

# Fundamental rights of children displaced in the EU following the Russian war of aggression

Latvia

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# 1. Children fleeing Ukraine

## 1.1. Data on children fleeing Ukraine

**Table 1 Children fleeing Ukraine**

Category of child	Registration system Y/N	Number of children (as disaggregated as possible) (as of 30 April 2023, unless otherwise specified)
Overall number of children	Yes	<p>In Latvia, as per the Law on Assistance to Ukrainian Civilians (<i>Ukrainas civiliedzīvotāju atbalsta likums</i>), assistance is provided to all Ukrainian civilians - citizens of Ukraine and their family members, and also the persons who have received a permanent residence permit in Ukraine and cannot return to the country of their citizenship, the status of a stateless person, or the status of international protection in Ukraine and their family members.<sup>1</sup> Therefore, any register that holds information about Ukrainians collects information about all of these persons regardless of their citizenship.</p> <p>There are several registers that can provide information on the number of Ukrainian children (children who have fled Ukraine regardless of their citizenship) in Latvia:</p> <p>1) The Population Register (<i>Fizisko personu reģistrs</i>)</p>

<sup>1</sup> Latvia, [Law on Assistance to Ukrainian Civilians \(\*Ukrainas civiliedzīvotāju atbalsta likums\*\)](#), 5 March 2022, Article 1.

The Population Register<sup>2</sup> contains information about all persons that reside permanently in Latvia<sup>3</sup>, including persons to whom a temporary protection has been awarded. The total number of children registered as recipients of temporary protection in the Population register as of 13 June 2023 is 12 306 and can be disaggregated as follows:

	Age			
	0-4	5-6	7-17	Total
Boys	1102	676	4166	5944
Girls	1112	752	4498	6362
Total	2214	1426	8664	12306

The Population Register contains the following information about persons to whom a temporary protection has been awarded:

- the personal identity number,
- the given name (names),
- the surname,
- the orthographic transcription of the personal name in Latvian,
- information regarding birth;
- sex,
- nationality and its type;
- information regarding the contact address of the person,

<sup>2</sup> Latvia, [Law on the Register of Natural Persons \(Fizisko personu reģistra likums\)](#), 28 June 2021.

<sup>3</sup> Latvia, [Law on the Register of Natural Persons \(Fizisko personu reģistra likums\)](#), 28 June 2021, Article 4.

		<ul style="list-style-type: none"> <li>- information regarding the personal identity number of the person which is entered in the personal identification document,</li> <li>- information regarding the personal identification document,</li> <li>- information regarding minor children,</li> <li>- information regarding the father and mother,</li> <li>- information regarding the establishment or termination of out-of-family care or guardianship or the termination, withdrawal, or renewal of custody rights,</li> <li>- information regarding the guardians, trustees, or foster family of the person,</li> <li>- information regarding a childcare institution.<sup>4</sup></li> </ul> <p>At the same time, it must be noted that information about the actual location of persons is not included in the Population register, therefore it is not possible to tell from the data how many of the persons are currently in Latvia, as Ukrainian civilians can freely migrate within the borders of the European Union and return to Ukraine without renouncing the temporary protection status of Latvia.<sup>5</sup></p>
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<sup>4</sup> Latvia, [Law on Assistance to Ukrainian Civilians \(\*Ukrainas civiliedzīvotāju atbalsta likums\*\)](#), 5 March 2022, Article 3 (5), Latvia, [Law on the Register of Natural Persons \(\*Fizisko personu reģistra likums\*\)](#), 28 June 2021, Article 11.

<sup>5</sup> Information received from the Ministry of Interior (*Iekšlietu ministrija*) by email on 14 June 2023.

