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Comparative study on enforcement procedures of family rights

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**REPORT
ON THE ENFORCEMENT OF FAMILY LAW
DECISIONS IN LATVIA**

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PART 1. ENFORCEMENT IN DOMESTIC CASES

1A. Procedures and practices for enforcement in domestic cases

1. Description of the general law for enforcement of:

a. decisions on custody, including orders on the place of residence of the child

Part One “Family Law” of the Civil Law¹ (substantive law in civil matters) divides the competence in the matters of parental responsibility between municipal (administrative) authorities – orphan’s courts, and courts having ordinary jurisdiction in civil matters (see also answers to questions 1B.1.a. and 1B.1.b.).² Currently the competence of the orphan’s courts is determined by the Law on Orphan’s Courts and Parish Courts.³ On 22 June 2006, the Parliament adopted the Law on Orphan’s Courts replacing the former law. The Law on Orphan’s Courts will enter into force in 1 January 2007. For the purposes of the present report references are given mainly to the new Law on Orphan’s Courts, not to both laws, unless justified. The orphan’s courts are competent to decide on disagreements (minor disputes) between parents as regards matters of custody, but the courts alone are competent to decide on disputes, as distinguished from disagreements, between the parents (Article 178 and 178¹ of the Civil Law). According to Article 19 of the Law on Orphan’s Courts, when the parents cannot agree on the place of residence of a child, it is not considered a disagreement, but a dispute subject to jurisdiction of the courts.

Additionally, according to the Civil Law there are two types of custody. The first type includes decisions of the courts on custody, where custody over a child involves at least one of the parents. The second type includes decisions on custody (guardianship) given by orphan’s courts, where parental responsibility is given to persons other than the parents of a child (e.g. grandparents, other relatives, etc.).

Enforcement of the decisions of the courts

The Civil Procedure Law⁴ governs comprehensively court proceedings in civil matters beginning with initiating a case, procedure respecting court proceedings as well as enforcement procedures in civil matters, including family law matters. Therefore, the Civil Procedure Law as the general law governs the enforcement of decisions in family matters such as decisions on custody and decisions on the place of residence of the child.

The Civil Procedure Law extensively regulates enforcement procedure for decisions related to monetary claims and some specific aspects of enforcement not related to monetary claims. However, the law does not contain any special provisions on enforcement of decisions given in the field of family judgments in the context of the present report.

Article 16(4) of the Law on Judicial Power⁵, as well as the general provisions of the Civil Procedure Law on enforcement, determine that in a broad sense all judgments given by the court and entered into force are binding throughout the territory of Latvia, all persons and authorities. A judgment that has entered into force is enforceable subject to the condition that the period for filing an appeal has expired. The law provides exceptions where the judgment is enforceable immediately.

¹ Part One “Family Law” of the Civil Law originally was adopted in 28 January, 1937. It was renewed in 25 May 1993 and amended several times, with the latest amending law proclaimed in 24 March 2005.

² The distinction between orphan’s courts, that are administrative authorities, and courts of ordinary jurisdiction is critical to an accurate understanding of Latvian law in this area.

³ The Law was adopted in 6 November, 1995 and entered into force in 7 December 1995. The Law was amended several times, with the latest amending law proclaimed in 22 December 2005.

⁴ The law was adopted in 14 October 1998 and entered into force in 1 March 1999. It was amended several times, with the latest amending law proclaimed in 27 September 2006.

⁵ The law was adopted in 15 December 1992 and entered into force in 1 January 1993. It was amended several times, with the latest amending law proclaimed in 8 March 2006.

Certain types of judgments may not require subsequent enforcement in a strict sense of enforcement, for example in situations where according to the judgment only one of the parents is determined to have sole custody over a child. After such judgment enters into force, the custody holder acquires the rights to decide on all matters related to the child, including the place of residence of the child.

Certain judgments (decisions) may require enforcement. There may be situations, where the court on its own motion or upon a request of the party determines special measures to further enforcement of the family judgment, e.g., requests the parent who is deprived of parental responsibility over a child to do certain actions or abstain from them. Where according to the decision, the place of residence of a child is changed from one parent to other, it may be necessary to impose obligations on a parent to ensure that the child actually is moved to the place of residence determined by the court. In such situations, the court follows Article 197 of the Civil Procedure Law, according to which the court imposing on the party the obligation to do certain activities, determines in the judgment the exact nature of the obligation and the person obligated to perform the required action. Such obligations imposed by the court in a judgment may also be subject to general coercive measures of enforcement. Furthermore, according to the Article 557 of the Civil Procedure Law, the court, in addition to the measures of enforcement listed in the Law, may determine in a judgment other necessary coercive measures of enforcement.

To a great extent, compliance with the decision of the court is left to the parties, unless the interested party requests enforcement. Where the party requests enforcement of decision or judgment of a court, according to the Civil Procedure Law the decision or judgment is enforced by bailiffs (see also answers to questions 1B.1.a. and 1B.1.b.). The bailiff commences the enforcement procedure after the court has issued the enforcement order upon the request of the person seeking the enforcement and after this person has submitted the enforcement order to the bailiff. Initially, the bailiff requests and gives a fixed period of time for the person, against whom the enforcement is sought, to comply voluntarily with the judgment (decision). If the person does not comply voluntarily with the judgment, the bailiff may use the enforcement measures determined either in the judgment (decision) or by law.

According to the Civil Procedure Law, the parties may reach settlement even where the decision is already subject to enforcement (Articles 226 – 228). In situations where the court has approved a settlement, the bailiff, upon the request of the party, terminates the enforcement procedure. It should be noted that settlement at the enforcement stage may be concluded only within the limits of enforcement and may not affect substance of a decision (Article 1883 of the Civil Law).

In the actual enforcement procedure, the bailiffs according to the Law on Bailiffs⁶, may also involve other authorities such as the police in order to secure enforcement of the respective family judgment as well as to safeguard the interests of the child and persons involved. The Law on Bailiffs explicitly emphasizes that the police are obligated to assist the bailiff upon his/her request.

Enforcement of the decisions of the orphan's courts

The Law on Orphan's Courts provides that decisions given by the orphan's courts enter into force and are enforceable immediately. However, the Law on Orphan's Courts does not provide for special enforcement measures of the decisions given by the orphan's courts deciding on disagreements between the parents. Nevertheless, the orphan's courts according to their competence are required to monitor problematic families in the interests of the child (where development and education of a child is not adequately ensured), provide assistance to such families and take necessary measures according to law in order to ensure the welfare of the child. According to the law, the orphan's court in order to ensure compliance with their

⁶ The law was adopted in 24 October 2002 and entered into force in 1 January 2003. It was amended several times, with the latest amending law proclaimed in 22 December 2005.

decisions and to perform their functions, may request assistance and co-operate with other authorities such as police, health care, educational authorities, psychologists and social service providers (Article 16 of the Law on Orphan's courts). As the new Law on Orphan's Courts is adopted recently, it tends to favour the involvement of a psychologist, co-operation with different other institutions involved in the matters related to a child and with relationships between the parents and a child.

Where the decisions of the orphan's courts are not followed or resolved even in co-operation with other institutions, officials and authorities, orphan's courts, where necessary, may use other measures. Such measures may involve:

- 1) bringing the claim to court requesting deprivation of custody rights;
- 2) placing the child in temporary institutional care, foster family;
- 3) depriving the parent from the rights to care about the child, with further possibility to request deprivation of custody rights; or
- 4) bringing the claim to court in the interests of the child.

b. orders on contact and/or access rights

Similarly as the competence between the courts and orphan's courts are divided in the matters of custody, there is also certain division of competences as regards decisions on contact and access rights. According to Article 182 of the Civil Law where the parties cannot reach agreement between themselves on the exercise of access rights, it is up to the court to decide on the matter and determine how access rights shall be exercised.

Also in matters related to access rights, according to Article 33 of the Law on Protection of Children⁷ and Article 39 of the Law on Orphan's Courts, the orphan's courts are competent to decide on exercise of contact rights between parents or other close relatives and a child, who is placed in institutional care or in foster family, or subject to guardianship. The orphan's court may limit contact rights where a child is subject to guardianship, placed in foster family or institutional care or if exercise of the contact rights endangers the development and education of a child.

Enforcement of the decisions of the courts

Generally according to Article 197 of the Civil Procedure Law, the court imposing on the party the obligation to do certain activities, determines in the judgment the exact nature of the obligation and the person obligated to perform the required action. In addition, and differently as regards the rights on custody, the Civil Law (Article 182) determines certain aspects more related to the practical arrangements for exercise of the access rights rather than with actual enforcement of a decision/judgment. However, in cases where the enforcement of a decision is submitted for enforcement, the practical arrangements determined by the court must be followed at the enforcement stage. According to the Civil Law, a court may determine that a child spends certain period of time with the parent who does not have custody rights and/or particular time for contacts/meetings. The court also may determine that contact with the child may be exercised only in the presence of a third person and in a certain place. Such determinations by the court stipulated in the decision or in a judgment would be indications for enforcement and may also be subject to coercive measures of enforcement. Furthermore, the court in addition to the measures of enforcement listed in the Civil Procedure Law may determine in a judgment other necessary coercive measures of enforcement (Article 557 of the Civil Procedure Law).

Enforcement takes place similarly as indicated in the last four paragraphs of the previous answer on the enforcement of the decisions of the courts (1A.1.a.).

⁷ The law was adopted in 19 June 1998 and entered into force in 22 July 1998. It was amended several times, with the latest amending law proclaimed in 17 March 2005.

