



ngo group for the crc

STATE PARTY EXAMINATION LATVIA'S SECOND PERIODIC REPORT

42ND SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

15 May – 2 June 2006

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Latvia ratified the Convention on the Rights of the Child (CRC) in 1992. On 16 May 2006 the Committee on the Rights of the Child (the Committee) examined Latvia's Second Periodic Report.

Opening Comments

The Minister for Children and Family Affairs, Mr. A Bastiks, headed the delegation. He explained that Latvia had devoted efforts to diminishing the backlog on reporting and attached importance to its compliance. He explained that many people still lived under the old Soviet influence and believed it was the duty of the state to provide for families and children. He highlighted achievements such as the creation of the Ministry for Family and Children's Affairs (MFCA) in 2003, the ratification of international treaties, and the approval of a long-term policy-planning document entitled A Latvia fit For Children. Improvements had been made in childcare benefits, increased support given to families before and after birth, faster naturalisation rates and education reform. Latvia joined the EU in 2003 and was subject to its strict economic and political standards. He acknowledged that while it remained one of the poorest member states he hoped the committee would recognise progress and problems. The state would continue its efforts to achieve best possible standards for children and families and looked forward to the recommendations.

The country rapporteur, Mr. Krappman, thanked the delegation for the overview and the timely written replies. He noted the achievements of the NGOs and state, but acknowledged that work still needed to be done. The report was good and repeatedly referred to recommendations of the

Committee issued after the first dialogue. The state had been active and revised and amended a number of laws and established new structures. The Committee wished to commend these measures, but questioned their implementation and effectiveness. He was pleased that information was received from other sources and said the report prepared by a group of NGOs based on interviews with 9,000 children was very valuable. The NGO report stated a turning point towards children and their rights were made a priority by the government.

Legislation

The Committee expressed concern with the National Plan of Action, which did not include targets, timelines, budgets, or monitoring mechanisms in the principal positions paper. The delegation said that the Action Plan for 2006 and the 10-year Action Plan for Family Support contained concrete finances, timelines, and institutions that would realise concrete actions. The Committee also pointed out that courts had applied international treaties in their judgement. It requested more information about when courts had referred to the CRC. The Committee asked if measures to protect children who have suffered ill treatment were applied to all children. The delegation said that the provisions were applied to all children regardless of status.

The Committee commended the delegation for ratifying ILO Convention 182 in April 2006. Based on the report and NGO comments, it encouraged ratification of ILO Convention 138, which the delegation confirmed had been ratified. The Committee inquired about the absence of the Charter on Minority Languages amongst the list of ratified conventions. The delegation said the state intended to ratify it but first wanted to comply with the CRC and the reporting obligations of other conventions already ratified.

Implementation and Awareness of the CRC

The Committee said that children and representatives referred to the CRC only if familiar with it and requested information on what was being done to inform children and those protecting their rights. The delegation mentioned a judicial training centre with a consultative body that identified the training needs of judges. The latter received training based on issues specific to juveniles. There were no investigative judges who worked only in juvenile proceedings because of a lack of funding. The delegation said on-going and specific cooperation exists for monitoring the judiciary. Specific research was conducted by an NGO to follow up the practical implementation of this training. It collected judgements of the courts with reference to divorce involving children. The Committee asked about programmes where the CRC was publicised. The delegation replied that in 2005 there was an information campaign in childcare institutions about rights under the CRC. The Ministry of Education introduced topics about physical and sexual violence in schools. The Committee acknowledged the work of the subsection for children under the National Human Rights Office, but asked about the establishment of an office of an independent Ombudsperson. It also asked whether children knew where to go when they thought their rights had been violated. The delegation did not address these questions or those about value for money audits and children's input in budgetary issues.

Cooperation with Civil Society

The Committee asked about public discussion concerning the report and the cooperation with civil society. The delegation said the report was made public in its project stage and was open to comments on the Internet. In addition, bilateral contacts were made with independent institutions. It admitted that the report was not discussed as much as it could have been. The state was involved in projects with local governments including the supervision of programmes for family support and children's rights such as monitoring the work of local governments. The delegation discussed the use of financial mechanisms such as specific subsidies to influence action at the local level. The state also provided financial support to NGOs that helped monitor children's rights and shared information with the state.

Ministry for Family and Children's Affairs (MFCA)

The Committee asked the reason for the establishment of the MFCA. The delegation said that the MFCA was responsible for the creation of national policy for children and family and to promote the rights of children. The Committee noted that responsibilities for children remained divided among several ministries and asked about the coordination of activities. They also expressed concern because most of the budget for children's well-being was located in other ministries.