		<p>2) The Register of Information Necessary for Providing Support to Ukrainian Civilians (<i>Ukrainas civiliedzīvotāju atbalsta sniegšanai nepieciešamās informācijas reģistrs</i>)</p> <p>This register registers all Ukrainian civilians who have applied for help (social services and allowances) to governments of local municipalities. The Cabinet of Ministers has determined a list of information that has to be entered in the register.<sup>6</sup> In addition to basic personal information, it includes, for example, information on whether the person needs assistance in finding housing and what kind of social assistance is needed. Specifically, regarding children the register collects basic information on the persons arriving with the children, on the level of education the child has obtained and their plans on continuing education in Latvia.</p> <p>In accordance to the data in the register, as of 13 June 2023 there are 15 612 children 0 – 18 years old who are registered in it, but only 9006 (4297 girls and 4527 boys) active recipients (as per the explanation of the Ministry of Interior, the rest of the children have left Latvia). From those 9,006 currently residing in Latvia:</p> <ul style="list-style-type: none"> <li>- 1385 need medical assistance,</li> </ul>
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<sup>6</sup> Latvia, Cabinet of Ministers Regulation No. 172 of 15 March 2022 “Regulations on the information necessary to ensure the provision of support to the civilians of Ukraine” (*Ministru kabineta 2022. gada 15. marta noteikumi Nr. 172 “[Noteikumi par informāciju, kas nepieciešama, lai nodrošinātu atbalsta sniegšanu Ukrainas civiliedzīvotājiem](#)”*), 17 March 2022.

		<ul style="list-style-type: none"> <li>- 78 need special medical services,</li> <li>- 96 have a disability of any kind,</li> <li>- 14 have a functional disability,</li> <li>- 5 have a severe or very severe functional impairments that limit a person's ability to move independently and take care of themselves.</li> </ul> <p>It must be noted that the information included in this register may not accurately reflect the situation in real life, as the quality of the data depends on each specific municipality as they are responsible of the data input. Rather, the data is intended to reflect trends. In addition, the marks made in the register about the need for health care services, reflect the information provided by the persons themselves.<sup>7</sup></p>
Arrived accompanied by mother, father or another legal guardian	Yes	<p>According to the Register of Information Necessary for Providing Support to Ukrainian Civilians 7,578 Ukrainian children that currently reside in Latvia have arrived together with their parents and 275 – with another legal guardian. As per the information provided by the Ministry of the Interior, for the purposes of this register the guardianship can be proved by documentation obtained in Ukraine or Latvia. The Cabinet of Ministers regulation of the register do not specify the need for and the register itself does not register information regarding the type of such documentation.<sup>8</sup></p>

<sup>7</sup> Information received from the Ministry of Interior (*Iekšlietu ministrija*) by email on 14 June 2023.

<sup>8</sup> Information received from the Ministry of Interior (*Iekšlietu ministrija*) by email on 3 July 2023.

		<p>As per information provided by the State Inspectorate for Protection of Children's Rights (<i>Valsts bērnu tiesību aizsardzības inspekcija</i>), which keeps a record of all unaccompanied children (children who arrive to Latvia without their parents either completely alone or accompanied by someone else) arriving to Latvia, as of 20 May 2023 there are 423 children (216 girls, 207 boys) in Latvia for whom an extraordinary guardian has been registered (meaning that they have arrived to Latvia either with someone besides their parents, they have arrived alone or they have arrived with their parents, but their parents later left, thus a Latvian Orphan's and Custody court have assigned an extraordinary guardian).<sup>9</sup> The rest have arrived with their parents. Thus, it can be concluded that the majority of children have arrived with their parents.</p> <p>Even though the overall tendency that majority of children arrive with their parents can be seen by viewing both the abovementioned registers, it is hard to calculate the exact number as it is unclear, because of the previously mentioned limitations of the registers.</p>
Arrived without parents, but with other family members, neighbours or family friends	Yes, as of 21 March 2023	Such information started to be collected on 21 March 2023. As per

<sup>9</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 7 June 2023.



		the situation on 20 May 2023 – 63. <sup>10</sup>
Arrived unaccompanied	Yes, as of 21 March 2023	Such information started to be collected on 21 March 2023. As per the situation on 20 May 2023 – 5. <sup>11</sup>
Arrived within a group of children, as an organised evacuation from Ukrainian institutions or foster carers (with or without an appointed legal guardian)	Yes	There is currently no information about any Ukrainian children that would have arrived within a group of children, as an organised evacuation from Ukrainian institutions or foster carers. <sup>12</sup> There is no special register for such children, but they would have been registered in the register of unaccompanied children with a special mark.
Arrived within a group of children, through private initiatives, such as football clubs (with or without an appointed legal guardian)	Yes, as of 21 March 2023	Such information started to be collected on 21 March 2023. As per the situation on 20 May 2023 – 45. <sup>13</sup>