In addition, the court deciding on access rights always has the obligation to involve the orphan's court requesting its opinion before the decision (judgment) is given. After the decision is given, the orphan's court is notified about the decision (judgment). The judgment may determine that access rights are exercised only in the presence of the officials of the orphan's courts or other persons. Thus, involvement of the orphan's court may be automatic at the enforcement stage, regardless, whether the party voluntarily complies with the judgment without requesting the enforcement of a judgment or the enforcement of a decision or a judgment is requested.

As far as enforcement of the decisions of the orphan's courts is concerned see previous answer (1A. 1.a.).

2. Comments as to practice of the law with respect to:

a. decisions on custody, including orders on the place of residence of the child

b. orders on contact and/or access rights

Practice of the enforcement of the decisions of the courts

There is only general statistical information, which does not distinguish between national and cross-border cases. According to the statistics on court decisions during 2005 Latvian courts in the first instance have tried 1273 cases related to the matters of custody and 7421 divorce cases, which often involve also matters of custody and access rights.⁸ According to the statistics on enforcement⁹, during 2005 there were 98 enforcement orders submitted for enforcement of the decisions given related to the matters of custody. It follows, that the law provides for the possibility to request the enforcement of decision, but in practice there are not so many decisions on custody and on place of residence of a child or on access rights, which are subject to enforcement procedures, especially to coercive measures of enforcement, if compared with the enforcement of monetary judgments.

In practice there may be situations, where parties agree on a different approach after the judgment is given. However, such agreement would not overturn the existing decision of a court and would not exclude the possibility of its enforcement at a later stage. The parties' agreement also does not exclude the possibility that the orphan's court follows how the parties comply with a judgment or a decision and whether the parties' behaviour is in the interests of a child and, if not, – decide on the measures necessary to be taken.

In practice, the enforcement of decisions of the courts also may involve the orphan's courts, especially in matters concerning access rights even though the law explicitly emphasizes involvement of the orphan's courts only in the court proceedings and does not explicitly provide for the involvement of the orphan's courts at the stage of the enforcement.

As far as practice of the enforcement of the decisions of the orphan's courts is concerned, see previous answer of 1A.1.a.

3. Supporting orders

a. what supporting orders (i.e. 'compliance orders' or 'measures to further the effect of the family law judgment') are available under domestic law?

⁸ The statistical data given by the Ministry of Justice of the Republic of Latvia, available at the homepage: <http://www.tm.gov.lv>

⁹ The statistical data given by the Council of the Sworn Bailiffs of the Republic of Latvia, available at the homepage of the: <http://www.lzti.lv>

There is no such concept known as “supporting orders” in the Latvian legal system. Instead, it is possible to indicate the measures that are available before court proceedings or during the proceedings until the judgment is given and orders available after the decision is given and submitted for enforcement.

Before bringing court proceedings, the party may request the court to determine provisional measures in order to secure the claim before bringing a claim such as imposing a prohibition on a person to do certain actions.

Regarding measures available during the court proceedings as far as divorce and maintenance matters are concerned (involving also parental responsibility matters), the person bringing the claim may request the court to enter a provisional decision on the exercise of access rights and/or care about a child. The latest amendments introduced in the Civil Procedure Law (in September 2006)¹⁰ (hereinafter - the Amendments) explicitly provide that in addition the court provisionally may impose an order prohibiting movement of a child across the border. Furthermore, according to the Amendments, the court upon the request of the party to the proceedings gives a provisional decision in proceedings related to the parental responsibility (custody) matters, including access rights. The provisional decision may have considerable importance in the situations, where the judgment by the court of first instance is given, but it has not yet entered into force, because the time limit for challenge of the decision has not yet expired and the judgment is not declared as immediately enforceable. In such situations, the provisional decision, unless repealed with the judgment, remains effective and enforceable during this period. If the original judgment is challenged, the court of second instance upon request may decide on different provisional decisions until the judgment of the second instance is given.

After the decision is submitted for enforcement and person does not comply with a judgment or decision, for example, where one parent contrary to the decision does not allow the child to spend weekends with the other parent, notwithstanding the orders of the bailiff, the court decides on the matter of the person’s liability according to the consequences indicated in the decision/judgment. Where the court in the decision has not indicated the consequences in case of non-compliance, the court decides on postponement, or on necessary modifications in the procedure, time and method of enforcement in the court hearing (Article 206 and 438 and 620). If the person against whom enforcement is sought repeatedly fails to comply with bailiff’s requirements or orders or with the judgment, the court may decide the question of that person’s liability or impose a fine on the respective person based upon the statement submitted by the bailiff (Article 552 and 620). If the person still opposes enforcement, the person may be subject to administrative liability for contempt to court (Article 201.³⁹ of the Code on Administrative Penalties¹¹) and finally the person may be subject to criminal liability for intentional non-compliance with the enforcement of the court decision (Article 296 of the Criminal Law¹²).

The bailiff, as well as the parties to the proceedings, may turn to the court that gave the decision, in order to request postponement, modifications in the method, procedure or time of the enforcement (Article 206, Article 438 and Article 554 of the Civil Procedure Law). Requests for postponement, modifications in method, procedure, or time of the enforcement are considered in the court hearing; the parties and bailiff are notified. If the parties are not present at the court hearing, the court may enter a decision without the presence of the parties.

¹⁰ The amendments will enter into force in 11 October 2006.

¹¹ The law was adopted in 7 December 1984 and entered into force in 1 July 1985. It was amended numerous times, with the latest amending law proclaimed in 7 July 2006.

¹² The law was adopted in 17 June 1998 and entered into force in 1 April 1999. It was amended several times, with the latest amending law proclaimed in 8 March 2006.

b. can you make any remarks as to legal practice (i.e. what supporting orders are practicable, what is the usual content)

In the field of family law, the possibility to request provisional measures before bringing the claim is almost never used. Instead, in divorce matters until the judgment is given, the possibility to request provisional decision on access rights and care about the child is often used. Such decisions are given almost immediately, notifying the parties and with the presence of the official of orphan's court and giving the opportunity to child express his/her view. It is not necessary that the respondent is present, but it is necessary to notify him/her about the proceedings. Such provisional decision is subject to appeal only once within 10 days of the date of the decision. Such decisions are enforceable after the time limit for appeal is expired and no appeal is submitted.

1B. Specific issues relating to the enforcement of family law judgments in domestic cases

1. The organization of organs and institutions involved in enforcement of family law

a. Regulation under substantive law (legislation that establishes the organ or institution and regulates its tasks and powers)

Court – as set by the Constitution and the Law on Judicial Power, exclusive judicial power lies with the courts. The Law on Judicial Power and the Constitution determines the rights of a persons to a fair trial in criminal, administrative and civil matters, the structure of the court system of Latvia, main principles of different court proceedings – civil, administrative or criminal and in different instances of the court proceedings, appointment of judges and procedure for their appointment and provisions of their service in the court system. Latvian court system consists of: Supreme Court, 6 regional courts and 35 district (city) courts. Such matters as the rights, obligations and competence of the courts, of the parties to the proceedings are determined in the respective procedural laws – Civil Procedure Law, Criminal Procedure Law and Administrative Procedure Law and, as mentioned before - also in Civil Law.

Sworn bailiffs are legal professionals, competent for enforcement of decisions of the court and other institutions, as well as for performance of other activities determined in the law. Sworn bailiffs are independent in performing their official activities and subject only to law. They are persons belonging to the court system assigned to regional courts and perform the duties prescribed by laws. In respect of the official activities, sworn bailiffs are comparable to State officials. The Law on Bailiffs is the governing law of professional and corporate activity of sworn bailiffs.

Orphan's courts are municipal (administrative) authorities competent in the matters of custody (guardianship) over minors and custody over adults without legal capacity or with limited legal capacity. Currently, the competence and the functions of the orphan's courts are determined by the Law on Orphan's Courts and Parish Courts. In 22 June 2006, the Parliament adopted the Law on Orphan's Courts replacing the former law. The Law on Orphan's Courts will enter into force in 1 January 2007. The functions of the orphan's courts also are determined in other laws, notably, the Civil Law and the Law on Protection of Children. According to the Law on Orphan's Courts, orphan's courts are functionally supervised by the Ministry for Children and Family Affairs in the matters of custody and guardianship over persons without or with limited legal capacity.

State police are an armed, militarised State or local government authority, whose duty is to protect citizens and individuals from criminal and other illegal threats to life, health,

rights and freedoms, property, and the interests of society and the State. The Law on Police governs the competence and determines the functions of the State Police.

b. Procedural law rules relevant for the functioning of these organisations (procedural rules on the role of these organisations in the enforcement of family law decisions)

Court plays rather important role as far as enforcement of family law judgment is concerned. The main governing procedural law is the Civil Procedure Law. In order to enforce a non-monetary decision, according to the Civil Procedure Law, it is the court that determines in the decision/judgment the exact nature of the obligation and the person obligated to perform the required action, and what are the consequences for non-compliance with the imposed obligations (Article 197). The role of the court also may be important in later stages of enforcement. According to the Article 557 of the Civil Procedure Law, the court in addition to the measures of enforcement listed in the Law may determine in a judgment other necessary coercive measures of enforcement. Such measures at the enforcement stage are followed by bailiff. According to the Civil Procedure Law, if a person does not comply with a judgment imposing on him/her certain (non-monetary) obligations during the enforcement, the court decides on the matter of the person's liability according to the consequences indicated in the decision/judgment. Where the court in the decision has not indicated the consequences in case of non-compliance, the court decides on postponement, necessary modifications in the procedure, time or method of enforcement in the court hearing (Article 206 and 438 and 620). If the person against whom enforcement is sought repeatedly fails to comply with bailiff's requirements or orders or with the judgment, the court may decide the question of that person's liability or impose a fine on the respective person based upon the statement submitted by the bailiff (Article 552 and 620). The court also is involved in situations where one of the parties or the bailiff requests the court to decide on postponement, changing the method, time or procedure of enforcement (Article 206, 438 and 554 of the Civil Procedure Law).