Best Interest of the Child and Children's Participation

The Committee noted progress such as quarterly meetings of the Children's Council. It expressed concern that children's views were not duly taken into account and asked whether particular measures were taken to make parents and judiciary aware of the need to respect children's opinions. It said that while local bodies represented children, they raised concern that it was only the most active group and not representative of all children. The delegation refuted this. The Committee expressed concern that reductions in budgets jeopardised the situation of children in institutions. The delegation shared this concern, but financial constraints limited the ability to adequately fund all programmes.

Citizenship

The Committee noted the large non-citizen population and expressed concern that although children born in Latvia were entitled to citizenship, many were not citizens. It asked about the consequences of non-citizenship. The delegation said one of the main reasons for a higher naturalisation rate among elders could be compulsory military service. The delegation explained that at independence a law gave temporary non-citizenship status to people in limbo, but that all children regardless of status were entitled to the same rights. In 2004 a letter was sent to every family with non-citizen children inviting them to adopt Latvian citizenship. The Committee asked whether children could be naturalised along with a parent. The delegation said that if one parent acquired citizenship, a child could be naturalised. A language exam was part of the process, but it could no longer be taken an unlimited number of times as in the past.

Poverty

There was a discussion about the emphasis which should be placed on poverty since Latvia is amongst the upper middle-income countries. The delegation said a national action plan on the elimination of poverty and social exclusion was adopted for 2004-2006. It included access to social and health services for children and annual reports were submitted on progress made in achieving these aims. Efforts included state-financed lunches in school and support for low-income families. The Committee expressed concern with the consistent high poverty amongst children and the insufficient funds allocated for subsistence. The delegation noted that official data was used to consider the aid and while they would like to provide more, the amount was limited by the state's funding abilities. The Committee asked what macroeconomic policies the state planned to implement. The delegation emphasised education and employment measures, including a state-guaranteed loan system to promote higher education and re-qualification and summer youth employment programmes. It also explained that growth provided an incentive to pay taxes and showed real income. This would prevent the further spread of payments under the table and encourage participation in the social security system. The Committee was surprised by inconsistencies in economic data from different sources, but was pleased that the overall trends were positive and hoped that families would benefit from the economic growth.

Corporal Punishment and Violence

Although corporal punishment was prohibited by law, the Committee expressed concern with its widespread practice and asked what measures were taken to eliminate it and educate families and institutional personnel. The delegation said that 32 education projects provided information to

parents and foster families about alternatives. A film was made and distributed to all schools, teachers and other institutional personnel. If violence existed within an institution, the state could request that the head of local government remove the perpetrator. Fines and mechanisms of civil procedure were also possible. The delegation said that this was not a big problem with only 66 cases of violence against children reported in 2005. Negligence was a bigger problem and in such situations Orphan Courts could intervene and suspend parental rights. The Committee mentioned that many adults could not imagine children held rights, but that civil society could help change this attitude. The Delegation agreed, but admitted that there were only a few NGOs with limited financing. Cooperation and efforts included a video and media campaigns on radio and TV. They hoped this could expand in the future.

The Committee noted that there had been complaints of ill treatment and abuse of children in institutions. It asked how these situations were monitored and what measures were taken to deal with children's complaints. The delegations responded that children could inform inspectors directly or call the state-financed hotline, which had the duty and power to inform the appropriate authorities based on the seriousness of the situation. In 2005, institutions were inspected many times and anonymous inquiry forms were given to children. The Committee asked about rehabilitation services. The delegation said state-funded services included psychological counselling to help children recover their physical and mental health and help with their reintegration. Professionals had undergone specialised training to be able to work with those children. The Committee noted the importance of a three-digit toll free hotline with 24-hour service that was accessible to all children. A hotline financed by the state provided free professional help that was accessible to all children from 8am until 11pm. It was not technically possible in the short term for a 3-digit number. The delegation said there were also 11 hotlines financed by NGOs. The Committee was concerned with possible confusion caused by different hotlines as well as oversight concerning the quality of service. The delegation said that if NGOs wanted their own lines the state could not pressure them and had to cooperate.