In Latvia, as prescribed by the Law on Assistance to Ukrainian Civilians, the State Inspectorate for Protection of Children's Rights maintains a unified register of unaccompanied children and their registration to ensure the provision of the information necessary for the reunification of the child and his or her family, and also to ensure standardised retrieval of information and to create a statistical analysis.<sup>14</sup> The register allows to disaggregate registered children by their age and sex, but does not provide information if they have a disability. Only as of the beginning of 2023 the register includes information on persons that have accompanied the children in their

<sup>10</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 7 June 2023.

<sup>11</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 7 June 2023.

<sup>12</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 8 June 2023.

<sup>13</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 7 June 2023.

<sup>14</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 11.

journey, therefore such information is available for only the last 122 (as of 20 May 2023) children that have been registered.

Accompanying person	Number of children
Parent	9
Grandparent	25
Siblings	13
Friend	4
Relative – aunt, uncle	6
Family friend, acquaintance	11
Legal guardian	4
Couch (children arrived within a group)	45
Arrived unaccompanied	5

## 2. Child protection – legal, policy framework and procedures in place

### 2.1. Responsibilities of child protection authorities

#### 2.1.1. Individual children, including unaccompanied and separated children

In Latvia, as prescribed by the Law on Assistance to Ukrainian Civilians, orphan's and custody courts (*bāriņtiesas*) that serve each local municipality, are the responsible bodies regarding the guardianship of minors that arrive from Ukraine. The State Inspectorate for Protection of Children's Rights has not reported on any case in which an orphan's and custody court would have failed to do their duties in this regard.

In Latvia, according to the national legislation, orphan's and custody courts that serve local municipalities within 2 days after they learn that an unaccompanied child (as per understanding of the Latvian law - children who arrive to Latvia without their parents, meaning, alone or with other persons) make the decision to appoint an extraordinary guardian for unaccompanied children. They also oversee the execution of the extraordinary guardianship and, if necessary, can decide on termination of the guardianship. As regards the supervision of the extraordinary guardianship, orphan's and custody courts have several duties, such as, they have to inspect the living conditions of the child and to check whether the extraordinary guardian looks after the upbringing of the unaccompanied child with the same care as conscientious parents would look after the upbringing of their own child.<sup>15</sup> The extraordinary guardian on his behalf has to notify the orphan's and custody court of any noteworthy events in the life of the child, such as major injuries and accidents, rapid deteriorations of the health of the child or if the child has run away.<sup>16</sup> The orphan's and custody court also arranges a file on the establishment of extraordinary guardianship, and ensures photographing of

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<sup>15</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 17.

<sup>16</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 15.

the unaccompanied child and his or her personal belongings and placement of such information in the file.<sup>17</sup>

## 2.1.2. Children evacuated from Ukrainian institutions

In Latvia, as stated in the Law on Assistance to Ukrainian Civilians, if a group of children would arrive from Ukrainian institutions, orphans and custody court that serves the municipality where the group has arrived, would make a decision to place children in an institution of long-term social care within two working days from the day when information on a group of unaccompanied children in its operational territory has been received. Only if care for the group cannot be provided in the child care institution, the orphans and custody court may take the decision to establish extraordinary guardianship and to appoint an extraordinary guardian for the unaccompanied children.<sup>18</sup> The Law on Assistance to Ukrainian Civilians provides that an extraordinary guardian is awarded to each child separately. However, that does not preclude a situation where one person could become an extraordinary guardian for more than one child (in this case a separate decision would be made for each child). As per the information published by the Riga orphan's and custody court, the reasoning for that is so that the children would preserve their last support – people they know.<sup>19</sup> Yet, at the same time this procedure has never been tested out in practice as according to the information provided by the State Inspectorate for Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*), there are no children that have been evacuated from Ukrainian institutions in Latvia.<sup>20</sup>

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<sup>17</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 13.

<sup>18</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 19.

<sup>19</sup> Latvia, Orphan's and Custody Court of Riga City (*Rīgas Bāriņtiesa*), Emergency guardians for Ukrainian refugee children (*Ārkārtas aizbildņi Ukrainas bēgļu bērniem*).

<sup>20</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by emails on 7 June 2023 and on 8 June 2023.

## 3. Guardianship/legal representation arrangements for unaccompanied and separated children fleeing Ukraine

### 3.1. Arrived unaccompanied

In Latvia, as prescribed by the Law on Assistance to Ukrainian Civilians, in order to ensure the protection of the rights of a minor Ukrainian civilian entering Latvia without being accompanied by parents and to provide assistance to him or her, the orphan's and custody court of the territory where the child who is unaccompanied by his or her parents resides must unilaterally take the decision to establish extraordinary guardianship and to appoint an extraordinary guardian for an unaccompanied child.<sup>21</sup> This mechanism is applied to all the children that arrive to Latvia without their parents – whether they arrive with somebody they know or completely alone. In general, a person to whom the accompanied child arrives, a person who has been granted the status of a guardian or adopter, the status of a foster family or guest family in Latvia, or a person with whom the child has arrived in Latvia may become an extraordinary guardian.<sup>22</sup>

In Latvia, as per the information from the register of unaccompanied children provided by the State Inspectorate for Protection of Children's Rights, there are very few Ukrainian children that have arrived unaccompanied by someone.<sup>23</sup> The representatives of the inspectorate and also from the Riga Orphan's and Custody court explained that in all of the cases that have come to their attention, the children who arrive alone are awaited by someone they know in Latvia and that that person becomes their guardian.<sup>24</sup> The Inspectorate has also previously disclosed to media that none of the Ukrainian

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<sup>21</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 1-2.

<sup>22</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 3.

<sup>23</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 7 June 2023.

<sup>24</sup> Information received from the Riga Orphan's and Custody Court (*Rīgas Bāriņtiesa*) by phone call on 5 June 2023; information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 7 June 2023.

children have been placed in an orphanage and everybody has been assigned a guardian.<sup>25</sup>

In Latvia, the Law on Assistance to Ukrainian Civilians provides a special regulatory framework to children fleeing war in Ukraine (Ukrainian nationals or other persons who had resided in Ukraine permanently) in comparison to other third-country national children. In all cases it is the orphan's and custody court that is responsible for the protection of rights of unaccompanied children, but the Law on Assistance to Ukrainian Civilians provides for more speedy procedures, a duty of these courts to find an extraordinary guardian to every minor and other rights. In comparison, if a person is looking for an asylum, then the Asylum Law is applicable to them. It provides that an unaccompanied minor must be accommodated at the accommodation centre for asylum seekers, placed in a childcare institution or in a foster family.<sup>26</sup>

In Latvia, in accordance with the Law on Assistance to Ukrainian Civilians, before deciding on granting the status of extraordinary guardian an orphan's and custody court without undue delay must hear the child's opinion (if possible due to the age of the child), review the motivation of the person who wishes to become a guardian, evaluate the living conditions provided by the guardian and check in various registers whether the guardian has been criminally punished or has any mental health issues that would preclude the person to fulfil the role of a guardian.<sup>27</sup> A decision on granting the status of extraordinary guardian must be made within 2 working days after an application has been received from the person wishing to become the guardian.<sup>28</sup> As reported by the media already in 2022, at least some of the involved institutions have made an informal agreement to provide each other with the necessary information in this regard as fast as possible.<sup>29</sup>

As explained by the State Inspectorate for Protection of Children's Rights, during the time while orphan's and custody court make their decision the child most often resides together with the person who wishes to become the guardian. If the child has arrived

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<sup>25</sup> LSM.lv Ziņu redakcija, "SIPCH: All Ukrainian children found shelter in Latvia with families" (*VBTAL: Visi ukraiņu bērni pajumti Latvijā atraduši ģimenēs*), LSM.lv, 17 December 2022.

<sup>26</sup> Latvia, *Asylum Law (Patvēruma likums)*, 19 January 2016, Article 9.

<sup>27</sup> Latvia, *Law on Assistance to Ukrainian Civilians (Ukrainas civiliedzīvotāju atbalsta likums)*, 5 March 2022, Article 18, paragraph 5-7.

<sup>28</sup> Latvia, *Law on Assistance to Ukrainian Civilians (Ukrainas civiliedzīvotāju atbalsta likums)*, 5 March 2022, Article 18, paragraph 10.

<sup>29</sup> Justīne Jurcika, "Ukrainian children also come to Latvia without their parents. Orphan's and custody courts must understand how to help everyone" (*"Latvijā ierodas Ukrainas bērni arī bez vecākiem. Bārintiesām jāsaprot, kā visiem palīdzēt"*), TV3.lv, 16 March 2022.

completely alone, they have always arrived to a person in Latvia they know, thus they live together with that person.<sup>30</sup>

Although it is not expressly stated by law, it was explained by the representatives of Riga orphan's and custody court, that also all the documentation that the child or the person who wishes to become an extraordinary guardian can present to the court, including documents that are issued in Ukraine, are taken into account and filed.<sup>31</sup> It could be argued that evaluation of all circumstances of each case, including evaluation of all the documentation, is required by the principle of best interests of child enshrined in the law.<sup>32</sup>

As explained by the State Inspectorate for the Protection of Children's Rights, the additional work with children coming from Ukraine has created extra burden for the employees of orphan's and custody courts. That is due to the fact that they not only have to make the initial decision on awarding the child with a guardian, but also have to survey the living and other conditions of children throughout their stay with the guardian and, if necessary, have to decide on the annulment of the guardianship.<sup>33</sup> At the same time, there have been no reports in media or by civil society organizations about systemic issues with delays in the work of orphan's and custody courts.

In Latvia, as prescribed by the Law on Assistance to Ukrainian Civilians, adoption of unaccompanied Ukrainian children is forbidden.<sup>34</sup>

## 3.2. Arrived without parents, but with other family members, neighbours or family friends

In Latvia, as prescribed by the Law on Assistance to Ukrainian Civilians, in order to ensure the protection of the rights of a minor Ukrainian civilian entering Latvia without being

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<sup>30</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 28 June 2023.

<sup>31</sup> Information received from the Riga Orphan's and Custody Court (*Rīgas Bāriņtiesa*) by phone call on 5 June 2022.

<sup>32</sup> Latvia, [Law on the Protection of the Children's Rights \(\*Bērnu tiesību aizsardzības likums\*\)](#), 22 July 1998, Article 6.

<sup>33</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 28 June 2023.

<sup>34</sup> Latvia, [Law on Assistance to Ukrainian Civilians \(\*Ukrainas civiliedzīvotāju atbalsta likums\*\)](#), 5 March 2022, Article 18, paragraph 1-2.

accompanied by parents and to provide assistance to him or her, the orphan's and custody court of the territory where the child who is unaccompanied by his or her parents resides must unilaterally take the decision to establish extraordinary guardianship and to appoint an extraordinary guardian for an unaccompanied child.<sup>35</sup> This mechanism is applied to all the children that arrive to Latvia without their parents – whether they arrive with somebody they know or completely alone.

In Latvia, as per the rules of the Law on Assistance of the Ukrainian Civilians, before deciding on granting the status of extraordinary guardian to a person who has submitted an application expressing such wish the orphan's and custody court must hear the child's opinion (if possible due to the age of the child), review the motivation of the person who wishes to become a guardian, evaluate the living conditions provided by the guardian and check in various registers whether the guardian has been criminally punished or has any mental health issues that would preclude the person to fulfil the role of a guardian.<sup>36</sup> A decision on granting the status of extraordinary guardian must be made within 2 working days after an application has been received from the person wishing to become the guardian.<sup>37</sup> As reported by the media already in 2022, at least some of the involved institutions have made an informal agreement to provide each other with the necessary information in this regard as fast as possible.<sup>38</sup>

As explained by the State Inspectorate for Protection of Children's Rights, during the time while orphan's and custody court make their decision time the child most often resides together with the person who wishes to become the guardian. If it is a group of children, then the adult might not live in exactly the same premises, as often children live in dormitories.<sup>39</sup>

As explained by the State Inspectorate for the Protection of Children's Rights in the first year of the war caused by Russia, the competent authorities of Latvia, when deciding on the establishment of extraordinary guardianship for Ukrainian children did not evaluate the documents at the disposal of the person accompanying the child or the person receiving the child, which could contain the authorizations of the child's legal representative to represent the child's rights and interests abroad or documents issued

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<sup>35</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 1-2.

<sup>36</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 5-7.

<sup>37</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 10.

<sup>38</sup> Justīne Jurcika, "Ukrainian children also come to Latvia without their parents. Orphan's and custody courts must understand how to help everyone" ( ["Latvijā ierodas Ukrainas bērni arī bez vecākiem. Bāriņtiesām jāsaprot, kā visiem palīdzēt"](#) ), TV3.lv, 16 March 2022.

<sup>39</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 28 June 2023.



by the competent authority of Ukraine certifying the transfer of the child to out-of-family care in Ukraine and ,its legal representative during out-of-family care. However, at a later point it was recognised that according to international law, decisions made by Ukrainian institutions are binding and must be taken into account. Therefore, in order for Latvia to enshrine into the national legislation that the decisions made by Ukrainian institutions regarding the child's out-of-family care and authorizations issued by parents must be recognized as valid, as well as to improve the legal framework, including more strictly regulating the status of guardians and also to ensure full-fledged supervision of guardianship and other forms of out-of-family care, the State Inspectorate for the Protection of Children’s Rights has asked for additional information to the Embassy of Ukraine. As of 28 June 2023, the answer is still pending.

At present, in cases where a child from Ukraine has arrived in Latvia with a guardian whose guardianship has been established by the relevant Ukrainian authorities, Latvian orphan’s and custody courts make a decision on the establishment of emergency guardianship and the appointment of an emergency guardian.<sup>40</sup>

At the same time, although it is not expressly stated by law, it was explained by the representatives of Riga orphan’s and custody court, that also all the documentation that the child or the person who wishes to become an extraordinary guardian can present to the court, including documents that are issued in Ukraine, are taken into account and filed.<sup>41</sup> It could be argued that evaluation of all circumstances of each case, including evaluation of all the documentation, is required by the principle of best interests of child enshrined in the law.<sup>42</sup>

### 3.3. Arrived within a group, from Ukrainian institution or foster carers (with or without an appointed legal guardian)

In Latvia, as stated in the Law on Assistance to Ukrainian Civilians, if a group of children would arrive from Ukrainian institutions, orphan's and custody court that serves the municipality where the group has arrived, would make a decision to place children in an institution of long-term social care and social rehabilitation within two working days from the day when information on a group of unaccompanied children in its operational

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<sup>40</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 28 June 2023.

<sup>41</sup> Information received from the Riga Orphan’s and Custody Court (Rīgas Bāriņtiesa) by phone call on 5 June 2022.

<sup>42</sup> Latvia, [Law on the Protection of the Children’s Rights \(\*Bērnu tiesību aizsardzības likums\*\)](#), 22 July 1998, Article 6.

territory has been received. Only if care for the group cannot be provided in the child care institution, the orphan's and custody court may take the decision to establish extraordinary guardianship and to appoint an extraordinary guardian for the unaccompanied children.<sup>43</sup> As per the information published by the Riga orphan's and custody court, the reasoning for that is so that the children would preserve their last support – people they know.<sup>44</sup> Yet, at the same time this procedure has never been tested out in practice as according to the information provided by the State Inspectorate for Protection of Children's Rights, there are no children that are evacuated from Ukrainian institutions in Latvia.<sup>45</sup>

### 3.4. Arrived within a group, through private initiatives, such as football clubs (with or without an appointed legal guardian)

In Latvia, as prescribed by the Law on Assistance to Ukrainian Civilians, in order to ensure the protection of the rights of a minor Ukrainian civilian entering Latvia without being accompanied by parents and to provide assistance to him or her, the orphan's and custody court of the territory where the child who is unaccompanied by his or her parents resides must unilaterally take the decision to establish extraordinary guardianship and to appoint an extraordinary guardian for an unaccompanied child.<sup>46</sup> This mechanism is applied to all the children that arrive to Latvia without their parents – whether they arrive with somebody they know or completely alone.

In Latvia, as per the rules of the Law on Assistance of the Ukrainian Civilians, before deciding on granting the status of extraordinary guardian the orphan's and custody court must hear the child's opinion (if possible due to the age of the child), review the motivation of the person who wishes to become a guardian, evaluate the living conditions provided by the guardian and check in various registers whether the guardian has been criminally punished or has any mental health issues that would preclude the

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<sup>43</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 19.

<sup>44</sup> Latvia, Riga Orphan's and Custody Court (*Rīgas Bāriņtiesa*), Emergency guardians for Ukrainian refugee children (*Ārkārtas aizbildņi Ukrainas bēgļu bērniem*).

<sup>45</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 7 June 2023.

<sup>46</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 1-2.

person to fulfil the role of a guardian.<sup>47</sup> Although it is not expressly stated by law, it was explained by the representatives of Riga orphan's and custody court, that also all the documentation that the child or the person who wishes to become an extraordinary guardian can present to the court, including documents that are issued in Ukraine, are taken into account and filed.<sup>48</sup> It could be argued that evaluation of all circumstances of each case, including evaluation of all the documentation, is required by the principle of best interests of child enshrined in the law.<sup>49</sup>

As explained by the State Inspectorate for the Protection of Children's Rights in the first year of the war caused by Russia, the competent authorities of Latvia, when deciding on the establishment of extraordinary guardianship for Ukrainian children did not evaluate the documents at the disposal of the person accompanying the child or the person receiving the child, which could contain in accordance with the regulatory framework of Ukraine, the authorizations of the child's legal representative to represent the child's rights and interests abroad or documents issued by the competent authority of Ukraine certifying the transfer of the child to out-of-family care in Ukraine and its legal representative during out-of-family care. However at a later point, it was recognised that according to international law, decisions made by Ukrainian institutions are binding and must be taken into account. Therefore, in order for Latvia to enshrine into the national legislation that the decisions made by Ukrainian institutions regarding the child's out-of-family care and authorizations issued by parents must be recognized as valid, as well as to improve the legal framework, including more strictly regulating the status of guardians and also to ensure full-fledged supervision of guardianship and other forms of out-of-family care, the State Inspectorate for the Protection of Children's Rights has asked for additional information to the Embassy of Ukraine. As of 28 June 2023 the answer is still pending.

At present, in cases where a child from Ukraine has arrived in Latvia with a guardian whose guardianship has been established by the relevant Ukrainian authorities, Latvian orphan's and custody courts make a decision on the establishment of emergency guardianship and the appointment of an emergency guardian.<sup>50</sup>

At the same time, although it is not expressly stated by law, it was explained by the representatives of Riga orphan's and custody court, that also all the documentation that the child or the person who wishes to become an extraordinary guardian can present to the court, including documents that are issued in Ukraine, are taken into account and

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<sup>47</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 5-7.

<sup>48</sup> Information received from the Riga Orphan's and Custody Court (*Rīgas Bāriņtiesa*) by phone call on 5 June 2022.

<sup>49</sup> Latvia, [Law on the Protection of the Children's Rights](#) (*Bērnu tiesību aizsardzības likums*), 22 July 1998, Article 6.

<sup>50</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 28 June 2023.

filed.<sup>51</sup> It could be argued that evaluation of all circumstances of each case, including evaluation of all the documentation, is required by the principle of best interests of child enshrined in the law.<sup>52</sup>

In Latvia, as can be seen from data provided by the State Inspectorate for Protection of Children's Rights, for quite many children who arrive to Latvia their sport's team coaches have been assigned as extraordinary guardians by the orphan's and custody courts.<sup>53</sup>

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<sup>51</sup> Information received from the Riga Orphan's and Custody Court (Rīgas Bāriņtiesa) by phone call on 5 June 2022.

<sup>52</sup> Latvia, [Law on the Protection of the Children's Rights \(\*Bērnu tiesību aizsardzības likums\*\)](#), 22 July 1998, Article 6.

<sup>53</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 7 June 2023.

## 4. Information and practical challenges in access to basic services for children fleeing Ukraine

### 4.1. General information and challenges

In Latvia, as reported by the Ombudsman's office, the general situation for displaced persons from Ukraine is rather good. As an illustration, the Ombudsman's office has received only a couple of complaints from Ukrainians in Latvia, despite the fact that this possibility to complain has been disseminated through various channels.<sup>54</sup> Also the State Inspectorate for the Protection of Children's Rights is unaware of any systemic issues that Ukrainian children face in Latvia. The Inspectorate has received only few applications regarding inability of a child to integrate themselves in education institutions, the need for psychological assistance or other practical issues.<sup>55</sup>

In Latvia, in accordance with the Law on Assistance to Ukrainian Civilians, with few exceptions, Ukrainian civilians have the same rights to social services and social assistance, as well as to medical care as specified for the citizens of Latvia and non-citizens of Latvia in the Law on Social Services and Social Assistance.<sup>56</sup> In addition, people belonging to more vulnerable groups (for example, disabled persons, pregnant women, families with children of up to two years of age etc.) can receive extra support regarding accommodation<sup>57</sup> or other needs<sup>58</sup>.

In Latvia, in accordance with the Law on Assistance to Ukrainian Civilians, a Ukrainian civilian has the right to receive the childbirth allowance and other social allowances

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<sup>54</sup> Information received from the representatives of the Ombudsman of the Latvian Republic (*Latvijas Republikas Tiesībsargs*) in a meeting on 8 June 2022.

<sup>55</sup> Information received from the State Inspectorate for the Protection of Children's Rights (*Valsts bērnu tiesību aizsardzības inspekcija*) by email on 28 June 2023.

<sup>56</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 7, paragraph 3.

<sup>57</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 6 and 7(1).

<sup>58</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 7, paragraph 1(1).

connected with the birth of a child if the child has been born in the Latvia after 24 February 2022.<sup>59</sup>

In Latvia, in accordance with the Law on Assistance to Ukrainian Civilians, Ukrainian children can attend institutions of general education of all levels. They can obtain education in Latvian or, if a particular education institution offers it (only very few does), they can attend special Ukrainian language minority education program. Ukrainian children are allowed to not to take state exams at the end of school year in grades 9 (finishing primary education) and 12 (finishing secondary education). If such decision is made, the child has to retake the grade in the following year.<sup>60</sup> For those students who wish to take these final state exams, several types of assistance are provided, such as translations of some parts of the exams in Ukrainian, prolonged time for taking the exam, permission to use electronic devices for translations etc.<sup>61</sup>

In Latvia, Ukrainian students can study in the institutions of higher education after submitting a document that proves their previous education in Latvia or Ukraine. Institutions of higher education are allowed to decide upon the rules of admission in case the person because of objective reasons cannot submit the necessary documentation.<sup>62</sup> Students who are enrolled in full time higher education programs can apply for scholarships specifically designed for Ukrainian civilians.<sup>63</sup> The biggest institutions of higher education are also supporting Ukrainian civilians in many ways, such as granting discounts for study fees (Ukrainian civilians can apply for state funded studies, but the number of such places differ in various study programs – just as for the Latvian students) and dormitories, providing psychological assistance etc.<sup>64</sup>

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<sup>59</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 7, paragraph 11.

<sup>60</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 13(1).

<sup>61</sup> Latvia, Cabinet of Ministers Regulation No. 398 of 5 July 2022 “Regulations on the content and procedure of centralized exams” (Ministru kabineta 2022. gada 5. jūlija noteikumi Nr. 398 “Noteikumi par centralizēto eksāmenu saturu un norises kārtību”), 1 September 2022, Article 23<sup>1</sup>; Marta Puzāka. “The biggest worry about language exams. A native of Mariupol, is trying to finish school in Daugavpils” (*“Lielākais satraukums par valodu eksāmeniem. Kā mariupolietis Daugavpilī cenšas pabeigt skolu”*)

<sup>62</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 13<sup>1</sup>(5<sup>1</sup>).

<sup>63</sup> Latvia, Cabinet of Ministers Regulation No. 68 of 24 January 2012 “[Procedures for Granting Scholarships to Foreigners](#)” (Ministru kabineta 2012. gada 24. janvāra noteikumi Nr. 68 “*Stipendiju piešķiršanas kārtība ārzemniekiem*”), 27 January 2012, Chapter V.

<sup>64</sup> See for example, the [website of the University of Latvia](#) and the website of the [Rīga Stradiņš University](#).

In Latvia, representatives of civil society have raised concerns about whether it has been done enough to integrate Ukrainian children into Latvian education system. