

In compliance with the Clause 4 of transition provisions of the Law of the Maintenance Guarantee Fund in the time period from 1 January 2010 to 31 December 2012, the maintenance is paid in the following amount:

[12] Figures included in the answer are provided by the Division of Policy of Judicial System of the Ministry of Justice of the Republic of Latvia and Maintenance Guarantee Fund.

1) For each child from his/her birth to the reach of the age of seven - 30 LVL, but not more than determined by a court decision, as well as not exceeding the amount determined by the Cabinet of Ministers.
2) For each child from the age of seven to age of 18 – 35 LVL, but not more than determined by a court decision, as well as not exceeding the amount determined by the Cabinet of Ministers pursuant to the Paragraph five Section 179 of the Civil Law of the Republic of Latvia.

Table no.25

Benefits for facilitation of family welfare in the country

	2003	2004	2005	2006	2007	2008	2009
Family State benefit							
Total expenditure for family State benefit (LVL)	38 722 382	37 815 531	36 678 604	35 487 964	45 389 173	44 514 883	40 178 428
% from GDP	0,61%	0,51%	0,40%	0,32%	0,31%	0,27%	0,31%
Supplement to family State benefit							
Expenditure of supplement to family State benefit (LVL)	4 883 584	6 061 437	5 537 777	5 027 273	4 737 174	4 557 777	6 711 853
% from GDP	0,08%	0,08%	0,06%	0,05%	0,03%	0,03%	0,05%
Child care benefit							
Total expenditure for child care benefit (LVL)	11 513 863	11 529 048	27 065 589	32 811 431	45 086 495	14 162 627	14 139 958
% from GDP	0,18%	0,16%	0,30%	0,29%	0,31%	0,09%	0,11%
Parent's benefit							
Total expenditure for parent's benefit (LVL)	NA	NA	NA	NA	NA	66 718 553	76 196 667
% from GDP	NA	NA	NA	NA	NA	0,41%	0,58%
Child birth benefit (together with supplements)							
Expenditure on 1 benefit recipient per month (LVL)	194,63	229,17	261,62	420,87	412,76	429,22	415,68

Non-taxable minimum in 2006-2010

In period 2006-2010 several amendments were made in the Regulations of the Cabinet of Ministers on non-taxable minimum**.** In 2006 non-taxable minimum was 32 LVL per month (384 LVL a year). In 2007 non-taxable minimum was increased to 50 LVL per month (600 LVL a year). In 2008, it was 80 LVL per month (960 LVL a year). In 2009, increase of non-taxable minimum was continued to 90 LVL per month for the first half a year. Later according to economical situation starting with 01.07.2009 non-taxable minimum decreased sharply to 35 LVL per month. Total non-taxable minimum was 750 LVL in 2009. The amount of non-taxable minimum remains at the level of the 2nd half a year of 2009. See the figures below.

Table no.26

Year	Per month	In year
2006	32	384
2007	50	600
2008	80	960
01.01.2009-30.06.2009	90	750
01.07.2009-01.01.2010	35	
2010	35	420

Tax allowance for dependent person in 2006-2010

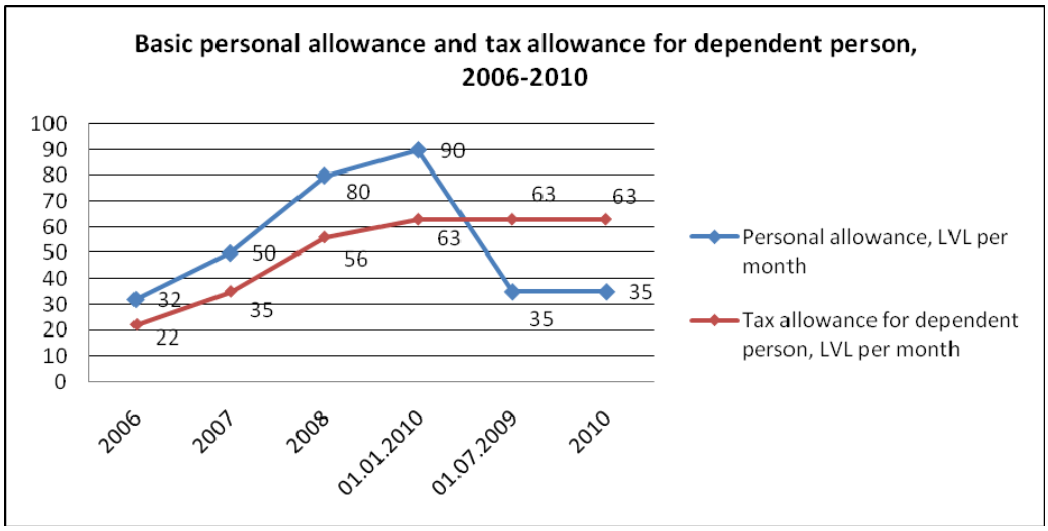
In 2006 tax allowance for dependent person was 22 LVL per month (264 LVL a year). In 2007 the tax allowance was increased to 35 LVL per month (420 LVL a year). In 2008 the tax allowance for dependent person was set 56 LVL per month (672 LVL a year). In 2009 and 2010 it was set – 63 LVL per month (756 LVL a year). See the figures below.

Table no.27

Year	Per month	In year
2006	22	264
2007	35	420
2008	56	672
2009	63	756
2010	63	756

Changes of non-taxable minimum and tax allowance for dependent person are illustrated in diagram below.

Table no.28



Data on the pre-school education in period 2006–2010:

Pre-school education institutions

Table no.29

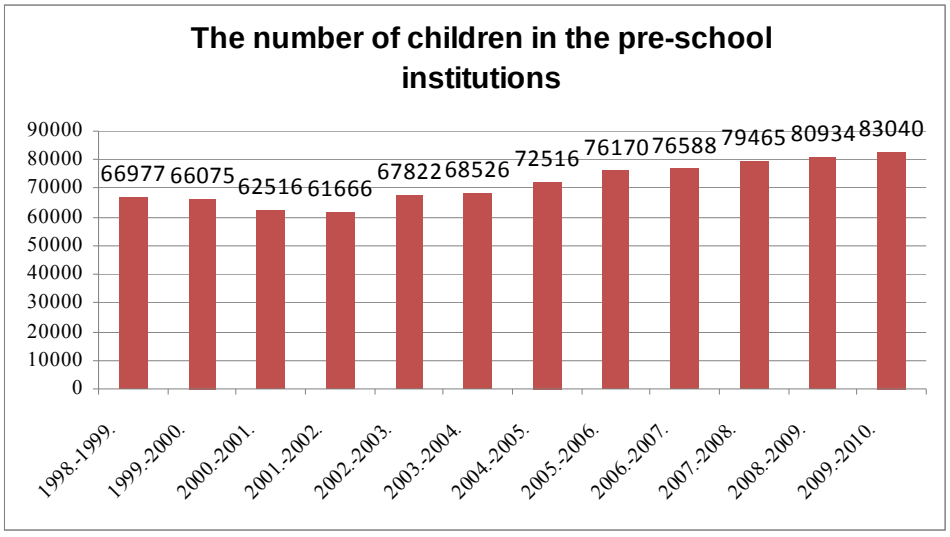
Academic year	Municipal		Private	
	Number of pre-school education institutions	Number of children	Number of pre-school education institutions	Number of children
2009/2010	532	69781	54	2330
2008/2009	537	68031	33	2141
2007/2008	533	65472	31	2104
2006/2007	531	63929	26	1824

Institutions that carry out pre-school education programs

Table no.30

Academic year	Groups in general education institutions		Groups in interest related educational institutions	
	Number of institutions	Number of children	Number of institutions	Number of children
2009/2010	355	10673	16	598
2008/2009	428	11271	11	792
2007/2008	433	11078	13	599
2006/2007	434	10781	12	744

Table no.31

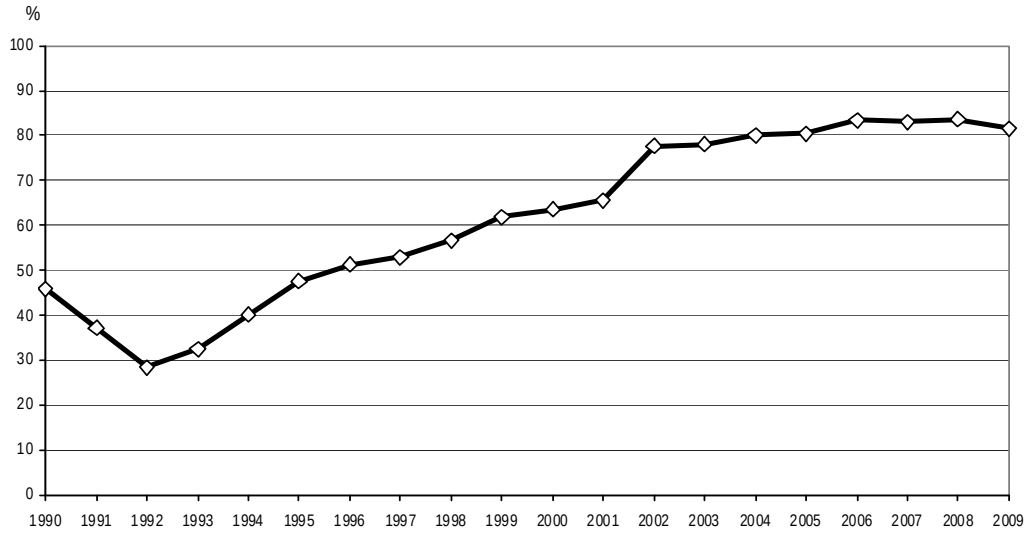


Data source: The Ministry of Education and Science at academic year 2009/2010

During the academic year 2009/2010 pre-school education (till the age of 5) was provided to 64% of all applicants, the pre-school education to children from the age of 5 till the age of 7 was provided in 100% (attended in 95%).
One child in pre-school education stage for the government costs 940 LVL per year, 78,38 LVL per month (without costs of catering what is paid by parents).

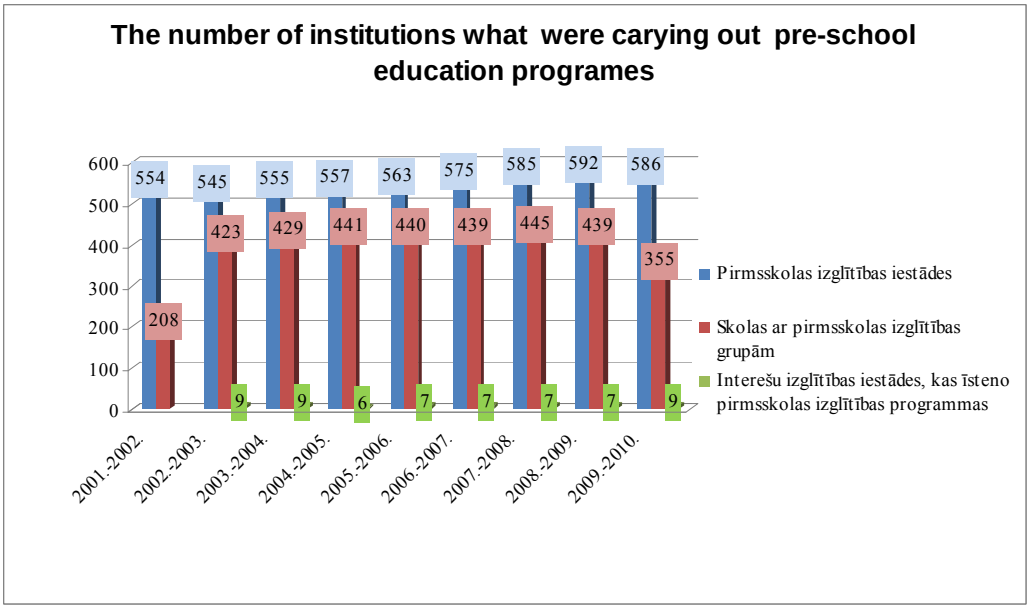
Enrolment rate of pre-school education establishments
(share of children aged 3–6 years in the total number of children in the respective age group)

Table no.32



Data source: Central Statistical Bureau

Table no.33



Pre-school education institutions
Education institutions with pre-school education groups
Interest education institutions which implements pre-school education programmes

The number of interest related educational institutions in period 2006–2010 and the number of students, including children with special needs, are as follows:

Table no.34

Academic year	Number of interest related educational institutions	Number of students in interest related educational institutions	Including children with special needs
2009/2010	79	55600	883
2008/2009	82	82312	1832
2007/2008	80	82134	1568
2006/2007	81	84867	2170

In 2010 there are over 270 summer camps for children and youth that can provide approximately 11917 participants with an appropriate service.

The new financing principle “Money per student” was introduced to make easier and more comfortable to access to education institutions. The implementation started in September 2009. It intends to facilitate the acquirement of basic education closer to the place of living, which makes it more suitable for the criteria of the European Social Charter.

Social sciences as compulsory subject were introduced in the primary education curriculum starting with the academic year 2005/2006. Education standards of the entire subjects of primary education, including the subject of social sciences, are approved by the Cabinet of Ministers.
For instance, in forms 1–3 students develop tolerance towards people, who belong to different generations, in forms 4–9 students develop understanding of solidarity and value of life, as well as ability to accept the rights of others to express their own different opinions, which also develops tolerance. Students learn about the neighbouring countries of Latvia and about diversity of cultures in Latvia (including diversity of religions, traditions, languages and folklore). In forms 7–9 students develop understanding of tolerance towards otherness and diversity (except cases when safety of person and society is endangered), understanding that people have different religious, political etc. beliefs, and develop tolerance to opinion of minority and understanding of gender equality.
Many aspects of education for diversity are integrated into variety of school subjects: for example, human rights education, intercultural/multicultural education, inter–religious education, anti–racism education, tolerance education, civic education, education combating anti–Semitism, teaching on ethnic/cultural minorities, gender equality.
Instruments of diversity of education in Latvia are as follows: recognition of the positive value of diversity, intercultural approach at school, diversity in textbooks, ensuring equal access to education for various groups, inclusive environment at school, training teachers to address equality issues in diverse society.

The study “Youth and Inter Ethnic Schools – Actions Against Inter Ethnic Violence among Pupils at School”, Riga 2006, indicated that there are almost no ethnic conflicts at schools, and diversity is more obvious in respect of social backgrounds of students. Nonetheless the different projects outside the curriculum, targeted on understanding the diversity among students, are very popular at schools. It should be noted that participation in events (projects, essay competitions, student exchange, celebration of Ethnic festivals etc.), oriented towards ethnic and civic integration, is considered important for the schools.

Child care facilities

In order to allow parents to better reconcile child care with work and to ensure development and education for pre-school aged children, municipalities provide pre-school education services. The Section 15, Paragraph one, Clause 4, the Law On Local Governments: the autonomous function of local governments is to provide for the education of residents (ensuring the specified rights of residents to acquire primary and general secondary education; ensuring children of pre-school and school age with places in training and educational institutions; organisational and financial assistance to extracurricular training and educational institutions and education support institutions, and others; The Section 17, Paragraph one of the Education Law: each local government has an obligation to ensure that the children residing in their administrative territory have the opportunity to acquire pre-school education and basic education at an educational institution closest to the place of residence of the child; to ensure that youths have the opportunity to acquire secondary education, as well as ensure the opportunity to realise interest related education and to support extracurricular activities, including children’s camps). Child’s wellbeing at pre-school educational institutions are provided by Regulations of Cabinet of Ministers of 27 December 2002 “Hygiene requirements for educational institutions which implement pre-school educational program” as well as Regulations of Cabinet of Ministers No 1338 of 24 November 2009 “Procedure according to which safety of educates shall be ensured in educational institutions and at events organized by the educational institutions”.

There are other alternatives on how to ensure safety and sufficient caring for a child after school hours - interest-related education programs, camps.
Basic regulation for interest related education is provided in the Section 47 of the Education Law. Regulations for camps are provided in the Regulation of Cabinet of Ministers No 981 of 1 September 2009 “Regulation of Organisation And Operation of Children’s Camps”.

In 2007 the number of children who made use of alternative childcare services was 3 419, which is an increase of 991 children or 40% more than in 2006. This figure continued to rise in 2008 (3 866 children, an increase of 447 or 13% more). There are no data available on this indicator for 2009 and 2010.
Alternative childcare services are currently not subject to any specific national legislation. But there do exist laws providing general safety principles for the alternative childcare service provider (construction standards of the premises, requirements for the manager and the stuff (The Protection of the Rights of

the Child Law, The Section 72, Paragraph three); requirements on safety of goods and services (Law on the Safety of Goods and Services); Regulation of Cabinet of Ministers No 949 adopted on 27 November 2001 “Regulations regarding Work Associated with Possible Risk to the Health of Other Persons and in which Persons Employed therein are Subject to Mandatory Health Examinations”; Cabinet of Ministers Regulation No 82 of 17 February 2004 “Fire Safety Regulations”.

In the first half of 2010 compared to previous years the number of births has decreased; in the first half of 2008 – 12 147 children were born, in the first half of 2009 - 11 124, the first half of 2010 - 9630 children were born.

Total number of children in pre-school age group: 2008 - 148 847, 2009 – 152 888, 2010 – 155 300 children. These statistics show that demand and supply indicators of pre-school educational institutions in the coming years will be affected by the decrease of birth rates. Altogether it may be considered that gradually supply and demand for places in pre-school educational institutions is coming in balance, mainly it refers to the older age groups of pre-school age children.

Number of children (0-17) at the beginning of the year

Table no.35

Year	2006	2007	2008	2009
Number of children	434 719	419 560	408 201	365 752

Data source: Central Statistical Bureau

Number of births

Table no.36

	per 1000 inhabitants
2006	9.7
2007	10.2
2008	10.6
2009	9.6

Data source: Central Statistical Bureau

Families where the child’s development and rearing is insufficiently provided
(families on whom Orphan’s courts have reported to local governments’ social service boards or other responsible institutions)

Table no.37

Year	2006	2007	2008	2009
Number of families	7 039	3 174	2 673	2 300
Number of children in these families	14 071	6 667	5 289	3 916

Data source: State Inspectorate For Protection Of Children's Rights

An Orphan's court shall inform a social service office of the local government or other responsible institutions regarding the families, in which the development and upbringing of a child is not ensured sufficiently and which need assistance (Section 17, Clause 5 of Law On Orphan's Courts).

Table no.38

Families expelled from their places of residence with minors

	2005	2007	2008	2009
Number of verdicts on expelling in which together with defendant also minors should be expelled	188	Data not available	91	77

Data source: Central Statistical Bureau

Orphan's courts have the duty to supervise that the dependent underage children or persons under guardianship of a tenant who, on the basis of a court judgement, are evicted from a residential space (see table no. 16) are provided with residential space fit for living prior to the eviction, in compliance with the provisions of the law „On Residential Tenancy" (Section 36.[2], Paragraph two of the law „On Residential Tenancy").

State provided assistance (warranty) for the provision of loan for the purchase or construction of living quarters for families with children

Table no.39

Year	2006	2007	2008	2009
Number of families that have received support	61	90	75	Due to budgetary consolidation support was not provided

Data source: Ministry of Economics

Persons who have suffered from violence and have applied for medical assistance (person who has suffered from any kind of violence and who have suffered from domestic violence)[13]

[13] In this table term „person who has suffered from domestic violence" means, that those persons have become victims of the violence of person of near relations to them (spouse, cohabitating partner, parents, other relatives). When analyzing this table it is important to draw attention to the fact that the total number of men victim of violence who have applied for medical assistance is much higher than the number of women who are victims of violence. However, the percentage of men victims of domestic violence if very small (approximately 5 % in 2008 and 4 % in 2009). At the same time every third woman who is victim of violence has suffered from domestic violence (approximately 35% in 2008 and 34 % in 2009). Information about 2006 and 2007 is not available – such data has not been aggregated.

Table no.40

Age group	2008				2009			
	Men (total):	Including domestic violence	Women (total)	Including domestic violence	Men (total):	Including domestic violence	Women (total)	Including domestic violence
Unknown	2		1		2		0	
0-4	6	5	3	2	1	1	2	1
5-9	23	4	1		6	0	4	1
10-14	76	2	31	5	41	4	12	0
15-19	368	12	84	15	224	5	49	9
20-24	520	19	89	26	369	10	55	22
25-29	410	5	88	37	284	5	60	31
30-34	350	15	85	34	287	7	62	20
35-39	281	11	101	39	196	5	83	21
40-44	259	13	82	31	160	8	59	22
45-49	242	14	82	36	157	9	38	15
50-54	160	12	64	25	112	13	51	17
55-59	90	11	58	21	78	5	27	9
60-64	59	7	37	15	49	4	26	11
65-69	32	7	26	9	27	2	17	6
70-74	21	4	20	9	10	2	14	3
75-79	15	2	17	5	5	3	16	7
80-84	6	1	14	6	2	0	8	4
> 85	2		2		2	0	4	0
Total	2922	**144**	885	**315**	2012	**83**	587	**199**
	3807 (from them domestic violence- 459)				**2599 (from them domestic violence - 282)**			

Data source: Ministry of Health

Table no.41

Crisis centre

	2005	2006	2007	2008	2009
Services provided by municipalities:					
amount of institutions	8	9	7	10	7
amount of recipients	528	456	407	465	490
total expenditure in (LVL)	225 372	330 491	429 783	616 481	481 315
Services bought by municipalities:					
amount of institutions	11	18	15	19	19
amount of recipients	5 731	5 923	493	491	412
total expenditure in (LVL)	66 164	242 230	556 329	641 596	196 691

Data source: Ministry of Welfare of the Republic of Latvia

In 2008 municipalities in their total expenditure includes also newly established crisis centres. In 2009 there was a regional reform and the

institutions of social services located in newly created region were integrated during it.
In data of 2005 and 2006 of services brought by municipalities is shown amount of visits of crisis centre during one year, but in 2007 till 2009 amount of recipients (each recipient is counted only once apart from amount of visits).

Table no.42

Night shelters

	2005	2006	2007	2008	2009
Services provided by municipalities:					
amount of institutions	13	16	15	15	14
amount of recipients	2 413	2 302	2 162	2 196	2 140
total expenditure in (LVL)	589 962	742 655	960 104	917 796	1 051 877
Services bought by municipalities:					
amount of institutions	5	6	5	5	7
amount of recipients	986	1 111	1 120	1 052	1 766
total expenditure in (LVL)	191 650	222 520	367 950	546 929	478 482

Data source: Ministry of Welfare of the Republic of Latvia

Services provided by municipalities mean that the night shelter is created in its territory and maintained by the finance of municipality.
Services bought by municipalities mean that municipality pays for night shelters used by their inhabitants in other different municipalities or in night shelters created by private persons or nongovernmental organizations.

Roma rights

According to the statistics of the Population Register of the Office of Citizenship and Migration Affairs in Latvia (on the 1st July 2010) there are 8570 Roma living, which is 0,4% from total inhabitants of the Republic of Latvia. According to the statistics 94% from those Roma who live in Latvia are citizens of Latvia. In recent years there is substantial Roma migration to United Kingdom and Ireland. The most of Roma population live in Kurzeme and Zemgale region and cities of Riga, Jelgava and Ventspils. In percentage from total inhabitants the highest Roma rate is in the Talsi (1,22%), Dobele (0,85%), Tukums (0,8%), Limbazi (0,68%) and Daugavpils (0,59%) districts.

According to data of the Ministry of Education and Science in the academic year 2009/2010 there were 1204 Roma pupils who started or continued their studies in the Latvia's education programs. In education institutions with Latvian language education programs there were 868 Roma pupils (or 72,09% of all Roma pupils) and Minority language education programs there were 332 Roma pupils (or 27,57% of all Roma pupils), but 4 Roma pupils acquired their education in Polish.