Alternative Care and Family Environment

The Committee recognised that if the traditional family broke down, an adopted or foster family were the best alternatives but expressed concern at the high number of parents deprived of their rights. The delegation highlighted the potential expansion of a pilot project to simulate family atmosphere in institutions. The delegation said the MCFA kept a registry with information about children up for adoption. Those interested in adoption could contact the MCFA. The goal was to put children into care within 3 to 6 months depending on the situation and the best interest of the child. For foreign adoption the process differed because institutions in the home country researched the adoptive family. The delegation said the main problem was not procedural, but rather one of attitude as people did not want to adopt teenagers. Foreigners were unable to adopt children aged 0-3 because of high national demand. The Committee asked how the adoption process worked and noted that under the CRC, adoption should respond to a need of children, not of the interested family. The state ran an information campaign in local media and abroad about adoption being above all a method to help children. The Committee asked whether children had to be declared in the country of adoption. The delegation replied that situations were researched and all children were registered. The Committee asked about the support for foster families, especially those taking in children with disabilities. The delegation said that there was a special education programme for foster families, including a subject about children with special needs. Foster families were monitored every three months and post adoption controls included support groups and free psychological help. The Committee asked if there was a guarantee to ensure that temporary measures did not become long-term. The delegation stated that unfortunately 1000 children could not be adopted, and the state had to resort to foster families or guardianship in the interim. The Committee stressed that a child should be able to return to its family if circumstances permitted and asked which institution was responsible for the evaluation.

The Committee expressed concern about the evictions of families with children and requested statistical data. It was concerned that moving to substandard apartments could endanger children's health and development. The delegation replied that owners had the rights to property and courts had the right to judge appropriateness of rent. Groups with incomes below a state-imposed level could receive a rent allowance. Eviction required a debt of 3 month's rent before the owner initiated court proceedings. A family could always turn to local government for a social apartment. If families believed the new apartment did not comply with living requirements, they could apply for a special allowance to repair the apartment.

The Committee expressed concern with the number of street children and the lack of government mechanisms for their protection and rehabilitation. It noted that some children were rehabilitated several times a year and asked about the weakness of the quality of service provided. The delegation said that regulations existed and that local governments were responsible for rehabilitation programmes. It responded that violence was not the only cause. Neglect, poverty, and lack of free-time activities were all factors. Special projects included activities, camps, youth centres, and in Riga the education of social workers. The Committee asked how the state planned to get these children off the streets.

Education

The Committee expressed concern about obstacles to universal education including pre-school waiting lists, fees and hidden costs. It pointed to the large discrepancy in the figures of children not attending school. The delegation did not know where the alternative figures came from, but said that exclusion of home schooling figures or use of unfinished data might account for some of this. The Committee asked about the goal of having an education budget of 7% of the GDP. The delegation noted that goal had not yet been achieved due to other pressing financial demands, but they were trying. The Committee asked about the measures undertaken to close the educational gaps with neighbouring countries and between ethnic groups. The delegation said that testing scores for minorities were similar to Latvian students. The state offered provided additional support for those from class 9 who failed to receive the certification for completing basic education. The Committee asked about the existence of programmes to encourage reading and library facilities. The delegation said there were compulsory reading programmes and budget allocations to improve school libraries, but the responsibility also lied with the parents.

The Committee said that students should be taught the national language to improve their opportunities and encourage economic integration. The delegation said that the majority of children were registered as Latvians, and over 85% chose Latvian as the language of instruction. The state was in the process of an educational reform for former Russian-language schools. Minority schools operated in a different manner and were not affected by this reform. The Committee asked about support for children who switched to secondary education in Latvian. The delegation said that assistance was provided such as books in both languages.

The Committee asked about the state's intentions to promote access to the general education system for children with special needs and discrepancies in support between urban and rural areas. The delegation replied that teachers received special training and assistance in schools. Teachers could have special assistance in situations where additional help was necessary. One million Euros was allocated to building new centres and adapting buildings for children with special needs.

Health

The Committee noted that the adolescent health situation was amongst the poorest in Europe and asked what measures were taken to train health professionals about children's rights and infant mortality. The delegation said that postgraduate courses included problems related to youth. Ten hospitals were involved in the Baby Friendly Hospital Initiative. There was also a campaign against smoking by pregnant women and their husbands. To combat child mortality, the state educated

children, families and society about unattended children, road safety and the importance of reflectors and helmets. The Cabinet of Ministers adopted a registry to keep records of injuries and responses.

The Committee expressed concern over the high STD and HIV/AIDS rates. The delegation replied that there were only 4 new cases of HIV diagnosed in 2005. A survey showed that young people knew how to protect themselves and the main issue was behaviour. The Committee asked about access to medical facilities. The delegation noted that NGOs and state agencies were cooperating on the issue. In municipalities, there were health centres, 11 of them had established syringe exchange points and 12 had harm reduction programmes. Free HIV/AIDS testing, condoms, and counselling were available. There were regular informative campaigns and adverts.

