

LATVIA/LETTONIE

- 1) *What mechanisms have been put in place at national level to ensure the compatibility of legislation (whether draft legislation, laws in force or administrative practice) with the Convention? How do these work (whether or not they are systematic, the competent authorities and any consultations – whether optional or mandatory)? What are the advantages of the mechanism chosen?*

In the process of drafting legislative acts the compatibility test (with Latvia's international obligations, including the Convention and the Court's case-law relevant to both Latvia and other states), first of all, is entrusted with the state authority responsible for the particular draft legal act. The results of analysis and assessment of international obligations, including the Court's case-law, are presented in detail in a report of ex-ante assessment of the draft legislative act or an explanatory note; it refers to the Court's case-law and the Court's conclusions which might be or are of relevance in the particular case. Prior to the adoption of the draft legislative act by the Cabinet of Ministers, the Government Agent Office, the Ombudsman and NGOs are entitled to submit their observations regarding thereof.

As a general rule, if the draft legislation concerns HR issues, the competent authority seeks the Government Agent Office's opinion.

Once adopted by the Cabinet of Ministers and forwarded to the Parliament, the draft legislative act's compatibility with Latvia's international human rights obligations is thoroughly analysed during the sessions of the parliamentary commissions, for example, during the sessions of the Commission on Human Rights and Public Affairs and Legal Commission. If deemed necessary, the Government Agent Office is invited to provide its opinion and participate in those sessions. Also, at this stage of proceedings the compatibility test is likewise performed by the Parliament's Legal Bureau.

In case the Court finds a violation in the case lodged against Latvia, as a rule, prompt actions are taken to expedite the adoption of necessary legislative amendments.

For example, in the light of the Court's judgments in the cases brought against other states in which Latvia had intervened as a third party, numerous amendments to the *Civil Procedure Law* and other relevant legislative acts were introduced for improving regulation on child abduction, which is closely connected with the Hague Convention of 25 October 1980 on the *Civil Aspects of International Child Abduction*. The mentioned amendments introduced a procedure providing for forced execution of order on child's return to the country of his or her domicile. The newly drafted legal framework was based on the Court's case-law; it introduced a clear mechanism on the child's return, on the one hand, and ensures the protection of child's rights, on the other hand.

The amendments described above were introduced prior to the development of the Court's case-law against Latvia concerning similar issues.

- 2) *What obstacles have been encountered in establishing or applying these mechanisms? How have these been overcome?*

Lack of sufficient training and education might preclude the competent authorities from identifying that the particular draft legislation might involve HR issues. Also, insufficient knowledge of the English and French languages hinders the opportunity to conduct a full and all-embracing analysis of the available Court's case-law.

Very often the time constraints prevents performing in-depth analyses of all possible aspects.

However, the responsible state authorities seek to manage the aforementioned issues by using the allocated budgetary funds; the awareness raising is promoted by further training and educational activities.

Another problem faced – lack of proper procedure for compatibility test when certain amendments or new proposals are introduced to the draft legislation already pending before the Parliament or are introduced after their adoption following the Parliament's first reading. Such proposals, in majority cases, are not accompanied by a report of ex-ante assessment of the draft legislative act or an explanatory note.

3) *Is there any assessment (or planned assessment) of the appropriateness and effectiveness of the mechanisms in question? If so, how does this work? What obstacles have been encountered in setting up or carrying out such an assessment?*

Currently the discussion on the assessment of procedure for performing compatibility test of draft legal proposals to the draft legislation already pending before the Parliament, which as a rule are submitted directly to the Parliament (Parliament's commissions), has been commenced.