Sworn bailiffs have one of the main roles in the field of enforcement of decisions of the courts and other institutions, as described in answer to the question 1B.1.a. Also as far as bailiffs are concerned, the main governing procedural law is the Civil Procedure Law. Enforcing the decisions of the courts, the Civil Procedure Law determines the specific functions of the bailiffs during the enforcement; in addition, the Law on Bailiffs in general determines the competence and functions of sworn bailiffs. The bailiffs commence enforcement procedure upon request of a person seeking enforcement, supervise and control enforcement, turn to court in situations where according to law on some of the matters during the enforcement it is necessary to have a court decision in order to continue or further the enforcement.

Orphan's courts, according to the Law on Orphan's Courts, are municipal (administrative) authorities with competence in matters of custody of children, guardianship, institutional care of children and placing the child in institutional care and other parental responsibility matters. Apart from this sphere of competence, the orphan's courts are constantly involved in the matters of parental responsibility in order to safeguard the rights and interests of the child, supervising, how their decisions or directions are followed, and bringing the proceedings to court upon their own initiative. Officials of the orphan's courts quite often are involved in the court proceedings when parties are in dispute, as well as in subsequent enforcement of the decisions in order to safeguard the rights and interests of the child or where the assistance of the orphan's courts for such purpose is requested. Although neither the provisions of the Civil Procedure Law nor the Law on Orphan's Courts provides for the possibility to involve the orphan's courts at the enforcement procedure of family law judgments, unless it is determined in the respective decision or judgment, such possibility may be inferred from the general competence of the orphan's courts.

In accordance with Article 44 of the Law on Bailiffs, a sworn bailiff in performance of official duties may request assistance of **the Police**; the police have a duty to provide such assistance. According to Article 551 of the Civil Procedure Law, where during enforcement, the person opposes and resists to the enforcement, a bailiff shall, in the presence of two witnesses invited for that purpose, but if it is not possible to invite persons – on its own, draw up a statement in respect of this, and in order to prevent resistance apply for assistance to the police.

c. Practical aspects relevant for the legal position of these organizations

2. Time limits relevant for enforcement proceedings

a. Time limits for appeal, both against family law decisions and against decisions supporting their enforcement

According to the Civil Procedure Law, there are different time limits for appeal of a judgment (given examining the claim as to its substance) and a decision (whereby a court decides on separate matters apart from merits of a claim, e.g., provisional decision in family matters).

Judgments of courts of first instance may be appealed by an appellate complaint within 20 days from the date when the judgment is given (for persons not present in the proceedings – from the moment of service of the judgment). Where the court initially has given a summary judgment, the time period for appeal shall be calculated from the date when the full judgment is given. An appellate complaint submitted after the expiration of the time period shall not be accepted and shall be returned to the applicant unless the person requests extension for a time limit for submission of an appeal and the court has granted the extension. The judgments of the appeal court may be challenged only in cassation (on points of law). The time limit for submission of a complaint of cassation is 30 days from the date when the (full) judgment by the appeal court is given.

In general, court decisions may be challenged once within 10 days from the date of the decision. The decision of a court examining a challenge enters into force on the day the decision is given. Only in limited circumstances determined in the law (Article 449 of the Civil Procedure Law) it is possible to challenge the decision in cassation.

b. Any other time limits that have an effect on enforceability

In accordance with Article 546 of the Civil Procedure Law, documents for enforcement may be submitted for enforcement within 10 years from the day when court judgment or decision comes into effect, unless the law determines other limitation periods. Mentioned other limitation periods would apply in situations, e.g., where a court examining the claim initially has given provisional decision and then decided otherwise in a subsequent provisional decision or in a judgment. A limitation period is suspended upon document for enforcement being submitted for enforcement. The limitation period is also suspended by partial voluntary enforcement of a court decision. After suspension, the running of the limitation period begins anew, excluding the time period elapsed.

According to Article 632 of the Civil Procedure Law, a person requesting enforcement and a person against whom enforcement is sought may appeal the measures or actions of a bailiff taken during enforcement or the bailiff's refusal to perform certain actions to the district (city) court according to the official appointment location of the bailiff within 10 days from the day when the actions appealed from are taken or the day when a complainant, who has not been notified of the time and place of actions to be taken, becomes informed of such actions.

c. The effect of appeal on enforceability

Generally a judgment or decision given by a court becomes enforceable from the moment it enters into force, unless the decision or a judgement is declared as immediately enforceable (see also third paragraph of the answer to the question 1A.3.a.). A judgment enters into force when the time period for its appeal in accordance with procedures for appeal has expired and no appeal has been submitted. If a court of appeal has left a complaint for appeal unconsidered or closed appellate proceedings, the judgment enters into force on the date the respective decision is given. If a part of a judgment is appealed, the remaining parts of the judgment enter into force. It is different when the judgment or decision is challenged in cassation, the submission of a cassation complaint does not suspend the enforcement of a decision, because the decision or judgement given by the court of appeal enters into force from the date the judgment is given. However, the Senate (court of cassation), prior to the court hearing and upon request of the party, may decide to suspend the enforcement.

As far as decisions and judgments given by the courts of first instance are concerned Article 205 of the Civil Procedure Law provides that upon request of a party to the proceedings, the court may declare the whole judgment or specific part of it as immediately enforceable, notwithstanding its possible challenge by appeal. The law exhaustively lists which judgments or decisions may be declared as immediately enforceable, e.g., on recovery of child maintenance, etc. As far as family judgments are concerned, the law allows declaring as immediately enforceable such decisions or judgments where the defendant has admitted or agreed to the claim. It is rather general ground, but may relate to family judgments.

d. The effect of the passing of time on the enforceability of a family law judgment

The Civil Procedure Law does not provide for special measures as to how the passage of time affects enforcement of family law judgments. The only effects of passing of time are mentioned in answer to question 1B.2.c. The law does not determine any periodical review as regards compliance with a judgment and its relevance to the actual situation. It is even possible that parties agree on a different approach after a judgment is given. However, such agreement would not overturn the existing decision of a court and would not exclude the possibility of its enforcement at a later stage within the time limits for enforcement. As well it does not exclude the possibility that the orphan's court follow, how the parties comply with a judgment or a decision and whether the parties' behaviour is in the interests of a child and, if not, – decide on the measures necessary to be taken.

e. The effect of change of circumstances on the enforceability

The bailiff as well as the parties to the proceedings may turn to the court, which gave the decision, in order to request postponement, modifications in the method, procedure or time of the enforcement (Article 206, 438 and 554 of the Civil Procedure Law) considering the circumstances of the case. The requests for the postponement, modifications in the method, procedure or time of the enforcement are considered in the court hearing, notifying the parties and bailiff thereof. If the parties are not present at the court hearing, the court may give a decision without the presence of the parties. According to the Civil Procedure Law, the parties may reach settlement even where the decision is already subject to enforcement (Articles 226 – 228). In such situations, where the court has approved a settlement, the bailiff upon the request of the party terminates the enforcement procedure. It should be noted that settlement at the enforcement stage may be concluded only within the limits of enforcement and may not affect substance of a decision (Article 1883 of the Civil Law). Thus, due to changes in circumstances it is necessary to have a new decision as to its substance, which would provide for different measures of enforcement.

It should be noted, that currently the parties due to change of circumstances may not bring the same proceedings on the same matter before a court and thus acquire determination of different enforcement measures. Article 203 of the Civil Procedure Law provides that after a judgment has entered into force, the participants of the proceedings are not entitled to bring court action anew regarding the same subject-matter and on the same basis, or to dispute at other court proceedings the facts established by the court. The only exception is the maintenance claims, which may be brought to court repeatedly due to change of circumstances. The situation is changed with the Amendments, according to which the parties are entitled to litigate repeatedly on the same subject matter and the same basis due to change of circumstances as far as custody matters and access rights are concerned. Thus, with a new decision or judgment it would be possible to adapt the enforcement with the actual situation and circumstances of the case.

3. Coercive measures to ensure enforcement

a. Measures available by law

Available coercive measures of enforcement listed in Article 557 of the Civil Procedure Law mostly relate to monetary coercive measures of enforcement, for example, recovery of the debt against the movable and immovable property of a debtor, including the property in the possession of other persons, by sale thereof, recovery against money due to the debtor from other persons (remuneration for work, payments equivalent thereto, other income of the debtor, deposits in credit institutions). However, the law allows to court determine the necessary coercive measures to ensure enforcement in a judgment, especially, where a judgment imposes a duty to perform specific actions. If a person, against whom the enforcement is sought, fails to comply with the judgment imposing an obligation on him/her the measures indicated in last two paragraphs to the answer on question 1A.3.a. may be used.

b. Measures usually taken in practice

In practice usually the court fines the person who does not comply with the decision of the court – see fourth paragraph to the answer on question 1A.3.a.

c. Taking of coercive measures when the child opposes enforcement

The Latvian legal system is based on the principle that the interests of a child are considered, clarified and examined during the court proceedings on the substance of the matter. The judgments or decisions involving a child have to be given in the interests of child, hearing of child through specialists or directly by the court according to the child's age and maturity. Consequently, the Civil Procedure Law does not provide for a direct solution to situations where child opposes enforcement, tending to exclude the opposition of a child during the court proceedings or giving a decision, which, although may be faced by opposition of a child also during the enforcement, still is in his/her best interests.

It may be possible that the child's opposition may serve as basis to request the court the postponement, changing the method, time and procedure of enforcement upon request of the bailiff, or parties to the proceedings (see also answers to the questions 1A.3.a. and 1B.2.e.). Thus, the court may consider it necessary to involve orphan's courts also in the enforcement proceedings, even though the law explicitly does not provide for such a possibility. Involvement of the orphan's court may ensure involvement of psychologist or other specialists to find out the child's opinion and clarifying his/her best interests. The opposition of a child may be mitigated taking other measures. The Law on Orphan's courts more explicitly emphasizes the rights of the orphan's court to request psychological consultations with the person or the family of the child.

4. The impact of other legal or practical conditions relevant during the enforcement e.g. the hearing of the child

Not applicable.

PART 2. ENFORCEMENT IN CROSS-BORDER CASES

2A. Enforcement of return orders issued under the 1980 Hague Convention, and after 1 March 2005, Regulation 2201/2003

1. Legal basis for enforcement

LEGAL BASIS FOR THE ENFORCEMENT OF RETURN ORDERS

1. Please give details of any specific legislative provisions which exist in your State concerning the enforcement of return orders. Please specify the title of the instrument, its legal nature (law, decree, administrative regulation or rules of court etc.) and short description of content.

Not applicable.

2. Please give details of any general legislative provisions which exist in your State concerning the enforcement of court orders in the area of family law and govern the enforcement of return orders (either in the absence of specific provisions under question I.1 or in addition to any such specific provisions). Please specify the title of the instrument, its legal nature (law, decree, administrative regulation or rules of court etc.) and the content of the relevant provisions.

Return orders under the 1980 Hague Convention and Brussels 2A and other court orders in the area of family law are enforced as any other decisions, orders in the field of family law according to the Civil Procedure Law (see answers to questions of Part 1). The Civil Procedure Law governs the whole court proceedings in the civil matters beginning with the bringing the case to the court, procedure of the court proceedings as well as enforcement procedure in civil matters *inter alia* in family matters. The Part E of the Civil Procedure Law governs enforcement procedure in civil matters. According to law the sworn bailiffs carry out the enforcement of the court decisions in civil law matters, including enforcement of such decisions that impose obligation on a person to perform certain activities (Article 197 and Article 620 of the Civil Procedure Law and the Law on Bailiffs). The enforcement of the return orders usually will be decisions of such nature.

3. Please give details of any judicial decisions, practice directives or guides concerning the enforcement of court orders in the area of family law that govern the enforcement of return orders (either in the absence of specific provisions under question I.1 or in addition to any such specific provisions).

In Latvia there is not any judicial decision governing the enforcement of the return order, considering that there has been only one case since 2002 involving application of the 1980 Hague Convention or the Brussels 2A in the matters of child abduction. Only in 2006 there are few court proceedings commenced (still pending) related to the child abduction. The only decision¹³ given applying the 1980 Hague Convention was not concerned with the

¹³ As the decision was given in closed court session, the details of the decision cannot be given.

measures of enforcement, but related only with the determination of the habitual place of residence of children.

4. Do you have any other comments relating to the law governing enforcement of return orders, including any comments on the effectiveness of these rules?

Latvian national law and general rules of enforcement provided for in the Civil Procedure Law do not provide for a clear legal framework determining the role and competence of different state authorities involved in the matters of enforcement of the return orders and on their co-operation.

2. Procedure and practice with regard to return orders

III. ENFORCEMENT PROCEDURE

A. The order to be enforced and the aims of enforcement

1. If an application for return of a child is successful, what is normally ordered:

- a) the surrender of the child to the applicant (if necessary, “for the purposes of returning the child to his/her State of habitual residence”)**
- b) the return of the child to State X**
- c) other?**

Since the entry into force of the 1980 Hague Convention (in Latvia since 2002) as well as since the date of application of the Brussels 2A, there has been just one case involving the application of the convention. Therefore it is difficult to make any conclusions about the “normal” or “usual” practice of the courts when they are seized with the applications for return of a child under the 1980 Hague Convention or the Brussels 2A. In this regard it should be noted that every court potentially might be seized with the application under the 1980 Hague Convention or the Brussels 2A in Latvia, since there is no specialized judges or courts, which would exclusively deal with the child abduction cases or with family matters. As described above, the Civil Procedure Law in general manner gives discretion to the court to determine in the decision the necessary measures to be taken.

According to the Amendments to the Civil Procedure Law (see answer to the question 1A.3.a) the courts decide on return of the child to the State of the child’s habitual residence. However, as described in the answer to the question of 1A.3.a., the court upon request of the party to the proceedings also should be able by analogy to give provisional decisions such as requesting handing of the child to the applicant, e.g., if the applicant is present in that State.

2. If such order has to be enforced, please specify which of the following is/are normally the aim of enforcing a return order:

- a) to remove the child from the abductor or any other person**
- b) to hand the child over to the applicant or a person designated by him or her in the State where enforcement takes place**
- c) to ensure the child’s return to his or her State of habitual residence**
- d) other.**

As indicated above (see answer to the question 2A.1.3), there is just one case involving application of the 1980 Hague Convention. Therefore, it is difficult to make any conclusions about the “normal” practice of the courts. As described above, the Civil Procedure Law in general manner gives discretion to the court to determine in the decision the necessary measures to be taken. Presumably the enforcement measures determined by the

court may involve either of the possibilities mentioned in points “a” to “c”. In addition, the court considering the particulars of the case may decide on the different measures, if necessary. Furthermore, the applicant may already specify in the application his/her particular request, whether the applicant requests handing the child to him/her or to the Central Authority, or to the State of child’s habitual residence. The main objectives of the enforcement measures have to follow the objectives of the Convention and regulation. The decision of the court on return of a child have to ensure interests of the child that may involve removing the child from the abductor, as well as interests of the holders of parental responsibility and may involve handing of the child to the applicant. If the applicant is not present in the State where the application is examined, the court may order the child’s return to his/her State of habitual residence.

3. Whose responsibility is it to organize the repatriation of the child?

The law on accession to the 1980 Hague Convention¹⁴ and the Civil Procedure Law does not determine any special authority responsible for the repatriation of the child to another State. Therefore, according to Article 7 of the 1980 Hague Convention, it is the responsibility of the Central Authority. The central authority in Latvia is the Ministry for Children and Family Affairs. However, in situations where the child is handed to the applicant, the repatriation of child organized by the Central Authority may be unnecessary as the applicant himself/herself may chose to travel with the child.

B. Actors involved in enforcement

1. Once a return order is made, is a specific request for enforcement necessary?

The Civil Procedure Law requires specific request for enforcement. When the decision on return of the child becomes enforceable, the court has obligation to issue enforcement order, but the court gives it to the applicant only upon request (Article 541). Afterwards the enforcement order is issued, the person has to submit the application to the bailiff in order to start the enforcement procedure (Article 549). The enforcement order particularly may be necessary in situations, where the person does not or potentially would not comply with the court’s order voluntarily.

According to the Amendments the return order is immediately enforceable – from the date when the decision is given and it will be possible for the court to issue an enforcement order immediately after giving a decision on the return of the child. However, both requests (for the enforcement order and to start the enforcement procedure) of the person still will be required. It follows from the Amendments, that they will simplify the procedure and take less time from the moment the decision is given till the decision is actually enforced.

2. Please specify who initiates enforcement of the court’s return order:

a) the applicant (in person or through his or her lawyer)

Currently the Civil Procedure Law determines that enforcement order may be issued only to the person who seeks the enforcement. It is possible that the applicant’s representative (his/her lawyer) applies to the court for the enforcement order submitting respective authorization.

b) the Central Authority

¹⁴ The law was adopted in 4 October 2001 and entered into force in 23 October 2001. It was amended few times (only concerning changes in the Central Authority), with the latest amending law proclaimed in 10 June 2004.

It is not possible that the Central Authority would initiate the enforcement of the court's given return order, unless the court in the decision imposes obligation on the Central Authority to perform certain measures according to its competence under the Convention or Brussels IIA. In such situations the Central Authority may not wait for the enforcement order to be issued, but comply with the obligations imposed on it by the decision. It could be possible in situations, where a child is placed in institutional care already prior to the decision is given waiting for the actual enforcement. But still it would not be commencement of the enforcement procedure in legal terms, rather compliance with the court decision. Also it is just a theoretical example and possibility, because there is not any such practical example.

- c) **the court**
- d) **the enforcement organ itself**
- e) **other.**

Currently it is not possible that the enforcement organ or the court or any other person initiates the enforcement without any prior initiative from the person seeking enforcement.

Where the law leaves choices or discretion, please give details concerning actual practice.

3. a) Please give details of the persons, organs and institutions (e.g. enforcement organs, court, parties, psychologists, social workers, Central Authorities, other) involved in the enforcement of return orders

i) according to the law

Court that has given decision entailing the return of the child, plays important role. In order to enforce non-monetary decision according to the Civil Procedure Law, it is for the court to determine in the decision/judgment the exact nature of the obligation and the person obligated to perform the required action, and what may be the consequences for non-compliance with imposed obligations (Article 197). The role of the court also may be important in later stages of enforcement. According to the Civil Procedure Law, if a person does not comply with the judgment imposing on him/her certain (non-monetary) obligations during the enforcement, the court decides the question of the person's liability according to the consequences indicated in the decision/judgment. Where the court's decision has not indicated the consequences in case of non-compliance, the court decides on postponement, necessary modifications in the procedure, time or method of enforcement in the court hearing (Article 206 and 438 and 620). If the person against whom enforcement is sought repeatedly fails to comply with bailiff's requirements or orders or with the judgment, the court may decide the matter of that person's liability or impose a fine on the respective person based upon the statement submitted by the bailiff (Article 552 and 620). The court also is involved in situations where one of the parties or the bailiff request the court to decide on postponement, changing the way, time and procedure of enforcement (Article 206, 438 and 554 of the Civil Procedure Law).