The Committee asked about the increase in suicide rates amongst young boys. The delegation replied that the main reasons were problems with friends and family, loneliness and learning difficulties. To address this, teachers were taught how to recognise and address depression and eating disorders. A crisis team spoke to students after a suicide took place. The Committee also noted the sharp increase in malignant tumours among youth and asked about possible causes. The delegation attributed the apparent increase to better and earlier detection and the increasing well-being of the country.

Juvenile Justice

The delegation clarified that Orphan's or Parish courts were set up to look into situations and protect the best interest of the child, regardless of whether the child was in a family or alternative care. The lawyers and other professionals had pedagogical and medical backgrounds and the court personnel were specifically trained to consult with the children. The Committee noted that cases of minors held in pre-trial detention with adults were reported in 1999. The delegation replied that this was prohibited and the cases reported were subject to strict control. The Committee expressed concern about the increased number of detention centres and asked about alternatives. The delegation said that in the case of criminal sentences, the detention period for minors was half of that of adults. For a serious crime, the maximum sentence was 12 months with the possibility of a 3-month extension. Parents, orphans court, psychologists, educational institutions, or representation could turn to an investigative judge at any time to request detention to be terminated. Since there was only one centre for women, girls were kept there, but they were in a separate section.

The Committee expressed concern about police brutality following the apprehension of juveniles into custody and asked about the measures taken. It asked whether the state followed the rules of immediately informing parents about the arrest and the right to representation. The delegation said that everyone had the right to legal assistance from the moment of arrest and a leaflet with their rights was drafted and given to those arrested. The Committee asked for clarification about the distinction and the reason for the discrepancy between figures for the number tried and those called to account. The delegation said the discrepancies could be pending cases from the previous year, acquittals or cases resolved at prosecution level. The Committee expressed concern about delays between the arrest and sentencing. It insisted that cases for minors should be tried or dealt with by alternative measures as quickly as possible. The delegation responded that an increased workload made it difficult, but cases where minors were involved were prioritised over other cases.

The Committee also expressed concern with the increase in alcohol-related offences. The delegation discussed a law prohibiting its purchase or consumption under the age of 18 which also held retailers and parents responsible. It said that levels of crime could appear to have increased because of a change in statistical measures. The Committee asked about compulsory measures of a correctional educational or medical nature the reasons for their decrease. The delegation said that for a juvenile found guilty of committing a crime, compulsory educational measures were used as a warning or sanction. They included fines, parental guarantees, obligatory repayment, community service, or placement into an educational institution. Medical measures included consultations with a psychiatrist, rehabilitation and other sanctions that addressed drug or alcohol addiction.

Trafficking, Sexual Exploitation and Pornography

The Committee asked about the measures to protect children from pornographic and other potentially dangerous websites. The delegation said there were restrictions inside schools and state institutions on sites with violence and drugs. The state tried to get money for a special homepage to teach children about safe Internet use. In public online forums, monitors removed offensive statements. They recognised that technical progress had been made quickly and the state could not always keep up. Local governments passed regulations that children of school age could not enter private Internet during school hours and owners of Internet cafes could be held accountable.

The Committee noted the ratification of the Optional Protocol (OPSC) and asked about sexual exploitation of children and measures taken to do away with child prostitution. The delegation responded that there were not many cases, but the criminal code was brought into compliance with international standards in 2002. They would cooperate with Interpol and IOM to prevent trafficking of women and children, and were looking into improving the monitoring system. Children could not cross the border unless accompanied by an adult with power over the child.

Refugee Children

The Committee asked about measures to improve the situation of refugee children. The delegation replied that as there were less than 10 refugee children, any issues would be dealt with on a case-by-case basis. If necessary a procedural system would be introduced.

Data Collection

The Committee asked who was responsible for the collection of statistics and if data were collected by ethnicity for the sake of comparison. The delegation responded that the government was responsible for statistics and explained that statistics on ethnicity were difficult to collect. They made an effort to collect this information for sensitive areas such as education and citizenship.

Closing Remarks

The Committee thanked the delegation for their satisfying responses to the questions. It agreed that reporting to the UN was another method of self-control. With this information, the Committee was able to assess some of the problems in a new light and this would be integrated into their assessment. It was reassured that the government was committed to implementing the CRC and concluded that it shares most of the concerns, although it may rank them differently. The Committee invited the state party to submit its combined 3rd 4th report by May 13, 2009.

Mr. Bastiks thanked the Committee for a constructive dialogue and hoped the information was useful. In accordance with the tradition, the recommendations would be brought to the Cabinet of Ministers. He apologised about the delay in reporting and asked to be excused for the inefficiency at the early stage.