Declaration on the Protection of the Rights of Minor Latvian Nationals in Foreign Countries

This is to announce that the Saeima has adopted the following declaration at its plenary sitting of 28 January 2016:

Declaration on the Protection of the Rights of Minor Latvian Nationals in Foreign Countries

Taking into consideration that competent authorities of several countries have failed to observe consistently the obligations laid down in Articles 36 and 37 of the 1963 Vienna Convention on Consular Relations (hereinafter – Vienna Convention) in relation to the rights of diplomatic and consular missions of Latvia to freely communicate with Latvian nationals and to be informed regarding all cases when appointing of a guardian is within the interests of a minor Latvian national;

due to the fact that failure to observe the obligations laid down in Articles 36 and 37 of the Vienna Convention may lead to violation of the obligation laid down in Articles 8 and 20 of the United Nations Convention on the Rights of the Child of 20 November 1989 to respect the right of any child to preserve his or her identity, including name, nationality, family relations, native language, and to take into consideration the desirable continuity in the child's upbringing, as well as the child's ethnic, religious and cultural background;

taking into consideration that failure to inform the state in due time or at all regarding removal of minor nationals from parental care and regarding commencing of the adoption procedure can have an irreversible negative impact on full participation of the relevant state and its nationals in the abovementioned procedures;

complying with the consultations and efforts taking place within the European Union to ensure uniform application of Articles 36 and 37 of the Vienna Convention,

The Saeima of the Republic of Latvia

1. Calls upon the competent authorities of foreign countries to respect the duty of the state of Latvia to protect the rights of Latvian nationals abroad and in conformity with Articles 36 and 37 of the Vienna Convention to inform, without delay, the diplomatic or consular missions of Latvia regarding all cases when appointing of a guardian is within the interests of a minor Latvian national.

2. Urges the competent authorities of foreign countries to verify that specific activities in the cases that they are processing regarding provision of further care to minor Latvian nationals are performed in accordance with the Vienna Convention, and, should a negative conclusion be reached, to ensure re-examination of the respective cases, giving particular attention to the opinion of representatives of the state of Latvia.

3. Calls upon the competent authorities of foreign countries to evaluate actions with the goal of putting a child up for adoption, which have been implemented prior to observing the obligations contained in the Convention on the Rights of the Child to respect the right of any child to
preserve his or her identity, including name, nationality, family relations, native language and
to take into consideration the desirable continuity in the child's upbringing, as well as the child's
ethnic, religious and cultural background with legal precision, the highest level of responsibility
and respect for the law, and to revise any procedures that are not in line with the
abovementioned international legal standards.

4. Calls upon the competent authorities of foreign countries to cooperate with the diplomatic
and consular missions of Latvia and services responsible for protecting the rights of minor
Latvian nationals by taking into special consideration their recommendations on further care
for the child in a family environment consistent with Latvian culture and identity.

5. Tasks the Cabinet with the following:
   5.1. To inform Member States of the European Union and of the European Economic
       Area, as well as other countries that have failed to comply consistently with the obligations laid
       down in Article 37 of the Vienna Convention, regarding Paragraphs 1, 2, 3, and 4 of this
       Declaration;
   5.2. To ensure protection of the rights of minor Latvian nationals outside the territory of
       Latvia by providing support to them and participating in processes taking place in foreign
       authorities, courts and international institutions in accordance with national and international
       legal standards, including requesting the competent authorities of foreign countries or courts to
       pass over custody cases involving minor Latvian nationals to the jurisdiction of the competent
       authorities of Latvia;
   5.3. To prepare information regarding legal norms, requirements and traditions of
       foreign countries in relation to the protection of the rights of the child and to distribute it to
       families of Latvian nationals residing in the particular countries.

Speaker of the Saeima

Ināra Mūniece

Riga, 28 January 2016