In the enforcement of the return orders under the 1980 Hague Convention and Brussels IIA as in the enforcement of any other court decision in civil matters, important role is for the **bailiff**. The role of the bailiff according to the Civil Procedure Law and the Law on Bailiffs is to ensure that the court's decision is respected and complied with, if necessary, using the coercive measures of enforcement, as well as to monitor the enforcement. Requirements and orders by a bailiff, when executing court judgments and other decisions, are mandatory for all natural or legal persons throughout the territory of the State (Article 551 of the Civil Procedure Law, Article 40 of the Law on Bailiffs).

As already said above, it is for the court to determine the necessary enforcement measures. Still the Civil Procedure Law does not require the involvement of orphan's court at the stage of the enforcement. But depending on the court's decision and prior involvement of the orphan's court in giving of a decision, the court may use its discretion and require the presence or involvement of the **officials of the orphan's courts** also at the enforcement stage. The involvement of the orphan's court may be important particularly in situations, where it may be necessary to place the child in institutional care or verify the situation of the child before the child is returned to the applicant in different State etc.

There may be situations, where the involvement of **the police** is necessary, for example if abductor is not willing to comply voluntarily with the court decision or upon the request of the bailiffs. Where the bailiff requests involvement of the police, participation of the officials of the police is mandatory (Article 44 of the Law on Bailiffs).

According to Article 7(h) of the 1980 Hague Convention the Central Authorities shall take appropriate measures in order to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child. Thus the enforcement of the decision entailing the return of child should involve also the **Central Authority**. However, there are not any national rules that would exactly determine the actual involvement of Central Authority in the examination of the application for return, in enforcement afterwards the decision is given or in actual return of a child, particularly, taking into account that the decision on return is given by the court and court decisions are enforced by the bailiffs. Early involvement of the Central Authority may be necessary, if the Central Authority would have to secure and ensure the actual return of the child to the State of his/her habitual residence.

ii) in practice.

There is not any practical example of the enforcement of the return orders. However, the situation described above may indicate that there might be a need for further implementation measures of Article 7 of the 1980 Hague Convention. Currently the legal framework as it stands may create the confusion what are the obligations, that are direct responsibility of the Central Authority and what are those obligations, that are carried out by other authorities and persons, for example, courts, bailiffs and orphan's courts. As far as decisions related to a child are concerned, there are many institutions, which have shared competences in this field. Therefore, it is essential that those authorities co-operate effectively among themselves and are aware what measures would take one or another authority. It is important that the court involves them in the proceedings, as their involvement may be necessary afterwards during the enforcement and also co-operation between different authorities of different States may be necessary.

As it is described above and below, the primarily responsibility lies on the court to determine what exactly by which authority, person have to be done. As the cases for return of child directly concern child, it is vital that the court involves orphan's courts already in the stage of giving the decision. The involvement of the orphan's court in early stage may already indicate, what the prospects for successful and de-escalated enforcement are. When it comes to the actual return of the child, then it is necessary that the courts involve also the Central Authority and there is clear understanding and legal framework, what, on the one hand, are the obligations of the bailiffs are and what are the obligations of the Central authority on the other hand.

Please describe their respective roles and functions in enforcement, and whether their participation is mandatory. If this is not the case for some or all of the actors mentioned, please specify who decides about their respective participation and to what extent they are normally involved in return cases (regularly or exceptionally and, in the latter case, depending on which conditions).

b) In particular, are any social or psychological services available in order to prepare the child and/or the defendant for the return in order to de-escalate or even avoid enforcement by coercive measures?

In the stage of the enforcement, the Civil Procedure Law does not explicitly provide for the possibility to involve orphan's courts, social or psychological services in order to prepare the child and/or the defendant for the return in order to de-escalate or avoid enforcement by coercive measures. The Civil Procedure Law as the general law on enforcement does not provide for special involvement of orphan's courts or of social or psychological services in enforcement of any decision in the family law field. However, the Law on Orphan's Courts provides the rights of the orphan's court to send a child to consultations with a psychologist and the rights of the orphan's court to request psychological consultations with the person or the family of the child. Thus, the orphan's courts even not being involved in the enforcement but only during the proceedings until the decision is given, may consider necessary to take such measures. For underlying policy – see answer to question 1B.3.c.

In addition it should be mentioned that at the enforcement – where the competent persons of the enforcement are exclusively bailiffs – the law does not provide that bailiffs may request the assistance of the orphan's courts similarly as the law provides for involvement of the police. However, it may be possible that under the general rules of the Law on Bailiffs the bailiffs in order to safeguard the interests of the child the bailiffs may involve also the orphan's courts and use such co-operation in practice. However, the law could be more specific providing for explicit possibility, where necessary, to involve also orphan's courts at the enforcement of decisions that concern minors.

As regards, involvement of the social service, the availability of the social service largely depends on the municipalities and orphan's courts, which co-operate with social services.

The answers of the Government on the Hague questionnaire indicate that where necessary, Ministry for Children and Family Affairs as the Central Authority for the Hague Convention can provide consultations of a psychologist free of charge. However, it is not clear, which situations are those where the consultations of a psychologist are necessary and in what circumstances. It is also not clear whether the person should ask him/herself for the psychologist or the ministry itself will decide on it and how the court and ministry co-operates in that respect.

c) Please specify also whether presence of the applicant (or a person designated by him or her) is required and, if this is the case, at which stage of the enforcement proceedings and for what purpose.

Presence of the applicant is not required in the stage of the enforcement proceedings, apart from initiation of the enforcement itself. In accordance with paragraph 6 of Article 549 of the Civil Procedure Law, the person seeking enforcement and person against whom the enforcement is sought have the right to be present during enforcement activities. They may invite not more than two witnesses. As well as they have rights to obtain information concerning the enforcement.

4. a) Is there any supervision / control of the enforcement procedure by a court, the Central Authority or any other State authority? If a court is supervising / controlling the enforcement procedure, which court is it? The court that made the order or other (e.g. a specific enforcement court)?

b) What if the court of first instance refused return, and the appellate court or court of appeals ordered return? Would the court of first instance, the appellate court or court of appeals which ordered return, or any other court be the court supervising / controlling enforcement in such a case?

Generally according to the Law on Bailiffs, the regional court in which territorial jurisdiction the office of a bailiff is located, directly supervises the activities of the sworn bailiffs (Article 83). According to Article 84 of the Law on Bailiffs, a judge assigned by the chief judge of the regional court shall examine the activities of sworn bailiffs, books and enforcement files at least once a year.

Another form of supervision of the activities of sworn bailiffs is performed by the district (city) courts in the matters related to enforcement (Article 83 of the Law on Bailiffs). According to the Civil Procedure Law, a party seeking enforcement and the party against whom the order is to be enforced may complain about the actions as well as refusal to perform actions of a bailiff during enforcement to the district (city) court in which territorial jurisdiction the bailiff has it is official place of work (Article 632 of the Civil Procedure Law). A court takes a decision on a complaint within 15 days. The court notifies a person seeking enforcement and a person against whom the enforcement is sought, as well as the bailiff, about the time and date of the court hearing. The failure of such persons to attend is not an impediment to the examination of the matter. The court, which gave decision on return order, and the court, which exercise supervision in above-mentioned ways, may differ. Thus, not always the court, which gave a decision, will also supervise the enforcement. According to statistics on court decisions during 2005 Latvian courts of first instance have tried 212 cases examining the complaint on the activities taken by the bailiffs.

Besides the supervision performed by the court and apart from criminal and civil liability, bailiffs may be subject to disciplinary liability upon the initiative of the Council of Latvian Sworn Bailiffs or minister of justice on his/her own initiative or upon a proposal of a judge or a prosecutor, as well upon a complaint of a person (Chapter III of the Law on Bailiffs).

In addition, as far as enforcement of particular decision is concerned, the bailiffs carry out enforcement within the limits of a court's decision. If it is not possible to enforce the order as prescribed in the decision of the court, the bailiff does not have the competence to decide on its own on necessary further measures. In order to postpone, modify the method and procedure of enforcement or its time, the bailiff has the obligation to turn to the court, which gives the decision (Article 554 and Article 620). The parties to the proceedings also may turn to the court in order to request postponement, modifications in the method, procedure or time of the enforcement (Article 206 and Article 438).

C. The enforcement procedure proper

1. Is there a timeline for enforcement?

Generally the enforcement of the court's decision expires within 10 years from the date the decision has entered into force (Article 546 of the Civil Procedure Law). See answer to question 1B.2.b.

2. Is it normal to allow a period of time for voluntary compliance with a return order or to allow appropriate practical arrangements for the return of the child to be made?

After the enforcement order is issued the bailiff commences the enforcement against the respective person requesting the person to comply voluntarily with the decision within 10 days (Article 555 of the Civil Procedure Law).

If the decision on return of the child would be immediately enforceable, which is currently not the case, but provided in the Amendments, the time limit for voluntary compliance with the decision would be 3 days.

3. Are any measures available in order to prevent the abductor from taking the child into hiding after the return order is made and before it can be enforced? In the affirmative, please give details.

In divorce matters and according to the Amendments in matters related to custody and access rights until the decision is given it is possible to request provisional decision on access rights and care about the child. Although, such possibility is not explicitly provided for situations where the court is seized with the application for return of child, it does not exclude that the court also in such cases may upon request give a provisional decision, such as a prohibition to move a child across the border. Such provisional decisions are given almost immediately, notifying the parties and with the presence of the official of orphan's court and giving the opportunity to child express his/her view. It is not necessary that the respondent is present, but it is necessary to notify him/her about the proceedings. Such provisional decision may be subject to appeal only once within 10 days of the date of the decision. Such decisions are enforceable after the time limit for appeal is expired and no appeal is submitted.

Also the orphan's court according to their competence to perform the necessary measures in order to safeguard the interests of a child, may decide to take the necessary measures (see answer to question 1A.1.a. and 1A.1.b.).

4. What happens if the child is taken into hiding after the order was made and before it can be enforced? Which actors would be involved (e.g. Central Authority, police, public prosecutor, other) and which measures can they take to locate the child? What is the effect of the hiding on a possible timeline for enforcement?

According to Article 44 of the Law on Bailiffs, in order to ensure the fulfilment of official duties, a sworn bailiff may request assistance of the police and the police have a duty to provide such assistance. It is possible, that apart from the police assistance may be requested from the State Border guards, Interpol and other law enforcement bodies in locating a child.

The hiding of the child most likely may not have relevant effect on a possible timeline for enforcement, considering that the time limit for enforcement generally is 10 years from the date the decision comes into effect.

5. When enforcement is initiated, what are the required steps (e.g. measures by the applicant, the court or any other supervisory authority, and the enforcement organs)?

If the person does not comply voluntarily with the court decision, the person who seeks the enforcement has to submit written application to the court, which gave the decision, to issue an enforcement order for that decision. After the enforcement order is issued and submitted to the bailiff, he/she commences the enforcement requesting the respective person to comply voluntarily with the decision (Article 555). If the person fails to comply with the orders of the bailiff, the bailiff may request officials of the police to assist in the enforcement procedure. If provided in the decision of the court, officials of the orphan's courts or the Central Authority may be required to assist to the bailiff. If the enforcement is not possible, the bailiff draws up the statement and turns to the court and request postponement, changing the method, time and procedure of enforcement (Article 554).

If the person does not comply with the decision, the court upon the statement submitted by the bailiff decides the question of the person's liability according to the consequences indicated in the decision. Where the court in the decision has not indicated the consequences in case of non-compliance, the court decides on postponement, necessary modifications in the procedure, time or method of enforcement in the court hearing (Article 197, 206, 438 and 620). If the person against whom enforcement is sought does not comply with bailiff's requirements or orders or with the judgment repeatedly the court may decide the question on person's liability or impose a fine on respective person upon the statement submitted by the bailiff (Article 552 and 620). As well as the parties to the proceedings may turn to the court him/her self in order to request postponement, modifications in the method, procedure or time of the enforcement (Article 206 and Article 438).

6. **Which coercive measures are available and under what conditions (e.g. pecuniary fines, physical force [against whom? the child? the defendant? others?], detention)? Which of these are normally used in practice?**
7. **a) Do they have to be ordered specifically (i.e. either "fine", "physical force", "detention")? If so, when and by whom?**
 - b) **If problems occur during enforcement, may the enforcement organs unilaterally "upgrade" the intensity of coercive measures, or do they have to obtain authorisation from any particular higher authority (e.g. an enforcement court or other)? Please specify.**

The bailiff uses **coercive measures** in order to enforce what the court in the decision has ordered, where the person against whom the enforcement is sought does not comply voluntarily. The Civil Procedure Law gives discretion for a court to determine the necessary coercive measures to ensure enforcement in a judgment, especially, where a judgment imposes a duty to perform specific actions. Thus, the use of coercive measures of enforcement of non-monetary judgment/decision includes that the bailiff in the respective place and manner does the necessary activities according to the court decision (Article 557 of the Civil Procedure Law). For that purpose the bailiff may require assistance of the police (Article 44 of the Law on Bailiffs). Resistance from the person against whom the enforcement is sought may result also in the use of physical force within reasonable limits. If the use of the coercive measures is without success, the bailiff may consider using other two possibilities mentioned below.

If the person against whom enforcement is sought does not comply with bailiff's requirements or orders or with the judgment repeatedly the court may decide the matter on person's liability or impose a **pecuniary fine** on respective person upon the statement submitted by the bailiff (Article 552 and 620).

It is not possible to impose **detention** in the course of the civil proceedings unless non-compliance or resistance results in criminal liability of the respective person as prescribed by the criminal law (Article 296 of the Criminal Law).

The bailiff as well as the parties to the proceedings may turn to the court, which gave the decision, in order to **request postponement, modifications in the method, procedure or time of the enforcement** (Article 206, Article 438 and Article 554 of the Civil Procedure Law). Thus the court may consider on the further necessary measures to be taken, involve the officials of the orphan's court and/or of Central Authority if they have not been involved so far. The requests for the postponement, modifications in the method, procedure and time of the enforcement are considered in the court hearing, notifying the parties and bailiff thereof. If the parties are not present at the court hearing, the court may give a decision without the presence of the parties.

Again it cannot be concluded about usual practice, since the 1980 Hague Convention and the Brussels 2A in the matters of child abduction is applied just in one case.

8. Please give details of any court orders which can be obtained in emergency situations. Can these orders be obtained after hours and ex parte?

There are limited possibilities to obtain court orders as far as enforcement is concerned for emergency situations apart from those mentioned in answers to the questions III C.5.-7. However, according to the general principles of the Civil Procedure Law and also according to the Law on the Protection of the Rights of the Child all court proceedings related to the child shall be treated as a priority.

In emergency situations, the persons should turn to orphan's courts, which may act immediately according to their competence and take the necessary urgent measures.

D. Costs

1. Are costs incurred for the enforcement? If so, are they part of the costs of the court proceedings as a whole? How are they calculated? For which services are they charged?

Although, according to the Amendments, the applicants in the proceedings for return of a child would be exempted from the obligation to cover costs related to the proceedings, still that exemption automatically would not extend to the exemption of the costs of the enforcement. National law provisions related to the costs of the enforcement are provided for in Articles 39, 566, 567 and 568 of the Civil Procedure Law. In accordance with the provisions of Article 567 of the Civil Procedure Law the costs of enforcement consist of the State fee and other costs of the enforcement of the judgment. Other costs of the enforcement of court judgments include reimbursement to the bailiff according to the tariff and costs required for the performance of enforcement activities. The State fee has to be paid to the State Budget, however other costs of the enforcement of the judgment has to be paid to the bailiff. In accordance with Article 76 of the Law on Bailiffs a bailiff shall calculate the reward for official activities and costs related thereto, and collect the calculated amounts.

According to the Civil Procedure Law, the losing party has to reimburse all court costs on behalf of the winning party and court costs, including the costs of the enforcement. If a claim has been satisfied in part, the defendant has to recover all costs corresponding with the claims confirmed or accepted by the court. If a plaintiff discontinues an action, he/she is obliged to reimburse court costs incurred by the defendant. In this case the defendant is not required to reimburse the court costs paid by the plaintiff. The Civil Procedure Law provides that enforcement of a judgment shall be performed at the expense of the person against whom the enforcement is sought. However, it does not exclude that the person seeking enforcement is required to pay some advance payments. Moreover, voluntary enforcement of a judgment/decision does not amount to the exemption from the reimbursement of the costs of the enforcement of the judgment, where enforcement order is submitted to enforcement.

2. Who has to pay the costs for enforcement? To whom? Is a reduction or exemption possible, e.g. under a Legal Aid Scheme? Under which conditions? In particular, is advance payment required in order for the enforcement organs to act? If legal aid was granted for the proceedings leading to the return order, would it cover the enforcement stage or would the application for legal aid have to be renewed?

According to the Civil Procedure Law a person seeking enforcement, when submitting a document for enforcement, pays the State fee and cover other costs relating to the enforcement to the extent required for commencement of the enforcement. During enforcement of the judgment the person seeking enforcement pursuant to bailiff's instructions may be required to pay additionally required costs of the enforcement. In the cases specified

by law during enforcement of the judgment the costs of the enforcement for separate measures shall be paid by the person against whom the enforcement is sought.

Article 568 of the Civil Procedure Law provides that enforcement of a judgment shall be performed at the expense of the person against whom the enforcement is sought. Hence costs paid by person seeking the enforcement when submitting an enforcement order for enforcement or additional costs paid during enforcement of the judgment pursuant to bailiff's instructions shall be considered as advance payment, which would be reimbursed by debtor.

In accordance with Article 10 of the State Ensured Legal Aid Law a person may request legal aid in civil matters while the court decision is not executed. It has to be mentioned that the state totally ensures legal aid to any person who has obtained the status of a low-income or person in need, as well as, to persons, taking into account their special situation, state of property and income level, are unable to provide partly or fully for the protection of their rights.

3. Are the costs of the actual repatriation of the child (e.g. airfare for child and possible accompanying person) considered as part of the enforcement costs? Who has to pay for the repatriation? Is advance payment a condition for enforcement?

As it was said above national rules does not provide transparent rules on enforcement of return orders, as well as mutual relationship with the provisions of Article 7 as well as with Article 26 of the 1980 Hague Convention, particularly in this context, to what extent the actual repatriation could be the obligation of a bailiff or Central authority. Therefore, the same uncertainties are related to the expenses that the person may be required to pay during the enforcement related to repatriation of a child (see answers to the questions of 2.III.B.3.a.i. and 2.III.B.3.a.ii.).

4. Please specify how foreign applicants are provided with information about enforcement costs to be borne by them.

All the costs which have to be paid to a bailiff of the enforcement of a decision are provided in the Regulation issued by the Cabinet of Ministers of Latvia in 28 December 2004 (Nr.1075). As the Regulation is available only in the Latvian language, it is possible that the person may require assistance of the representative to deal with enforcement proceedings in Latvia, or to use assistance of the Central Authority – Ministry for Children and Family Affairs, or in this particular case – also the assistance of the Ministry of Justice.

5. Please provide details regarding the enforcement organs' specific duties as they relate to the enforcement of Hague return orders concerning children.

As mentioned before, in relation to enforcement of the return orders the general rules of enforcement apply and national law do not provide for specific duties to that effect, see the answers provided on the question about procedural law rules relevant for the functioning of these organisations (procedural rules on the role of these organisations in the enforcement of family law decisions).

6. Do you have any other comments relating to the enforcement procedure?

Not applicable.

3. Enforceability and legal remedies of return order

II. Enforceability and legal remedies

1. a) Is a return order subject to appeal or other forms of challenge? Please give details (number and character of legal remedies, possible time-limit for them, possible time-limit for appellate court or court of appeals to decide etc.).

It should be noted that neither the Civil Procedure Law nor the Law on acceptance of the 1980 Hague Convention is clear which authority is the competent authority to decide on return of the child pursuant to the Convention or to Brussels IIA, whether the decision has to be given by the judicial authority (court) or may it be given by another administrative authority, such as the Central Authority. The Amendments (see answer to the question 1A.3.a) solve the above mentioned and other uncertainties related to the application of the 1980 Hague Convention and of the Brussels 2A. The Amendments introduce more detailed rules on the competence of respective authorities dealing with applications for return of the child under the 1980 Hague Convention. According to the Amendments, the applications are examined by the district (city) courts and decision on the application for the return of the child may be subject to appeal just once, but not for two appeals as it would be currently possible (one of them cassation).

The Amendments specify that the decision on the return of the child shall be given within six weeks in the court of the first instance. The time limit provided for in the Amendments is the same as determined by the Convention as well as the Brussels 2A. The Amendments do not specify in which time limits the appeal court has to give its decision. However, the Law on the Protection of the Rights of the Child determines that all matters related to a child should be treated as a priority and without delays.

According to the Amendments, the time limit for submitting an appeal is 10 days from the date of the decision, if parties are present in the court proceedings, 10 days from the date when the person was served with the decision, if a person was not present in the court proceedings.

The other remedies that are established by the Amendments are concerned with the competence of the regional court seized with the appeal. The Amendments exclude that the appeal court may annul the decision of the first instance court and submit the case for repeated examination to the court of the first instance, which is possible under general terms. The appeal court may give only one of two possible decisions. One way is to declare the decision of the first instance court as valid. Second option is to annul the decision of the first instance court and decide the matter on return by itself.

b) Please specify whether any such challenge may only be made once, and which court or body has jurisdiction to hear the appeal.

As mentioned previously, the challenge of the decision of the court of first instance (district (city) court) may be made only once – submitting an appeal to the regional court. The decision of the appeal court is final and cannot be challenged any further. The decision at the first instance is given by the courts having ordinary jurisdiction in civil matters. Appeal is examined by the ordinary court of appeal (one of the five regional courts).

2. a) Please give details of any authorisation or other decision required for the actual enforcement of the Hague return order (e.g. registration for enforcement, declaration of enforceability, order of a specific enforcement measure or other).

Currently, according to the Civil Procedure Law, it is possible to enforce only final decisions (after they have entered into force, that is after the time for appeal has expired). The only exception is where a law provides for a possibility to declare a decision as immediately

enforceable notwithstanding the fact the decision may be appealed. However, currently the law does not provide for the possibility to declare as immediately enforceable decision on the return of the child. According to the Amendments, the return order is immediately enforceable and it is possible for the court to issue an enforcement order immediately after giving a decision on the return of the child. However, both requests (for the enforcement order and to start the enforcement procedure) of the person still will be required. The Amendments simplify the procedure and for persons it would take less time from the moment the decision is given till the decision is actually enforced.

b) Which is the competent organ for these decisions?

The competent court, where a person may request enforcement of a decision, is the court which has given the decision.

3. Does the Hague return order have to be final and no longer subject to ordinary appeal before any authorisation for enforcement or other measure specified under II.2 may be ordered?

As provided in the Amendments, the return order does not have to be final in order to request its enforcement.

4. a) Are any of the decisions specified under II.2.a) (authorisation to enforce or other decision) subject to appeal independent of any appeal against the merits of the return order? Please give details (number and character of legal remedies, possible time limit to lodge them, possible time-limit for appellate court or court of appeals to decide etc.).

b) Please specify whether any such challenge may only be made once, whether it suspends the enforceability / enforcement of the order and which is the court or body to decide the appeal.

The issuance of the enforcement order is not subject to appeal. Only the decision on the basis of which the enforcement order was issued (the decision on application for return of child) may be subject to appeal. Submitting an appeal to a decision on return of a child, the party may turn also to the court which issued an enforcement order (the court of first instance) requesting postponement, modifications in the method, procedure or time of the enforcement of the decision. In such situation the court would apply by analogy those provisions of the Civil Procedure Law that relate to the stay of the enforcement of judgments (Article 206 of the Civil Procedure Law). Such request would avoid the situation that the enforcement of the court of the first instance would continue or even would be completed, considering that the court of second instance may decide differently as the court of first instance.

5. If in your State both types of legal remedy as specified under II.1 and II.4 (i.e. against the order on the merits and against any decision taken at or required for the enforcement stage) exist, can they be lodged simultaneously? Is it the same court that deals with them if they are lodged (a) simultaneously, and (b) at different times?

Not applicable.

6. Do you have any other comments relating to legal remedies and the enforcement of Hague return orders?

2B. Law and practice with regard to enforcement of family law judgments other than return orders

1. Instruments and national legislation relevant for the enforcement of family judgments in cross-border cases

Latvia acceded to the Hague 1961 Convention concerning the powers of authorities and the law applicable in respect of the protection of infants, adopting the law on the accession to the Convention on 7 December 2000¹⁵. The Law on the Hague 1961 provides that the Ministry for Children and Family Affairs is responsible of the applications of Article 11(1) of that Convention.

Latvia has ratified the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, adopting the law on the ratification of the Convention on 17 October 2002¹⁶. The Law on the 1996 Convention on protection of children provides for a certain provisions directed to the application of the Convention nationally: pursuant to Article 29(1) of the Convention the law designates the Ministry for Children and Family Affairs as a Central Authority; the law determines that in Latvia requests under Article 34(2) of the Convention shall be communicated to Latvian authorities only through Latvian Central Authority; the law provides that Latvia objects to the use of French as provided for in Article 54(2) of the Convention; according to the law Latvia reserves the jurisdiction of its authorities to take measures directed to the protection of property of a child situated on its territory as provided for in Article 55(1) of the Convention.

It is important to note that according to the Latvian legal system quite often international treaty apart from the law on ratification or accession are not further implemented by the national law provisions. Such international treaties are applied directly. In such situations, when the respective international treaty lays down different provisions comparing with national legal provisions, those of international treaty prevail and are applied. The same situation is, where the only provisions in respective matters are provided for in the respective international treaty. Therefore, as regards the mentioned conventions, in Latvia there is no legislation specially implementing or supporting the application of these conventions, except the law on the ratification/accession to those conventions. In addition it does not exclude the possibility to apply the provisions of the respective conventions together with appropriate provisions of national law, e.g., substantive norms of the Civil Law or procedural norms of the Civil Procedure Law.

2. National law relevant for cross-border enforcement of family law judgments under Brussels 2A

Generally there are no specific provisions relevant for enforcement of family law judgments in cross-border cases. The Civil Procedure Law provides common regulation for enforcement of national and foreign decisions. Therefore the same provisions are applicable in order to enforce a family law judgment in cross-border cases (please see answers in Part1A). Supporting the application of Brussels 2A regulation some additional provisions are introduced with the Amendments. For example, during the enforcement of a national judgment the Civil Procedure Law provides (Article 206, Article 438) the possibility for a party to the proceedings or a bailiff (Article 554) to request the court which has given a judgment to postpone, divide into time periods, modify the method and procedure of enforcement of a judgment/decision. By making a decision on such a matter the court has to take into account the financial situation of the parties or other circumstances. As well with the

¹⁵ The law entered into force in 20 December 2000.

¹⁶ The law entered into force in 31 October 2002

Amendments the similar situation would be possible during the enforcement of foreign decisions, namely, court, which has taken a decision on recognition and enforcement (declaration of enforceability), upon request of the party to the proceedings would be able to postpone, divide into time periods, and modify the method and procedure of enforcement of a judgment. According to the Amendments such requests for the postponement, modifications in the method, procedure or time of the enforcement would be considered in the court hearing, notifying the parties and bailiff thereof. If the parties are not present at the court hearing, the court may give a decision without the presence of the parties.

In addition in order to support the application of Brussels 2A nationally, especially in application of the provisions of Article 48 of the regulation, the Amendments provide that the district (city) court in the territory of which the respective foreign judgment is to be enforced, upon the request of the party to the proceedings may make practical arrangements for exercise of rights of access. The requests on practical arrangements for exercise of rights of access are considered in the court hearing, notifying the parties and bailiff thereof. If the parties are not present at the court hearing, the court may give a decision without the presence of the parties. As mentioned above, during the enforcement of foreign decisions, Latvian court which has taken a decision on recognition and enforcement upon the request of the party to the proceedings would be able to postpone, divide into time periods and modify the method and procedure of enforcement of a foreign judgment. These provisions are provided, considering, that similar possibility is available during and prior of the enforcement of the national decisions.

3. National practice with regard to the enforcement of family law decision of your own courts in another member state

Currently, it is difficult to say about national practice, because there are only few cases on the enforcement in other Member State of Latvian court decisions in family matters. There are not official statistics, how many certificates for directly enforceable decisions under Article 41 and other certificates for decisions in the matters of parental responsibility under Article 39 of the Brussels 2A have been issued by the national courts. Therefore it is difficult to say, what kind of measures could be or should have been taken in order to further the enforcement of Latvian decisions in another country by Latvian Central Authority, child protection agencies, orphan's courts, police authorities, health care, educational authorities and social services. The general rule under the Brussels 2A regulation is that the enforcement procedure is governed by the law of the Member State of the enforcement. Therefore, all the enforcement measures have to be taken under the law of the Member State where the enforcement of the decision of the other Member State is requested. Still it does not exclude the possibility for the enforcement authority in the Member State of the enforcement to request assistance of the Central Authority under the 1980 Hague Convention or Brussels 2A regulation during the enforcement of the decision issued by Latvian courts in other Member State.

4. National practice with regard to the enforcement of family law decisions of another member state in your own member state.

According to statistics on court decisions during 2005 Latvian courts in the first instance have tried 53 cases on recognition and enforcement of foreign judgments¹⁷ and according to statistics on enforcement only for 11 decisions on recognition and enforcement of foreign judgments enforcement orders were issued and submitted for enforcement to the

¹⁷ The statistical data given by the Ministry of Justice of the Republic of Latvia, available at the homepage: <http://www.tm.gov.lv>

bailiffs.¹⁸ However, this statistical information does not reveal the legal basis for recognition and enforcement of foreign judgments (whether enforcement is requested on the basis of national law or EC Regulations of European Union or international treaties and which is the State of origin of the judgment) or the field of the foreign judgments (whether the judgment relates to civil or commercial matters or family matters).

5. Setting aside or amending of foreign judgments

As already mentioned, according to the Civil Procedure Law, the parties may request the court to postpone, divide into time periods and modify the method and procedure of enforcement of a foreign judgment in the same way as it is possible for national judgments. However, these measures of enforcement may be taken only as far as substance of the decision is not affected in order not to breach the obligation not review the foreign decision in its substance under the Brussels IIA (see also answer to question 1B.2.e.). So, if it becomes necessary to provide enforcement measures substantially different from the foreign judgment, then the parties must file a new action in the appropriate court and country. Nevertheless, the measures under the foreign judgement remain in force until a contrary judgment is obtained from a Latvian court.

2C. Specific issues relating to the cross-border enforcement of family law judgments

1. The role of organs and institutions

See the answers provided under 1B.1.a.-c., there is nothing to mention additionally.

2. Time limits relevant for enforcement proceedings and the effect of time

See the answers provided under 1B.2.a.-c. there is nothing to mention additionally.

3. Coercive measures to ensure enforcement

See the answers provided under 1B.3.a.-c., there is nothing to mention additionally.

4. Other legal or practical conditions that may form obstacles to enforcement

Not applicable.

5. Issues of specific concern in cross-border cases

The geographical aspects or the cross-border character of particular case may have some influence in the matters of parental responsibility, for example, impact the frequency of the contacts and meetings for person using access rights. The question, whether rights are limited in a geographical sense depends on respective family law judgment or decision, for example, according to Article 182 of the Civil Law where the parties cannot reach agreement between themselves on the exercise of access rights, it is up to court to decide on the matter and determine, how access rights shall be exercised. According to Article 16(4) of the Law on Judicial Power, as well as the general provisions of the Civil Procedure Law on enforcement, determine that in a broad sense all judgments given by the court and entered into force are binding throughout the territory of Latvia, all persons and authorities. Thus, in such a sense the exercise of the rights determined in the court ruling is limited to the territory of Latvia.

¹⁸ The statistical data given by the Council of the Sworn Bailiffs of the Republic of Latvia, available at the homepage of the: <http://www.lzti.lv>

Still, according to the Civil Law, a court may determine that a child spends certain period of time with the parent who does not have custody rights and/or particular time for contacts/meetings. As well the court may determine that the contacts with child may be exercised with the presence of third person and in certain place. Such determinations by the court stipulated in the decision or in a judgment would be indications for enforcement and may not be limited only to the territory of Latvia, particularly in cross-border situations.

According to the Amendments, the Civil Procedure Law would provide also possibility to give a provisional decision or impose as separate obligation on respective party in a judgment – a prohibition of removing a child from the territory of Latvia, where there would be legitimate reasons to believe that the defendant could remove or has tried to remove the child from the territory of Latvia. Such prohibitions have already been imposed in practice upon the discretion of the court in the matters of parental responsibility.

It is not necessary to obtain permission of a court to move a child to another Member State without the consent of another holder of parental responsibility. As far as minor child moves across the border together with one of the parents, it is not necessary to have any authorization. Where one of the child's parents is a foreigner or a stateless person, it is necessary to have a notarially certified consent or authorization of the other parent to move a child across the State's border (Regulation issued by the Cabinet of Ministers of Latvia in 10 July 2001 Nr.310.)

- *Are there specific issues that arise when enforcing foreign family judgements*
- *Are there specific conditions with respect to foreign family judgements that may form obstacles to enforcement*

There is not any practice yet.

- *The influence of any bilateral or regional convention that is relevant for enforcement*

Latvia has concluded bilateral (trilateral) agreements on legal assistance providing for various types of legal co-operation in civil, family, labour and criminal matters. In the field of civil law, these agreements govern the issues of applicable law, jurisdiction rules and conditions of recognition and enforcement of judgments, including also family law judgments. These bilateral (trilateral) agreements do not provide specific rules on child abduction. Therefore between the respective States the 1980 Hague Convention would be applicable. These agreements only provide general rules related to enforcement of the decisions, determining that the enforcement of the judgments of one Contracting State recognized in other Contracting Party is to be enforced in accordance with the law of that State.

Latvia has concluded such international agreements with the Russian Federation, the Belarus, Kirgizia, Ukraine, Moldova, the Uzbek Republic, Poland, Lithuania and Estonia.¹⁹ Bilateral (trilateral) agreements with Poland, Lithuania and Estonia on matters of parental responsibility are replaced by Brussels 2A in accordance to Article 59 of that Regulation.

6. Mediation/Alternative dispute resolution

In the framework of the National Program for the Improvement of the State of the Child and Family, the Ministry for Children and Family Affairs has commenced pilot project on mediation. Since June 2006, the mediation services are provided free of charge for the families who have come to a conflict situation (for example, situations on divorce or disputes related on parental responsibility or on access/contact rights). The services are offered by qualified teams of specialists – psychologists and lawyers. Currently the services of a mediator are not widely used, in most cases when the court offers parties to use services of mediator, parties refuse. As well it is difficult to say, whether mediation plays a role in the enforcement of a family decision, because there does not exist neither relevant provisos, neither practice.

NOTE ON THE EMPIRICAL STUDY

A. Statistical information

In Latvia there is not any judicial decision governing the enforcement of the return order, considering that there has been only one case since 2002 involving application of the 1980 Hague Convention or the Brussels 2A in the matters of child abduction. Also data are unavailable on other situations involving application of the Brussels 2A. The only decision given applying the 1980 Hague Convention was not concerned with the measures of enforcement, but related only with the determination of the habitual place of residence of children.

¹⁹ Agreement between the Republic of Latvia and the Republic of Poland on Legal Assistance and Legal Relationships in Civil, Family, Labour and Criminal Matters // Latvijas Vēstnesis 07.02.1995, No 19 (hereinafter referred to as the Agreement between Latvia and Poland); Agreement between the Republic of Latvia and the Republic of Uzbekistan on Legal Assistance and Legal Relationships in Civil, Family, Labour and Criminal Matters // Latvijas Vēstnesis 27.09.1996, No 162 (hereinafter referred to as the Agreement between Latvia and Uzbekistan); Agreement between the Republic of Latvia and the Republic of Moldova on Legal Assistance and Legal Relationships in Civil, Family, Labour and Criminal Matters // Latvijas Vēstnesis 04.10.1995, No 152 (hereinafter referred to as the Agreement between Latvia and Moldova); Agreement between the Republic of Latvia and the Ukraine on Legal Assistance and Legal Relationships in Civil, Family, Labour and Criminal Matters // Latvijas Vēstnesis 31.10.1995, No 168 (hereinafter referred to as the Agreement between Latvia and the Ukraine); Agreement between the Republic of Latvia and the Kirgiz Republic on Legal Assistance and Legal Relationships in Civil, Family, Labour and Criminal Matters // Latvijas Vēstnesis 02.06.1998, No 159/161 (hereinafter referred to as the Agreement between Latvia and); Agreement between the Republic of Latvia and the Republic of Belarus on Legal Assistance and Legal Relationships in Civil, Family, Labour and Criminal Matters // Latvijas Vēstnesis 07.02.1995, No 19 (hereinafter referred to as the Agreement between Latvia and Belarus); Agreement between the Republic of Latvia and the Russian Federation on Legal Assistance and Legal Relationships in Civil, Family, Labour and Criminal Matters // Latvijas Vēstnesis 30.11.1999, No 394/396 (hereinafter referred to as the Agreement between Latvia and Russia); Agreement between the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania on Legal Assistance and Legal Relationships // not published;