In the period from year 2000 to 2007 there were 68% Roma pupils who decided to attend education institutions with education program in Latvian. There are no data in ethnical aspect on mandatory five years old and six

years old children preparation education program, nor different education level graduates, nor how many from children in age of mandatory education are registered in education institutions in order to obtain mandatory primary education.

From year 2007-2009 in the framework of Roma program there were State budget grant in amount of 43 320 LVL for 16 Roma and inter-ethnical non-governmental organizations which acts in the field of Roma integration in order to preserve and support Roma organization attempts to maintain the identity of Roma community, support Roma culture and promote dialogue between Roma community and the society of Latvia, as well as empower the capacity of Roma non-governmental organizations. There were 62 projects implemented. Furthermore, the special measures for Roma in the field of education promoted Roma children integration into the new social environment and formation of knowledge and social skills needed, promoted the participation of their parents in school every-day life, developed intercultural dialogue between Roma children and children from other nationalities, as well as raised the professional knowledge of the teachers who work with Roma children.

In order to improve the situation of Latvia's Roma in the field of education and employment in the framework of Roma program from 2007 to 2009 there were 20 school teacher Roma assistants prepared and 30 school teachers prepared for work in integrating groups, where together with other nationality children the Roma children acquire their education. In the academic year of 2008/2009 project "Ensuring teacher's Roma assistants in schools" took place where eight Roma started their work as teacher's assistants in the integrating groups. From September to December of 2008 there were six teacher assistants who started their work. This activity was financed by the local municipalities and the wage of the assistants was equal to minimum wage. From January to December year 2009 there were eight teacher assistants who started their work, six from them were financed by State budget, but other two were financed by local municipalities receiving minimum wage.

In 2009 the project "Latvia – Equal in Diversity IV" (hereinafter – LED IV) took place and the Ministry of Justice organized three seminars "Studying the Diversity of Discrimination in Latvia and other EU countries – Comparative approach" for judges on discrimination fight case-law in Latvia and other EU countries. These two day seminars took place in Riga, Kuldiga and Rezekne. The target groups of these seminars were judges and lawyers of Latvia. During these seminars there were questions regarding the concept of discrimination discussed, concept of different, unequal treatment and the possible grounds for discrimination (age, sex, ethnical and race affiliation was the main discussion objects), common fields of discrimination and concepts of directives, direct and indirect discrimination, personal harassment, sexual harassment, victimization. There were questions discussed regarding the cases of justification of unequal treatment, exceptional situations and studied suggested methodology when applying norms and estimating facts, as well as procedural questions and the duty of proving principle.

From October 2008 to October 2009 the Ombudsman office organized training course to police officers "Human rights and Work of the State police". There were nine training courses – in Riga, Liepaja, Gulbene, Daugavpils, Jelgava and Valmiera cities. Elaborating training course there were the

recommendations of the Ombudsman offices' research "Roma contact with police". In the program of this training course where were different questions on the human rights and the prohibition of discrimination included, as well as race-based harassment notification and investigation, prohibition of cruel behavior and torture inter alia against Roma. Altogether there were 200 high range police officers who attended the training course.
In 2010 in terms of grant scheme "Development of Intercultural Dialogue 2010" society "School for all" elaborated project "Creative conference "Roma ethnical identity and its preservation in the cultural environment of Sabile"", and the financial support for this activity was in amount of 2479.50 LVL. Main goals of this project were – to promote the main elements of the Roma community of town Sabile – culture, traditions and language – preservation in the cultural environment of Sabile and to encourage the intercultural dialogue between Roma and Latvians, in order to decrease existing stereotypes and prejudices in the society.

Technical aids

Provision of technical aids to the residents is carried out by the government agency "Technical Aids" which is supervised by the Ministry of Welfare.
Since 1 September 2009 national rehabilitation centre "Vaivari" provides technical aids. Since 1 January 2010 technical aids as well as social rehabilitation for persons with impaired vision and hearing provides the Latvian Society of the Blind and the Latvian Association of the Deaf.

Technical aids from funds of the State budget, by making a single contribution in accordance with the procedures specified by the Cabinet of Ministers, can be received by:

1) disabled persons belonging to groups 1, 2 and 3;

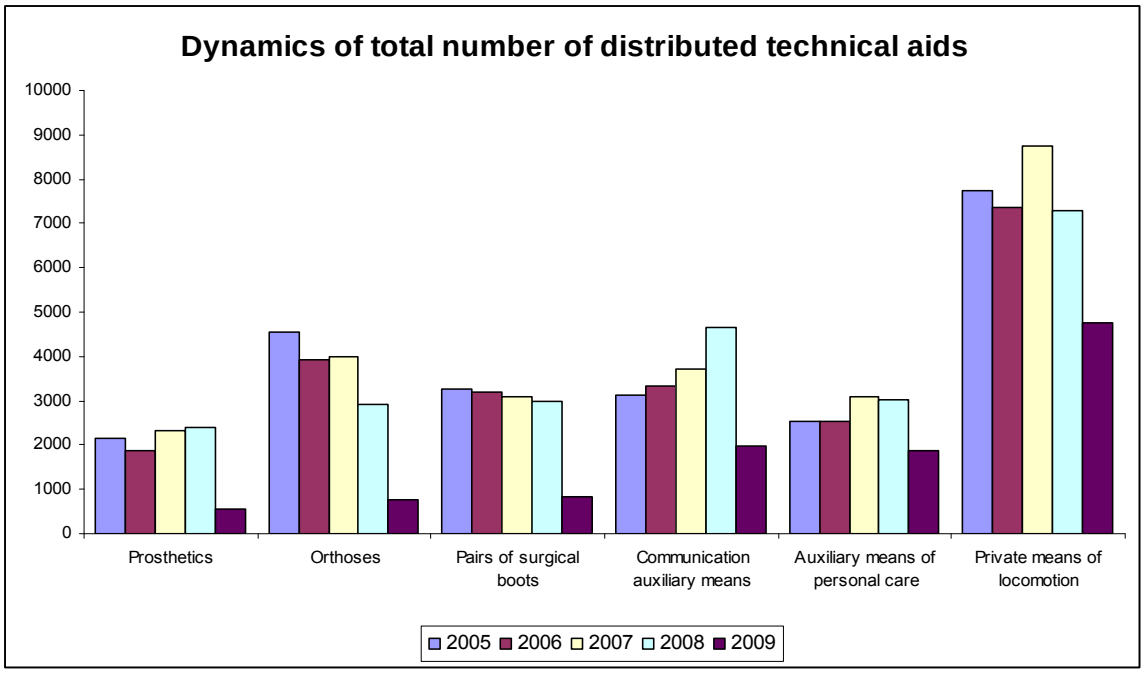
2) disabled children under the age of 18 years;

3) children for whom the technical aids is necessary to reduce or eliminate functional inability;

4) adult persons for whom the technical aids is necessary to reduce or eliminate functional inability; and

5) persons with anatomic defects — a prosthesis or orthopaedic footwear.

Table no.43



In 2006 approximately 22210 different technical aids were distributed. In 2007 – 24994, 2008 – 23276 and 2009 – 10764. In 2010 planned number of distributed technical aids are – 5440 units.

Since 2007 according to the Law on Social Services and Social Assistance also adults who are addicted to psychotropic substances are able to receive social rehabilitation (up to 12 months). In 2007 32 persons received this service. In 2008 20 persons and in 2009 – 10 persons received this service.

ARTICLE 17: THE RIGHT OF MOTHERS AND CHILDREN TO SOCIAL AND ECONOMIC PROTECTION

"With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate and necessary measures to that end, including the establishment or maintenance of appropriate institutions or services."

1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The Regulation of Cabinet of Ministers No 289 of 21 April 2008 „Amendments of the Regulation of Cabinet of Ministers No 291 of 3 June 2003 „Requirements for providers of Social services", Paragraph 25.[1] stipulates that a childcare institution may set up individual apartment-type premises for orphans and children left without parental care, who have reached 15 years of age. The child will be ensured with the following in the referred to premises: a living room where no more than three children are placed; a common-use room with a table and chairs; a kitchen (which contains the following: an electric oven; electrical stove; a table or a work surface for food preparation; a refrigerator; a cupboard for crockery and kitchen accessories); at least one shower, as well as a toilet and hand washstand for eight persons; and a room or area for washing and drying of personal clothes of the children.

The Law on Orphan's Courts, adopted on 22 June 2006, replaces the Law on Orphan's Courts and Parish Courts. The Law prescribes the principles and procedures for the establishment of an Orphan's court, the competence and principles of the operation of an Orphan's court, as well as the procedures for the taking and appeal of decisions of an Orphan's court. The New Law more precisely divides the competences of the different local government's institutions – Orphan's courts (defending the personal and property interests and rights of a child) and social service offices (provision of social services and social assistance for families).

The legal framework on establishment of parentage and adoption is based on certain sections of the Civil Law; legal framework on protection of children against ill-treatment and abuse is based on the Protections of the Rights of the Child Law**;** legal framework on domestic violence against women and children as well as regarding young offenders are based on the Criminal Law; for detailed information altogether with implementing measures, please see the second subpart of the Report on this Article.

The legal provisions of conditions promoting all aspects of children's growth and guarantee of fundamental rights - in compliance to the stipulations of the Law on Education it is the goal of education on the national level to ensure a possibility to develop one's mental and physical potential for every resident of Latvia for the purpose of one's development as an independent and developed personality, a member of the democratic state of Latvia and its society.

The Section 3 of the Law on Education of the Republic of Latvia stipulates that every citizen of the Republic of Latvia and every citizen entitled to receive a non-citizen passport issued by the Republic of Latvia or holding a permanent residence permit, as well as citizens of Member States of the European Union holding terminated residence permits and their children have equal rights to acquire education irrespective of their material and social position, race, nationality, gender, religious or political beliefs, health status, occupation or place of residence. The Section 4 of the Law on Education stipulates that preparation of five-year-old children for starting basic education and acquiring of basic education or continuation of basic education until the age of 18 years is mandatory. The Section 7 of the Law on Education defined target groups of education comprising children of pre-school age, children and young people of mandatory education, as well as persons with special needs, youth and adults. One of the characteristics of the democratic society is a balance between the rights and obligations of members of the society. In 2010 the amendments were made to the Law on Education, which created a more balanced list of rights and obligations of students, their parents/guardians and teachers.

Pursuant to the Section 70 of the Protection of the Rights of the Child Law a child himself or herself and other persons have the right to apply for assistance to institutions for the protection of the rights of the child and to other State and local government institutions carrying out activities provided for by Protection of the Rights of the Child Law, if the father, mother or other legal representative of the child, or a child care or educational institution employee violates the rights of the child, treats the child cruelly or in some other way fails to observe the rights of the child.

The Section 6 of the Protection of the Rights of the Child Law guarantee that in lawful relations that affect a child, the rights and best interests of the child shall take priority. In all activities in regard to a child, irrespective of whether they are carried out by State or local government institutions, public organisations or other natural persons and legal persons, as well as the courts and other law enforcement institutions, the ensuring of the rights and interests of the child shall take priority. The Section 20 of the Protection of the Rights of the Child Law provides that a child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to the child, either directly or through a lawful representative of the child or through a relevant institution. The guarantees provided for in Protection of the Rights of a Child Law in civil procedures are fulfilled in compliance with the Civil Procedure Law.
The principle of competition in the civil proceedings is restricted as far as it refers to the cases affecting child's interests. In such cases a court shall *ex officio* collect evidence, statement by an Orphans' court, to ask a representative form an Orphans' court to participate in the hearing, to find out child's opinion if the latter is able to formulate his/her view. It is upon a court to decide whether child's opinion is to be asked during the hearing or with intervene of representatives of an Orphans' court in other circumstances considered to be more appropriate for a child.

Legislation of the Republic of Latvia does not state a concrete age from which a child is deemed to be able to formulate his/her view (except adoption cases, where a child is asked for an opinion if he/she has reached the age of 12). Each case is evaluated separately taking into account the age of a child and his/her maturity. In cases a child is not able to formulate his/her view, child's opinion is found out with the help of psychologist, as well.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Support for young people in childcare institutions

The Ministry For Children and Family Affairs (from 1 July 2009 – Ministry of Welfare) has provided financial support for local governments for establishment of a network of group homes for young people living in out-of-family care to allow teenagers to develop necessary life skills for independent life after leaving the childcare institution. In 2010 Ministry of Welfare has provided financial support for expanding of the currently existing living premises of the youth home (which was established in 2007) in the local government of Liepaja.

In 2007 the local government of Liepaja in the framework of a project financially supported by the Ministry for Children and Family Affairs established a youth flat "Youth home", where it is possible for young persons (living at the Liepaja municipality child care institution) aged from 16 to 18 to learn independent life skills. Additionally training of specialists and young people has been carried about regarding learning of social skills. In the framework of this project the child care institution has been party changed – one of the eight group rooms has been turned into a flat with the necessary equipment. In this flat it is possible to live and learn independent life skills for 10 persons simultaneously. In the youth flat there are four bedrooms and one common room so that the children would not have to live in one room; kitchen premises have been specially adapted, toilet facilities have been established. All the rooms have been thoroughly renovated, the windows have been replaced.

In 2007 in the framework of the State Program for the improvement of the state of the child and family the Ministry for Children and Family Affairs has provided financial support for the development of a group flat (for 15 persons) in the local governments of Daugavpils for young people aged from 16 to 18 who are living in childcare institutions. The aim of the project has been to develop an environment in childcare institutions which is closer to family than the institution, thus improving the possibilities to learn skills and abilities, which are necessary for the young person's future life.

In 2006 a pilot project has been launched to promote family type environment in childcare institutions. In cooperation with the local government of Madona and its childcare institution "Zīļuks", two youth flats have been established.

Protection against violence

The project “Net-Safe Latvia”, which is carried out by the Latvian Internet Association in partnership with The State Inspectorate for Protection of Children’s Rights. The period of the project is from year 2009 to 2010, and it is implemented within the framework of the European Union's Safer Internet Programme 2009 – 2013. This substance of the project:

- information and education of children, youth, teachers and parents on Internet content security and on the potential dangers of the Internet.
- An opportunity is provided to the public to report electronically of infringements found on the Internet. The reports received on the website www.drossinternets.lv are processed by competent experts and, where appropriate, the information about possible violation is forwarded to the State Police.
- The State Inspectorate for Protection of Children’s Rights through Child Hotline (116111) provides anonymous psychological consultations for children and young persons who have experienced online violence and other kinds of abuse.

It is planned that the project will go on until June 2012.

Establishment of parentage and adoption

The Section 154-160 of the Civil Law provides for the procedure of the voluntary acknowledgement of paternity or by the determination thereof by a court proceeding if a child is born out of wedlock. This procedure is applied to every child born out of wedlock, Latvian legislation does not provide for separate groups of children to whom this procedure is not applicable.

In compliance with the Section 155 of the Civil Law acknowledgement of paternity shall occur when the father and mother of a child personally submit a joint application to the General Registry Office or at a notary certified application. An application for recognition of paternity may be submitted when the birth of a child is registered, as well as after the registration of the birth of the child, or already prior to the birth of the child. Recognition of paternity requires the consent of the child if he/she has attained age of twelve.

A court shall determine paternity if a joint application has not been submitted to the General Registry office regarding the acknowledgement of paternity or the impediments indicated in the Civil Law exist for the making of a record of paternity in the Births Register. In examining a claim for the determination of paternity, a court shall take into account any evidence, with which it is possible to prove that a specific person is the parent of the child or to preclude such fact.

Pursuant to the Section 158 of the Civil Law a claim for the determination of paternity by a court may be submitted by the mother of the child or the guardian of the child, or the child herself/himself after reaching age of majority, as well as the person who considers himself the father of the child. Paternity that has been determined by a court judgment that has come into legal effect may not be disputed.

Pursuant to the Section 146 of the Civil Law as the mother of a child shall be recognised the woman who has given birth to the child, which is certified by statement from a physician. Latvian legislation does not provide for special procedure for the determination of maternity.

As regards legal regulation of adoption no amendments have been done. Pursuant to the Civil Law the adoption of a minor child shall be permitted if it is in the interests of the child. A minor child may be adopted if prior to the approval of the adoption he/she has been in the care and supervision of the adopter and the mutual suitability of the child and adopter has been determined, as well as there is a basis for considering that as a result of the adoption between the adopter and the adoptee shall be established a true child and parent relationship. The adopter must be at least twenty-five years old, and be at least eighteen years older than the adoptee. The conditions regarding the minimum age of the adopter and the eighteen-year difference may be disregarded if ones own spouse's children are being adopted. Nevertheless, also in such case the adopter must be at least twenty-one years of age, but the age difference between the adopter and the child may not be less than sixteen years. The conditions regarding the eighteen-year difference may be disregarded if several children are being adopted (brothers and sisters). Nevertheless, also in such case the age difference between the adopter and the child may not be less than sixteen years. An adoption may not be limited by any conditions or terms whatsoever. It is necessary that all parties to the adoption give their consent to the adoption (the adopter; the adoptee if he/she has reached the age of twelve years; the parents of a minor adoptee if they have not had custody rights removed, or a guardian). A mother may not give her consent for the adoption of her child earlier than six weeks after the birth.

A court may relieve the parties from the attestation of such consent if, according to the factual circumstances, it is shown that this is impossible due to some permanent impediment or also if the place of residence of the persons whose consent is required is unknown. The court shall publish in the official newspaper Latvijas Vēstnesis an invitation referred to person to respond. A court may permit the non-registering of the adopters in the Birth Register as the parents of the adoptee, if such a request from the adopters is justified. Information regarding the adoption until the child reaches the age of majority shall not be divulged without the consent of the adopters. The adoptee shall become a member of his/her adoptive family and, the adopter shall acquire the right to implement custody. The adoptee may be granted the surname of the adopter in conformity with the provisions of the Law. On the basis of a petition from the adopter a court may also permit the personal identity number of the adoptee to be changed. It is prohibited to change the date of birth of the adoptee. In relation to the adopter and his/her kin, the adopted child and his/her descendants shall acquire the legal status of a child born of a marriage in regard to personal as well as property relations. With adoption the kinship relations, related personal and property rights and duties of the child with regards to his/her parents and their kin shall be terminated.

Protection of children against ill treatment and abuse

In compliance with the legal regulation in force, but particularly the Section 51 and 52 of the Protections of the Rights of the Child Law for violence against a child, encouraging or forcing a child to take part in sexual activities, exploitation or involvement of a child in prostitution, the persons at fault shall be held liable as prescribed by law. A child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall, in accordance with procedures prescribed by the Cabinet of Ministers be provided with emergency assistance free of charge, in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's intimate secrets. Every person has the duty to inform the police or any other competent institution regarding violence or any other criminal offence directed against a child. For failing to inform, the persons at fault shall be held to liability as prescribed by law. Law provides that special institutions or sections in general medical institutions shall be established and special resources allocated in the State budget for the medical treatment and rehabilitation of a child who has suffered in the result of violence. Expenditures for the medical treatment and rehabilitation of the child shall be covered by the State and shall be collected from the persons at fault by subrogation procedures. Special medical treatment shall be provided for a child who has become ill with a sexually transmitted disease. The adults at fault for the illness of the child shall be held liable as prescribed by law and the costs of the medical treatment shall be collected from them. It is prohibited for a child who has been a victim of violence (illegal act):

1) to be left alone, except in cases when the child himself/herself so wishes and this choice is considered appropriate by a psychologist who has undergone special preparation for work with children who have suffered from violence;

2) to be left without psychological or other form of care;

3) to be confronted by the possible perpetrator of the violence (illegal act) while the child is not sufficiently psychologically prepared for such a confrontation; or

4) to be subjected to the use of any compulsory measures in order to obtain information or for any other purpose.

Extra-familial care shall be provided without delay for a child who has suffered from violence (illegal act) in his/her family or for whom a real threat of violence exists, if it is not possible to isolate the persons at fault from the child.

See also reply above on Article 16 regarding domestic violence and on Article 17 young offenders below.

Domestic violence against women and children

As regards domestic violence against women and children Latvia informs that in the time period form 2006 – 2010 no crucial amendments as regards legal regulation have been done. The Section 171 of the Criminal Law provides for criminal liability to a person who commits utilisation of a guardianship or trusteeship to the detriment of persons subject to the guardianship or trusteeship. As mentioned above – domestic violence is subjected to the

general provisions of commission of a crime and offences done within a family are not distinguished separately. Distinction of it is not precondition of the protection of the rights of women and children. Regardless relationships between the victim and the guilty, the latter is hold on criminal liability for the offence provided for in the Criminal law – rape, bodily injury, threatening to commit murder and to inflict serious bodily injury, compelling commission of an abortion, unlawful deprivation of liberty, forcible sexual assault, commission of immoral acts with a minor.
Special regulation is applied to persons who commits cruel or violent treatment of a minor, if physical or mental suffering has been inflicted upon the minor and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent and if the consequences provided for in Section 125 or 126 of the Criminal Law are not caused by these acts (serious or moderate bodily injury)**.** The Criminal law provides for certain offences which have qualified constituent elements of an offence, where the qualifying feature is victim's minority, thus the sanction is more serious for the offence committed against a child than for the same offence against a major.
The Section 48 of the Criminal Law also provides for the following aggravating circumstances:
1) the criminal offence was committed, taking advantage in bad faith of an official position or the trust of another person;
2) the criminal offence was committed against a woman, knowing her to be pregnant;
3) the criminal offence was committed against a person who has not attained fifteen years of age or against a person taking advantage of his/her helpless condition or of infirmity due to old-age;
4) the criminal offence was committed against a person taking advantage of his/her official, financial or other dependence on the offender.
Certain amendments have been done regarding forcible sexual assault. The Section has been supplemented by additional sentence – police supervision (Law „Amendments in the Criminal law" of 13 December, 2007) and pursuant „Amendments of the Criminal Law" of 30 October 2008 the sanction has been altered envisaging more serious liability if the forcible sexual assault has been done to juvenile or has caused serious consequences.

Thus pursuant to the present redaction of the Section 160 for a person who commits pederastic or lesbian or other unnatural sexual acts of gratification, if such acts have been committed using violence or threats or by taking advantage of the state of helplessness of a person, the applicable sentence is deprivation of liberty for a term not exceeding six years, or custodial arrest. For a person who commits the same acts, if such a commission is on a minor, or is repeated, or by a person who has previously committed rape, or by a group of persons, the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding twelve years and with police supervision for a term not exceeding three years.
For a person who commits the above mentioned acts, if serious consequences are caused thereby, as well as if commission of those acts is on a juvenile, the applicable sentence is a life imprisonment or deprivation of liberty for a term of not less than ten years and not exceeding twenty years and with police supervision for a term not exceeding three years.

„Amendments of the Criminal Law" of 21 May 2009 provides for alternative sanction as regards the Section 161 „Sexual Intercourse, Pederasty and Lesbianism with a Person who has not Attained the Age of Sixteen Years" – custodial arrest and community service. Pursuant to the Section a person who commits an act of sexual intercourse, or pederastic, lesbian or other unnatural sexual acts of gratification, with a person who has not attained the age of sixteen years and who is in financial or other dependence on the offender, or if such offence has been committed by a person who has attained the age of majority, the applicable sentence is deprivation of liberty for a term not exceeding four years or custodial arrest or community service.

The same amendments provides also for alternative punishment of forced labour for an offence provided for in the Paragraph 1 of Section 162 „Immoral Acts with a Minor". Pursuant to the Section 162 for a person who commits immoral acts with a minor against the will of the minor or if such have been committed by a person who has attained the age of majority, the applicable sentence is deprivation of liberty for a term not exceeding three years, or custodial arrest or community service. The Paragraph 2 of the Section prescribes that for a person who commits immoral acts with a juvenile, the applicable sentence is deprivation of liberty for a term not exceeding six years. As regards other amendments it should be noted that the Section 150 "Rape" of Criminal Law has been amended thus both – a man and a women might be hold on criminal liability for a rape.

Additionally, with the Decree of the Minister of Justice No. 1-1/403 of December 2010 On establishment of a working party for the elaboration of amendments regarding Family law of Civil law and other legal acts regarding modernisation of the Civil law's Family law and compulsory execution of court decisions regarding custody and access rights in the Ministry of Justice there has been established a working party for the modernisation of the Family Law. The working party consists of representatives from Orphans' courts, Ministry of Welfare, Ministry of Justice, notary, advocacy and other. One of the targets set by the working party is the establishment of new civil law protection mechanism without prejudice to the criminal one. The mechanism shall serve for protecting the majors suffering from the violence in a family. The emphasis is put on such legal regulation that shall provide for isolation from the family of the violent person instead of the suffered one.

Young offenders

In the time period from 2006-2010 crucial amendments have been done regarding the Chapter 7 of the Criminal Law „Special Nature of Criminal Liability of Minors". In compliance with "Amendments of the Criminal Law" 16 June 2009 the length of the custody was reduced. Pursuant to the Section 11 of the Criminal Law a person who has attained fourteen years of age on the day of the commission of a criminal offence may be held criminally liable. A juvenile, that is, a person who has not attained fourteen years of age, may not be held criminally liable. The following forms of basic punishment shall apply for minors:

1) deprivation of liberty;
2) custodial arrest;

3) community service; or
4) fine, as well as the additional punishments provided for in the Criminal Law.

A court may, taking into account the particular circumstances of the committing of a criminal offence and information received regarding the personality of the offender, which mitigate his/her liability, release a minor from the punishment adjudged by applying compulsory measures of a correctional nature specified by Law on Compulsory Measures of a Correctional Nature. Serving of a sentence shall be completed if a minor, who has been released from it, has not fulfilled the obligations imposed by a court during the period of the punishment adjudged. Pursuant to the Law Amendments in the Law on Compulsory Measures of a Correctional Nature to Children of 22 April 2010, the Section 4 Clause 2 has been amended and coercive measures on correctional nature are not applied any more in the cases a person is conditionally sentenced. The above mentioned Law has also been supplemented with the new provision of application of coercive measures, namely, coercive measures shall be applied for an offence committed by a child under the age of 14 and which is provided for in the Criminal Law with regard to which a prosecutor or, with his/her consent, an investigator has taken a decision regarding the refusal to initiate a criminal case or a decision on termination of the criminal case and sending of the materials to a court.

In compliance with the amendment made under the Law Amendments of the Criminal Procedure Law of 17 May 2007 the ground of detention „manhunt of the person has been advertised in relation to the crime committed" is excluded. Thus pursuant to the regulation in force a person may be arrested only if there are grounds for the allegation regarding the committing of a criminal offence regarding which a penalty related to the deprivation of liberty may be applied, and if there exists one of the following provisions:
1) a person was surprised precisely at the moment of committing a criminal offence, immediately afterwards, or also in escaping from the location where the criminal offence was committed;
2) a person shall be indicated as the committer of a criminal offence by a victim or another person who saw the event or directly acquired such information in another way;
3) clear traces of the committing of a criminal offence have been found on the person himself or herself, in the premises in the usage thereof, or in other objects;
4) traces left by such a person have been found at the location where the criminal offence was committed.

The attention shall be also turned to the fact that the Law Amendments in the Criminal Procedure Law of 12 March 2009 allow to apply detention if a minor being under the influence of toxic substances has performed actions which has resulted in death of another person. With the same amendments all restrictions of the person's rights upon confinement are excluded except the provision which prescribes that a confinement is the ground of restriction of person's right and allows the person to keep in the investigation prison or in specially equipped police premises. As regards meeting and communication

provisions pursuant to the amendments it is prescribed that an investigating judge or a court may determine additionally the restrictions on meetings, except for meetings with a defence counsel, and communication for a detained person, assessing the proposals of an investigator or public prosecutor and hearing the views of the detained person, as well as taking into account the nature of the criminal offence, and the reason for detention.

As regards pre-trial detention of minors in Latvia, they are placed across five imprisonment places:

1. Cēsu Educational Institution for Minors;
2. Riga Central Prison;
3. Iļģuciema Prison;
4. Daugavgrīvas Prison;
5. Liepājas Prison.

In Latvian imprisonment places observe the principle of separate placement of minors taken into custody – male and female minors are kept separately, as well as minors taken into custody are separated from the convicted ones.
The living space in the imprisonment places is larger than 3m² per each prisoner. Imprisonment places are equipped with eating, bath, shower, gym and resting facilities. In compliance with the regulatory enactments in force, minors are state dependant while being in imprisonment places. Minors are given an individual sleeping place, bedding, ensured wholesome food, hygiene goods and medical treatment and are able to contact persons outside the imprisonment place. For this purpose there are placed payphones and established meeting rooms.

In compliance with Sentence Execution Code of the Republic of Latvia convicted minors are permitted:
1) to utilise twelve long duration visits from 36 to 48 hours with close relatives per year;
2) to utilise twelve short duration visits from one and half hours to two hours per year;
3) to shop at the institution store without limits to the amount of money;
4) to utilise six telephone calls per month;
5) with permission of the head of the juvenile correction institution, to go out of the territory of the institution for up to ten twenty-four hour periods per year, as well as go out of the institution for up to five twenty-four hour periods due to the death or a life-threatening serious illness of a close relative. The time spent outside the institution shall be included in the time of the sentence served.

All minors in imprisonment places are engaged in study process and re-socialisation programmes. Both convicted and taken into custody are in reach for library, as well as psychologist and chaplain services. Sentence Execution Code provides for a possibility of a person of full age to remain in juvenile correction institution in case if it is necessary to strengthen the results of re-socialisation or professional qualification. A person may continue to serve in juvenile correctional institution until the reach of age 21.

In the Cēsu Educational Institution for Minors there is a possibility to master 3 professions, namely, speciality of locksmith; applied arts master and wood-processing. Those willing to have a chance to take a part in creative work can participate in exhibitions organised twice a year, where minors present their creativeness and the use of working skills. A parent conference in the Cēsu Educational Institution for Minors is held twice a year and the parents of convicted are able to visit divisions, where the male minors live and learn, as well as to meet pedagogues, tutors and other specialists.

For the parents of female minors imprisoned in Iļģuciema Prison, there is a possibility once a year to visit the institution and get acquainted with the circumstances under which the female minors live. Afterwards, both short duration and long duration meetings are held.
In the Cēsu Educational Institution for Minors 6-7 persons are given a chance to leave the institution for the time up to 8 hours and to walk the city in the assistance of parents or tutors. In the first half of the year 2010 such an opportunity was used 24 times.
Approximately 1-2 convicted persons in a month are given a chance to go home for some days (the total duration of such vacation may not exceed 10 days per year).
Looking for an individual approach for each of the convicted, Cēsu Educational Institution for Minors in cooperation with Iļģuciema prison cooperates with social service institutions and charity organisations. Special attention is turned to family, education and employment issues, as well as to the circumstances providing means of existence after discharge.
Each convicted to be discharged is taught how to act in crisis situations. Likewise each is given an informative material for arrangement of formalities including addresses and phone numbers, as well as instructions how to act if a passport is lost, how to settle in a job, information on assignment of a living space and the like.
The keeping of convicted minors is regulated by the Law on the Procedure on How the persons are Kept in Custody and Regulation of Cabinet of Ministers No 800 of 27 November 2007 “Provisions on the Inner procedures of Investigation prisons”.

Apart from the persons of full age, minors are eligible to meet relatives once a week and to have a daily walk not shorter than an hour and a half etc.
Minors taken into custody are divided into two groups, namely, those under the age of 18 and those of the age of 18, but not being on full age on doing criminal offence. The convicted of corresponding groups are kept separately from the minors – reaching the age of 18 the persons are brought to another cells. The persons after being taken into custody are placed in quarantine cells for one week. Quarantine may be longer if a minor suffers from certain disease and therefore isolation from others is needed.
The placement of minors among the cells is done taking into account various factors inter alia the kind of the criminal offence done, information on person and psychological compatibility.

Convicted minors are held by six, four or two in one cellar. All cells are equipped with toilet facilities. Toilettes are separated from the common living

space. Minors may be placed in pre-trial custody for the time not exceeding 6 months. After the receipt of the case in court till accomplishment of the trial in the first instance the duration of custody for the minors shall not exceed 6 months. The maximum period of custody shall not exceed one year. However, if the person being in custody has reached age 18, pre-trial detention shall not exceed 18 months.

Pursuant to the Section 65 of the Criminal Law for a person who has committed a criminal offence before attaining age of 18, the period of deprivation of liberty may not exceed: ten years - for especially serious crimes; five years - for serious crimes, which are associated with violence or the threat of violence, or have given rise to serious consequences; two years – for other serious crimes. For criminal violations and for less serious and serious crimes (i.e. an intentional offence for which the Criminal Law provides for deprivation of liberty for a term exceeding two years but not exceeding five years, or an offence, which has been committed through negligence) the penalty of deprivation of liberty shall not be applied for such person. The same section also prescribes that if a person has committed a criminal offence before attaining age of eighteen regarding which the minimum limit of the applicable penalty of deprivation of liberty has been provided for in the sanction of the relevant Section of Special Part of the Criminal Law, a court may impose a penalty which is lower than this minimum limit also in the cases when a court has recognised that a criminal offence has been committed under liability aggravating circumstances. Pursuant to the Law Amendments of the Criminal Law of 21 May 2009 the possibility to apply compulsory measures of a correctional nature is excluded for minors punished conditionally.

As regards the Criminal Procedure Law of the Republic of Latvia (hereafter – Criminal Procedure Law) Latvia informs that no crucial amendments have been done regarding special conditions for criminal procedure against minors. Only as far as it concerns the Paragraph 2 of the Section 273 the Amendments of the Criminal Procedure Law of 12 March 2009 the Section is supplemented with the exception that detention may be applied if a minor being under the influence of toxic substances has performed actions which has resulted in death of another person.

The provisions of application of additional punishments for the minors and majors do not differ. Exception is the fine which taking into account the limited financial means of a minor shall be applied only to the minors having their own incomes. Furthermore the fine for the minors is applied in a reduced amount – from 1 to 50 minimum wages in the Republic of Latvia (for majors – 3 to 100 minimum wages). Property confiscation and police supervision might be applied only in case if it is envisaged in the incriminated section of Special Part of the Criminal Law.
The Judge of the Criminal Law decides whether additional punishment is to be applied unless the relevant the Section does not provide for mandatory application of such a punishment. A fine, limitation of rights and deportation from the Republic of Latvia might be applied for every offence provided for in the Special Part of the Criminal Law (limitation of rights – if offence is directly

related to the entrepreneurship or occupation of the guilty person or has been conducted abusing the given powers or special rights). Deportation form the Latvia is applied if a court finds that considering the circumstances of the matter and the personality of the offender, it is not permissible for him/her to remain in the Republic of Latvia.
This punishment shall be adjudged as an additional sentence, determining the entry ban for a period from three to ten years, executing it only after the basic sentence has been served or after conditional release prior to completion of sentence according to the procedures specified by the Criminal Law. However, deportation and police supervision shall not be applied if a person is conditionally convicted.

Pursuant to the Paragraph 2 of the Section 244 of the Criminal Procedure Law the person directing the proceedings upon the choice of security measure takes into consideration the character and harm of the committed offence, individuality of the suspected or accused, his/her family status, health and other circumstances. The person directing the proceedings chose upon such procedural coercion measures which affect fundamental rights of a person's as less as possible and is commensurate with the committed offence. Thus detention for a minor may be applied only if he/she is suspect or accused for committing of an intentional offence. For minors suspected or accused for committing criminal violation or an offence committed trough negligence detention cannot be applied unless such an offence is done under the influence of toxically substances and has caused a death of another person. Furthermore, minor suspected or accused for committing of an intentional less serious criminal offence detention might be applied only if he/she has violated other security measure – commitment to a correctional institution – being accused or suspected for committing serious or especially serious criminal offence.

Detention is applied if during the criminal process there have been acquired information due to which grounded suspicion has caused that a person has committed an offence the sanction for which provided for in the Criminal Law is detention of liberty and other security measure might not ensure that a person will not commit new offences or will not disturb or avoid pre trial criminal process, court proceedings or execution of court decision. However, for the person who is suspected or accused for committing of an especially serious crime, detention might be applied also if the offence has been committed against a person's life or against a minor or other person taking advantage of his/her financial or other dependence on the suspect or accused or against a person who because of the age, health or other reasons have not been able to defend their interests, or a person is a member of organized group, a person refuses to give information on his/her identity and its identity has not been clarified or the person has not a distinct domicile or working place, person does not have a permanent domicile in the Republic of Latvia.

Detention period for minors shall not exceed half of the maximum detention period for majors, i.e. one and a half a month for criminal violence including less than a month for pre-trial detention, four and a half a month in the case of

less serious offence from which pre trial period may not exceed 2 months, six months for a serious offence from which in pre-trial detention a person may be kept not more than three months, twelve months for especially serious offence from which not more than seven months in pre-trial process. Furthermore, for minors suspected or accused for committing serious offence, detention period shall not be prolonged as it is allowed in the case of major suspects and accused. For majors accused and suspected for especially serious offence detention period may be prolonged only for three months by the highest level court judge, if the offence has resulted in death or it has been done using firearms or explosives.

House arrest may be applied for suspect or accused prior the final court decision enters into force if there is a ground of application of detention but for a special reasons it is not possible or welcome to keep a person in detention. Provisions for application of house arrest and terms do not differ from those applicable to detention.

The placement of a minor in correctional institution is performed on the same grounds and for the same terms as placement into detention. The time a minor spends in a correctional institution is included into the term of adjudged detention. The measure might be applied prior coming into effect of the final decision, if it is unnecessary to keep the minor in detention however there is no certainty the minor will not execute his procedural duties or will not commit new offences.

3. Please provide pertinent figures, statistics or any other relevant information, in particular on the number of children placed with foster families and in institutions, the number of children per unit in child welfare institutions, on the number and age of minors in pre-trial detention or imprisoned or placed in a disciplinary institution.

Administration of the Maintenance Guarantee Fund correspondent to the Law on Maintenance Guarantee Fund in case to protect single mothers pays maintenance in the amount established by the judgement but not more than the minimum maintenance set by the Cabinet of Ministers.

Table no.44

The payment of maintenance in the time period from the year 2006 to the first half of 2010[14]

Year	Applications received in the Maintenance Guarantee Fund	The number of taken decisions as regards the payment of maintenance[15]	The number of refusals as regards the payment of maintenance	The number of finished cases (the payment has been finished)[16]
The first half of 2010	2631	2905	63	992
2009	6207	6810	115	2020
2008	3530	4736	81	2595
2007	3032	4435	95	2416
2006	3248	10853	111	1942

Table no.45

Claims for determination of paternity in the time period from the year 2006 to the year 2009[17]

Year	The cases received in first instance court	Cases finished in the first instance court	Case received for appellation	Case finished in appellation instance of the district courts
2009	628	604	37	34
2008	678	630	25	24
2007	739	712	22	24
2006	651	687	31	22

Total number of adopted children in Latvia and abroad

Table no.46

Year	2006	2007	2008	2009
Number of children adopted:	199	204	186	246
in Latvia	88	90	103	105
abroad	147	114	83	141

Data source: Ministry of Welfare

[14] Figures included in the answer are provided by the Maintenance Guarantee Fund.

[15] Decisions include payment of maintenance for the first time, the payment of maintenance for children reached age of seven, the amendment in the amount of payable maintenance in compliance with the amendments as regards State's declared minimum salary.
The cases left without further consideration include cases, in which the payment of maintenance has been started from 2004.

[16] The cases left without further consideration include cases, in which the payment of maintenance has been started from 2004.

[17] Figures included in the answer are provided by the Division of Policy of Judicial System of the Ministry of Justice

Table no.47

Indicators characterising guardianship at the end of the year				
	2006	2007	2008	2009
Number of children under guardianship	8 294	6 673	6 101	6 044
Number of guardians	6 245	No information available	No information available	No information available

Data source: Central Statistical Bureau

Number of foster families
(Information at the end of the year)

Table no.48

Year	2006	2007	2008	2009
Number of families to which the status of a foster family is assigned	260	304	348	416
Children placed in foster families	303	421	562	686

Data source: State Inspectorate For Protection Of Children's Rights

Childcare in the institutions for care and upbringing outside the family

Table no.49

Specialised children's social care centres at the end of the year				
	2006	2007	2008	2009
Specialised children's social care centres				
Number	3	3	3	2
Enrolment	238	231	225	139

Data source: Central Statistical Bureau

Table no.50

Social care centres for orphaned children at the end of the year				
	2006	2007	2008	2009
Social care centres for orphaned children				
Number	5	5	5	5
Enrolment	505	491	440	465

Data source: Central Statistical Bureau

Table no.51

Local government children's homes-shelters at the end of the year				
	2006	2007	2008	2009
Local government children's homes - shelters				
Number	44	42	37	35
Enrolment	1 614	1 578	1 500	1 277

Data source: Central Statistical Bureau

The Ministry of Welfare (since 1 July 2009; previously - State Social Services Agency) shall control the quality of social services and the conformity of social service providers to the requirements specified in regulatory enactments, and shall administratively fine social service providers for violations committed.

Social rehabilitation of children who have suffered from violence

In 2005 1434 children who have suffered from violence received social rehabilitation (562 of them at social rehabilitation institution, 872 at their place of residence); in 2006 - 1615 (749 of them at social rehabilitation institution, 866 at their place of residence); in 2007 - 1840 (952 of them at social rehabilitation institution, 888 at their place of residence); in 2008 - 1807 (870 of them at social rehabilitation institution, 937 at their place of residence); in 2009 - 2025 (816 of them at social rehabilitation institution, 1209 at their place of residence). Till the September 2010 - 1832 (1279 of them at social rehabilitation institution, 553 at their place of residence).

Since 2008 children can get either 30 day long social service or 60 day long service in social rehabilitation institutions. Until that it always was only 30 days for all children.

In 2008 social rehabilitation of children who have suffered from violence was carried out by 7 institutions but in 2009 – by 8 institutions, which were selected by the Social Service Board. Since 2010 Latvian Children Fund provides government funded social rehabilitation for abused children.

Social rehabilitation of children addicted to psychotropic substances:
According to the Law On Social Services and Social Assistance financing of social rehabilitation services is assigned from the state budget.

In 2006 LVL 295 784 were spent to ensure rehabilitation (up to 18 months long) to 59 children. In 2007 67 children received social rehabilitation and LVL 345 331 were spent. 67 children received social rehabilitation in 2008 which were funded by the government - LVL 388001; in 2009 - 64 children received social rehabilitation in amount of LVL 308173.

Table no.52

The number of convicted minors as regards the length of imprisonment[18]

For the date of:	01.01.2007	01.01.2008	01.01.2009	01.01.2010	01.07.2010
Total number of convicted minors	127	105	109	96	83
3 – 6 month (incl.)	1	3	2	1	2
6 – 1 year (incl.)	11	10	8	7	6
1-3 years (incl.)	66	60	63	48	40
3-5 years (incl.)	29	20	24	25	24
5-10 years (incl.)	16	11	10	14	10
10 -20 years incl.	4	1	2	1	1

[18] Figures included in the answer are provided by Latvian Prison Administration

Table no.53

The number of minors in pre-trial detention or imprisoned or placed in a disciplinary institution[19]

For the date of:	01.01.2007	01.01.2008	01.01.2009	01.01.2010	01.07.2010
Total number of the minors taken into custody	64	94	80	53	43
among them:					
those in pre-trial investigation	16	30	21	15	15
those, whose case is submitted for the first instance court:	18	31	20	11	6
those waiting for the hearing in the appellation court	19	15	18	15	11
those waiting for the hearing in the cassation court	-	2	2	-	-
-those waiting for the coming into force of the judgment	7	10	11	8	8

However, no statistical data are provided about the types of offences on the grounds of which the minors are subject to the pre-trial detention.

[19] Figures included in the answer are provided by Latvian Prison Administration

Responses to Queries raised by the European Committee of Social Rights in its Conclusions XVIII-2 (Latvia)

Article 16 – Right of the family to social, legal and economic protection

Social protection of the family

Query: In its last conclusion (Conclusions Latvia, XVII-2, pp. 519-525), the Committee asked for further information on the application of the 2004-2013 action plan on a national family policy. In particular, this includes proposed measures to assist young couples to purchase housing. The Committee also asked whether nationals of other states party had the same eligibility for housing and housing benefits as Latvian citizens.

Response: Due to budget balance measures, the implementation of the State family policy activities under the Action Plan for the Implementation of the Concept Paper "The State Family Policy" 2004 – 2013, the Decree of the Cabinet of Ministers No 949 of 30 November 2004[20], has been very limited during recent years of 2008-2009. Especially that refers to tasks which needed additional funding, inter alia housing for families.

Therefore objectives of the Action plan concerning support for families when purchasing a new home has been partially implemented. The government has not yet adopted any special policy planning document for facilitating accessibility of housing for young couples. Nevertheless the parliament has adopted amendments in the Law on Assistance In Solving Apartment Matters (adopted in Parliament on 30 April 2009). Amendments mentioned gives a new wording for the Article 27 prim, stipulating that assistance by the State or local governments in solving apartment matters shall be provided to a person with whom lives a dependent minor.

Assistance in solving apartment matters is an autonomous function of the local government. The local governments establish the categories of the persons eligible to receive such assistance according to the Law on Assistance In Solving Apartment Matters, so that allows to identify which persons are primarily eligible to receive assistance. The local government may provide assistance to the other groups of persons, including nationals of other states.

The rights to receive social services and social assistance have citizens and non-citizens of the Republic of Latvia and aliens who have been granted a personal identity number, except for persons who have received a temporary residence permit (the Article 3, Paragraph one, the Law on Social Services and Social Assistance). One of the social assistance benefit that is provided by local governments is housing allowance. The amount of the housing allowance, the procedures for payments and the persons which are entitled to receive this allowance, is regulated by the binding regulations of the local

[20] http://polsis.mk.gov.lv/view.do?id=1635. Action Plan for the Implementation of the Conceptual Document "State Family Policy" 2004 – 2013.

government (the Article 35, the Paragraph five of the Law on Social Services and Social Assistance). The procedure of the State assistance is stipulated by the Regulation of Cabinet of Ministers No 1253 of 3 November 2009 "Regulations on the State assistance for purchase and construction of living quarters". According to regulations mentioned the State provides assistance in the form of warranty for the loan in order to purchase or construction of living quarters.

Query: In its last conclusion (Conclusions Latvia, XVII-2, pp. 519-525), the Committee asked whether the number of childcare facilities and places was adequate. It also requested information on childcare facilities for those aged 0 to 5 years, after-school childcare facilities, the fees charged by childcare establishments and the qualifications and training of persons employed in childcare facilities. However, the report does not indicate whether the number of pre-school facilities matches the demand. The Committee repeats its request.

Response: (Please see the table no. 31 and the information provided on page 39 and 40 in the 6th Report)

Query: Under the action plan, and in conjunction with local authorities, various forms of care lasting up to four hours per day are to be provided for children who are under school age and are not placed in day-care centres. There are also plans to establish a unified information system on local childcare facilities in 2006. Regulation 600 of 8 September 2004 on equal opportunities provides for alternative forms of childcare at places of work. The Committee wishes to be informed of progress on and the results of these various measures. It also repeats its request for information on the fees charged by childcare facilities.

Response: Public/State pre-school education institutions do not charge for pre-school education program, the charge can be applied by the private pre-school education institutions. At the same time there are additional expenses regarding meals and equipment necessary for the attendance of the pre-school education institution. Currently there is no exact statistical information regarding such family expenses.

(Please also see the information provided on the Paragraph 2 of the Article 16 in the 6th Report)

Query: The Committee notes that almost half the specialist staff working in preschool establishments have completed higher education and have specialist qualifications in education or psychology. It asks for information on the qualifications of the other persons employed in day-care facilities. Staff can also take part in in-service training. The Committee asks what checks are carried out on the quality of these services.

Response: The Inspectorate for the Protection of Children's Rights (hereinafter – the inspectorate) is carrying out regular inspections in children's institutions (out-of-family care institutions, schools, pre-school educational

institutions, social correction educational institutions, detention institutions, health care institutions etc.). The Article 72 of the Protection of the Rights of the Child Law stipulates that a person who has committed a criminal offences against morals and/or sexual inviolability (irrespective of spent convictions) shall not work in an institution for children. Inspectorate's duty is to supervise whether this provision has been implemented properly by employers. The inspectorate supervises whether there are violations against children's rights, it applies sanctions according to its competence or forwards the information to the competent institutions (police, Orphan's court, social service etc.). During its visits the inspectorate provides consultations for specialists as well as organizes special educational seminars for teachers and other personnel working with children.

Legal protection of the family

Query: The government is introducing a project on alternative approaches to settling disputes and training for legal practitioners, which should serve as the basis for the development of family mediation. The Committee asks for information on progress on this project in the next report.

(Please also see information provided on the Paragraph 2 of the Article 16 in the 6th Report)

Query: In its last conclusion (Conclusions Latvia, XVII-2, pp. 519-525), the Committee asked for further information on the application of the 2004-2013 action plan on a national family policy, as it affects legal protection of the family. The report repeats that combating domestic violence is one of the objectives of the action plan, but does not answer the question. If the information requested is not included in the next report there will be nothing to show that the situation is compatible with the Charter.

Response: There has been a significant change regarding violence related problems on policy agenda during last years. The Ministry of Children, Family and Integration affairs (starting from 1 July 2009 – the Ministry of Welfare) have been responsible governmental body regarding violence issues and in cooperation with line ministries and other institutions involved drafted a mid–term planning document "Program to combat domestic violence 2008 – 2011" (accepted by the Government in 2008, hereinafter – The Program). The Program is the first detailed policy planning document to combat domestic violence, which gave clear recommendations concerning the measures to combat domestic violence more effectively than before.
The Program sets out three directions of action – identification of domestic violence, prevention of domestic violence, cooperation of institutions in order to provide assistance and rehabilitation. It is planned that under the Program domestic violence, violence of a partner, int.al. violence against women will be reduced. As a part of the Program activities to rehabilitate victims of domestic violence are implemented, activities to re-socialize perpetrators are still under consideration.

Moreover, in order to provide complex help in crisis situations, as well as in cases when it is necessary to receive support for finding solution for a family problem (also in cases when woman and minors are victims of violence). During 2004 – 2008 together 26 family support and crisis centres which provide complex help for families with children in different situations (for example, support groups, psychologist consultations, mediation, children emotional upbringing program etc.) were created.

According to existing legislation, the State is entitled through various means to provide services of social rehabilitation to child-victims of illegal acts – all forms of violence, exploitation etc. Social rehabilitation of children who have suffered from violence (up to age of 18) has been established since 2000. State-financed services to children victims of violence are provided at the place of residence (10 consultations by psychologist, psychotherapist or social worker) or at institution (up to 60 days). Services mentioned are equally guaranteed both for boys and girls. In 2007, for 1774 children (out of which 863 were boys and 911 were girls) social rehabilitation was provided.

Importantly, while the legislation at this point does not establish an obligation to aid adult-victims of violence, these persons also receive assistance. In 2005, 38 persons accompanying a child to rehabilitation institutions received assistance needed; in 2006 there were 93 persons who received assistance, but in 2007 - 110 persons. Hence, there is a tendency to increase assistance adult-victims of violence. While there are no data on the sex of these adult-victims, the most often encountered scenario is that women (mainly mothers) accompany by their child (children) to the rehabilitation institution. To address this problem several policy documents have been passed by the Cabinet of Ministers that provide the necessity to ensure adequate social rehabilitation services also for adult-victims of violence as well as perpetrators. Necessary amendments in respective laws have been prepared by the Ministry of Welfare in order to provide the State funded social rehabilitation services for these two groups. Services are planed to be in place in 2013.

Economic protection of the family

Query: In its last conclusion (Conclusions Latvia, XVII-2, pp. 519-525), the Committee found that family allowances did not constitute an adequate income supplement because they did not represent a sufficient percentage of the median equivalised income. It notes that family allowances will rise on 1 January 2007, that is outside the reference period. Monthly child allowances should rise to LVL 8 (EUR 11.50) for the first child, LVL 9.6 (EUR 14) for the second, LVL 12.80 (EUR 18) for the third and LVL 14.40 (EUR 21) for the fourth and subsequent ones. Consideration is also being given to a change in the childbirth allowance. The Committee wishes to be informed of when these increases come into effect.

Response: Due to the budget consolidation measures until 2013 the amount of family state benefit will not be increased (the Article 4 of the Law on the Payment of State Benefits in the Time Period from 2009 until 2012).

Query: In its last conclusion (ibid), the Committee noted that the number of families at risk of poverty had grown rapidly in recent years. According to the report, average household size has risen and the number of disadvantaged families rose from 9 653 in 2002 to 13 066 in 2003. The Committee asks what practical measures are planned to offer such families more support.

Response: The practical measures provided for families at the risk of poverty are related to relief for fees for health care services. The allowance for the provision of the guaranteed minimum income level has been increased up to 40 LVL per month for adults and 45 LVL for minors.

Query: In its last conclusion (ibid), the Committee asked for information on financial measures to assist one-parent families. In the absence of any reply, the Committee repeats its question.

(Please see also information provided on the Paragraph 2 of the Article 16 in the 6th Report)

Article 17 - The right of mothers and children to social and economic protection

Establishment of parentage and adoption

Query: The Committee reiterates its question as to what are the rights of an adopted child or a child in public care to know his/her origins.

Response: The Paragraph two and three of the Article 171 of the Civil Law stipulates that a court may permit the non-registering of the adopters in the Birth Register as the parents of the adoptee, if such a request from the adopters is justified. Information regarding the adoption until the child reaches the age of majority shall not be divulged without the consent of the adopters. The Article 169 of the Criminal Law establishes that for a person who commits the disclosure of confidentiality of adoption contrary to the will of the adopter, the applicable sentence is custodial arrest, or community service, or a fine not exceeding ten times the minimum monthly wage. The Law prohibits divulging of information to any other third person, including the adopted child, that the adopters are not the child's biological parents.

However confidentiality of adoption does not refer to children in public care who have not been adopted. According to the Article 34 of the Protection of the Rights of the Child Law pursuant to the request of a child, taking into account the age and maturity of the child, a guardian, foster family or manager of a child care and instructional institution shall notify the child why he or she is in extra-familial care and provide information on his/her family and how long the child will remain in extra-familial care.

Children in public care

Query: The Committee recalls that pursuant to Article 17 of the Charter children placed in institutions should be entitled to the highest possible degree

of satisfaction of their developing emotional needs and their physical well-being as well as to special protection and assistance. In order to be considered as adequate, institutions shall provide a life of human dignity for the children placed there and shall provide for conditions promoting their growth, physically, mentally and socially. A unit in a child welfare institution shall resemble the home environment and shall not be larger than 10 children. The Committee asks for information how units in child care institutions are organised and in particular reiterates its question as to how many children one such unit may comprise. The Committee also asks whether there are any measures in place to avoid that children up to the age of one year are placed in institutional care.

Response: The main measure, in order to prevent that little children up to the age of one year are placed in institutional care are further development of family type child care services alternative to child care institutions such as guardians and foster families.

Query: In the year 2004, 546 children lived in one of the six child care centres for orphans as opposed to 647 in 2003. 2 182 children lived in one of the 61 children's homes and orphanages mainly established on the municipality level in 2004 as opposed to 2 382 in 2003. 359 children lived in the three existing centres for disabled children as opposed to 367 in 2003. The Committee notes that the number of children living in these institutions has constantly decreased since 2001. It wishes to be informed on any development in this respect. It further asks whether the necessity and appropriateness of institutional care is subject to regular, periodic review.

Response: The quality of social care services provided for children in childcare institutions is constantly supervised by the Ministry of Welfare (until 30 June 2009 – Social Service Board). The Ministry of Welfare shall supervise the implementation of the Law on Social Services and Social Assistance, control the observance of the regulatory enactments regulating the provision of social services, and the conformity of the quality of social services and the provider of social services with the requirements of regulatory enactments and administratively punish the providers of social services for violations committed (the Section 4 of the Article 14 of the Law on Social Services and Social Assistance).

At the same time the Inspectorate for the Protection of Children's Rights and the Orphan's courts carry out regular inspections at the childcare institutions, examining the files of children living there and whether their stay at the institution is further justifiable. The Orphan's court examine the out-of-family care of a child placed in an childcare institution at least once a year (Regulation of Cabinet of Ministers No 898 of 29 November 2005 "By-law of the State Inspectorate for Protection of Children's Rights"; Paragraph 81, prim of Regulation of Cabinet of Ministers No 1037 of 19 December 2006 "Regulations for the Operation of an Orphan's Court").

Query: In reply to the Committee's request for further information on regulations concerning staff qualifications and training and wage levels of staff

in institutions, the report refers to Sections 41 and 42 of the Law on Social Services and Social Assistance stipulating that the performance of social work is subject to higher or academic professional education. The report states that these requirements will be effective as from 1 January 2008 and the Committee asks to be informed on their implementation in practice in the next report. The report further refers to training programs for social workers which have been carried out since the 1990s and again the Committee asks to be informed on any development in this respect.

Response: Annually in the framework of the State programme for the improvement of the status of children and families (the Article 62, Paragraph two of the Protection of the Rights of the Child Law) education activities are being organized for specialists, including social workers in order to improve their skills and abilities of working with children who are living in institutions mentioned. In 2008 537 social workers have been trained how to implement the behavioural correction education program[21] for parents with high social risk (allocated financial resources from the State budget – 19 883 LVL).

Query: As regards wages of social workers employed in institutions, the report specifies that pursuant to the Regulations of the Cabinet of Ministers No. 804 of 28 September 2004, the lowest monthly salary for these workers is between 124 LVL (178 €) and 142 LVL (204 €) depending on their qualification. The Committee understands that this regulation is only binding upon central government employees and that local governments are free to deviate from this minimum wage at their discretion. The Committee asks the next report to specify whether there are plans to harmonise wages for social workers in institutions on the central and local level and if not what is the average wage level for these workers on the local level.

Response: There is no information regarding wage harmonisation plans for social workers.

Query: The Committee noted in its previous conclusion that the quality of care in state institutions is controlled by the Social Assistance Funds supervised by the Ministry of Welfare and the quality of care in municipal institutions by the municipalities where these institutions are located. The Committee asks by which means and how frequent controls are carried out and whether children themselves may be asked about the conditions in these institutions. It further reiterates its request for information on the conditions under which an institution may interfere with a child's property, mail, personal integrity and right to meet with persons close to the child.

Response: The inspectorate provides anonymous psychological consultations through Child Hotline (116111), operated seven days per week, for children and young persons who have experienced violence and/or other kind of abuse as well as children who need anonymous counselling on sensitive matters for their life (Regulation of Cabinet of Ministers No 898 of 29

[21] http://www.lm.gov.lv/upload/berns_gimene/bernu_tiesibas/publikacijas/publikacijas3.pdf.

November 2005 “By-law of the State Inspectorate for Protection of Children’s Rights”).

A client living in a long-term social care and social rehabilitation institution (childcare institution) has the following rights: 1) to independently take decisions and implement them to the extent it does not restrict the rights and freedoms of other person or does not endanger the health or life of the person; 2) to enjoy individual access to staff in the provision of social service offices; 3) if he/she is a child - to reside in the care of another person (family) outside the institution in accordance with the Protection of the Rights of the Child Law. A client living in a long-term social care institution has the right to a particular sum of money for personal expenses in the following amount: for a child from the age of seven, the sum of money to be paid from the budget of the long-term social care institution shall be 10% of the amount of the State social security benefit. A greater amount of money may be granted for good and commendable results and activity in community life, by an education establishment or long-term social care institution (the Article 29 of the Law on Social Services and Social Assistance).

Query: Pursuant to Section 65.1 of the Act on the Protection of the Rights of the Child, State inspectors acting under the responsibility of the Ministry of Children and Family Affairs may at their own initiative or on the basis of a complaint inspect the activities of any State or municipal institution, public organisation or other physical or legal entity as regards the protection of the rights of the child and lead corresponding investigations. Based on the results of such investigations, the inspectors shall issue recommendations with a view to rectifying a possible violation of children’s rights and may draw up an administrative violation report, impose an administrative penalty or recommend that the person responsible within the institution shall be subject to disciplinary or other measures as stipulated by law. The report further specifies that under the Administrative Violation Code, administrative offences are examined by administrative commissions of local governments or sub-commissions for children affairs. The Committee asks what are the administrative penalties that may be imposed by the inspectors in this respect.

Response: Since 2005 the monitoring of the implementation of the Laws on the Protection of Children’s Rights is implemented by the State Inspectorate for Protection of Children's Rights, instead of the Ministry for Children and Family Affairs (from 1 July – Ministry of Welfare).

Administrative penalties according to the Administrative Violations Code of the Republic of Latvia:

The Article 172.^{2} Physical and Emotional Child Abuse: In the case of physical or emotional child abuse – a warning shall be issued or a fine in an amount up to LVL 50 shall be imposed.
In the case of the same violations, if recommitted within a year after the imposition of an administrative sanction or if they are performed by a State or local government institution official or employee – a fine in an amount from LVL 25 up to LVL 150 shall be imposed.

The Article 172.[3] Illegal Involving of Children in Events : In the case of involving of a child in a beauty contest or any other event, where the only thing that is valued is his/her outer appearance – a fine for natural persons from 250 up to 500 LVL, but for legal persons – from 500 up to 1 500 LVL shall be issued.
In the case of the violation of such normative acts that provide for the procedure according to which children shall be involved in the events (activities), which are related to demonstration of outer appearance - a warning shall be issued or fine for natural persons from 100 LVL up to 250 LVL, but for legal persons – from 250 LVL up to 1 000 LVL.

The Article 236.[12] State Children Rights Protection Inspectorate: The State Children Rights Protection Inspectorate shall examine the administrative violation matters provided for in the Article 172.[2] (in regards to violations, which have been committed by institution officials or employees) and the Article 172.[3] of this Code. The following persons are entitled to examine administrative violation matters and to impose administrative sanctions on behalf of the State Children Rights Protection Inspectorate: 1) the State Children Rights Protection Inspectorate head and the deputy thereof – to issue warning and impose a fine in an amount up to LVL 1 500 LVL; and 2) the State Children Rights Protection Inspectorate inspectors – to issue a warning or to impose a fine in an amount up to LVL 250.

Query: It understands from the information provided that in the event the inspectors opt for recommending disciplinary or other measures instead of imposing a penalty, these recommendations are examined by the aforementioned administrative commissions of local governments. The Committee wishes to know what are the measures the inspectors may recommend and whether the relevant administrative commissions are obliged to examine and follow such recommendations. It further asks what are the disciplinary and other measures that may be imposed by the commissions.

Response: The recommendations are not strictly binding to the institutions to which they are addressed. There is no limitation of measures that the Inspectorate may recommend to the competent institutions may it be local government's administrative commission, police or Orphan's courts. However of the relevant institutions are rejecting to implement the Inspectorates' recommendations, they shall provide for that substantial argumentation.
The administrative penalties that may be imposed by the administrative commission are enumerated in the Administrative Violations Code of the Republic of Latvia.

Query: In reply to the Committee's question as to whether children themselves may bring a complaint to the inspectorate, the report refers to Section 70 of the Act on the Protection of the Rights of the Child stipulating that a child and any other person have the right to apply for assistance to state, local government or other institutions dealing with the protection of the rights of the child in the event of ill treatment of the child or violation of its rights on the part of its parents, legal representative or a child care or

educational institution. The report further states that the procedure for a complaint to be brought by a child to the inspectorate is governed by the Administrative Procedure Law and the Committee asks the next report to provide details on the rules applicable in this respect. It notes in particular from the report that in cases prescribed by law, minors shall be entitled to independently exercise their procedural rights and asks the next report to specify under which circumstances this is actually the case.

Response: Regarding protection of children's rights the institution take immediate action when a child's complaint is received and there is reason to believe that there is a situation of emergency. In such cases the Inspectorate do not assess whether the persons has become of age of mayor or is still a minor. An institution which has jurisdiction over a matter initiates an administrative matter if it becomes aware of facts on the basis of which, in accordance with the norms of the Law, an appropriate administrative act must or may be issued, and also where an institution has grounds for considering that such facts may exist (the Article 57 of the Administrative Procedure Law).

Submissions and complaints that are related to the protection of the rights of the child shall be examined without delay. A child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to the child, either directly or through a lawful representative of the child or through a relevant institution. Matters that are related to ensuring the rights or the best interests of a child, and criminal matters in which the defendant is a minor, is adjudicated in court pursuant to special procedures (the Article 20 Part two, three and four of the Protection of the Rights of the Child Law).

Query: Children which can not benefit from parental care or are deprived of their family may be placed in foster families, a children's shelter or a family orphanage (see Conclusions XVII-2, pp. 526-531). Alternatively they may be subject to adoption or a guardian may be appointed for them. In the event a child becomes an orphan or if custody rights have been taken away from the parents, the Civil Law requires the State to appoint a temporary or permanent guardian for the child and to provide for the guardian's remuneration. In 2004 there were 9 140 children placed with 7 367 guardians as opposed to 9 591 children placed with 7 628 guardians in 2002. The Committee reiterates its question as to what is the maximum number of children that may be placed under one guardian.

Response: There does not exist a maximum number of children that may be placed under one guardian. The question is decided individually in each case.

Query: The rules governing guardianship are contained in Sections 252 et seq. of the Civil Law. Pursuant to Section 330 of the said law, guardians for minor wards are appointed by the Orphan's court. Guardians are under an obligation to always support their ward and act in its interest with a view to ensuring the healthy upbringing of the child and its moral and intellectual development commensurate with the child's financial situation, abilities and

inclinations. The guardian is obliged to administer the ward's property with due diligence. Guardians act as legal representatives of their wards in legal transactions but need the prior consent of the Orphan's court for entering into transactions of major importance for the child such as e.g. disposal of assets belonging to the minor's property. They have to submit an annual account to the Orphan's court on the transactions undertaken on behalf of their ward. Pursuant to Section 311 of the Civil Law a guardian is liable for all financial losses resulting from a neglect of his duties. In the event the Orphan's court holds that a guardian has abused of his rights to the detriment of the warden it notifies the law enforcement bodies. The Committee asks what are the competent law enforcement bodies in this respect and what is the follow-up these authorities give to a notification made by the Orphan's court.

Response: The Law implementing bodies are Sate Police Offices. The task of the police is to prevent criminal offences and other violations of law, to disclose criminal offences and search for persons who have committed criminal offences (the Article 3, Paragraph one of the Law on Police).

Query: In reply to the Committee's question as to whether a child itself has the possibility to complain about ill-treatment or abuse by a guardian, the report again refers to Section 70 of the Act on the Protection of the Rights of the Child providing for a right of the child to apply for assistance to State and local government institutions in the event it has been subject to ill-treatment by its parents or guardians or in the event its rights are violated by these persons (see above). The main responsibility regarding supervision of the guardian's conduct lies with the Orphan's court. The report further specifies that pursuant to the Law on Orphan's Courts and Parish Courts in the event a child has been put in an educational institution or children's shelter and a guardian has not been appointed the administrator of the respective institution performs the guardian's duties. The Committee asks whether in this event the aforementioned rules governing the obligations of guardians towards their wardens do also apply or what other rules are applicable in this respect.

Response: The same rules regarding guardianship are applied in the cases when the guardianship is implemented by the administrator of the childcare institution according to the Article 216-354 of the Civil Law.

An Orphan's court shall take a decision regarding the placement of an orphan or a child left without parental care in an institution of long-term social care and social rehabilitation if it is not possible to ensure the child with out-of-family care in a foster family or by a guardian. The duties of the guardian of a child placed in an institution of long-term social care and social rehabilitation shall be performed by the head of such institution (the Article 35 of the Law on Orphan's Courts).

Query: As regards the results of the "Concept of foster families" that was adopted in December 2003 by the Cabinet of Ministers with the aim of diminishing the number of children placed in institutions, the report states that the concept is divided into two stages comprising the period 2004-2005 and 2006 respectively. The report refers to a number of measures introduced by

the Government in the period 2003-2006 aimed at supporting children in public care without specifying whether these measures are related to the concept of foster families and the Committee asks the next report to clarify this point and to specify what were the results achieved within the framework of the "Concept of foster families".

Response: The measures described in the previous report on Article 17 of the Charter are related to the "Concept paper of foster families". The results achieved in the framework of the Concept paper have been already described in the previous report. All those activities have remained unchanged and are being implemented currently: financial support for foster families by means of the States social allowance for the fulfilment of foster family's duties (80 LVL per month). Foster family coordinators are constantly working with foster families, providing them informative and educational support, organizing yearly foster family meetings as well as paying individual visits. Additionally every year a social campaign is being launched in order to motivate people to become a foster families. Persons or couples who have expressed their wish to become a foster family are invited to attend a foster family education programme which is a prerequisite for the attainment of the foster family status. The State Inspectorate for Protection of Children's Rights is also offering psychologist's consultations for foster families and support groups where they could learn new skills and share experiences.

Query: The measures mentioned in the report comprise, inter alia, an increase in the monthly remuneration for the fulfilment of foster family duties from 38 LVL (54 €) in 2003 up to 80 LVL (115 €) in 2005, the introduction of a special allowance for children in foster care in the monthly amount of 32 LVL (46 €), the establishment of a specific division on extra-familial care for children within the Ministry for Children and Family Affairs providing advice and training to social workers, officials of the Orphan's court as well as foster families. Furthermore, since 2005 psychologist's consultations are provided by the Ministry of Children and Family Affairs for families with children, foster families, guardians and their wards. Other measures introduced by the Ministry over the period from 2003 to 2005 include, inter alia, the distribution of information about extra-familial care forms, the establishment of support groups for foster families and guardians as well as the provisions of training of guardians and the introduction of an educational program for foster families. The Committee wishes to be kept informed on the development of these measures and their implementation in practice.

Response: Please see the information in the previous answer.

Query: The previous report mentioned deprivation of liberty, custodial arrest, community service or fines as forms of punishment applicable to minors as well as additional punishments provided by Criminal Law. The Committee asks under which circumstances these additional punishments may be imposed in particular as regards the deportation of young offenders.
In view of the duration of the latter category, the Committee asks whether it is still correct that the maximum prison sentence for minor offenders is limited to 15 years.

The report indicates that compulsory measures of a correctional nature may also be imposed for administrative offences and the Committee asks the next report to specify under which circumstances this is the case.
The Committee asks the next report to specify what are the circumstances under which confinement is possible pursuant to the Act on Criminal Procedure and regarding both, isolation within the scope of criminal proceedings and educational and correctional institutions, what are the conditions of the isolation as well as the possibility of visits and contact with staff.
However, the report states that no statistical data is available regarding the type of offences for which minors were put in pre-trial detention and the Committee asks the next report to provide the corresponding information.

Response: Please see the information provided on the Paragraph 2 and 3 of the Article 17 in the 6th Report.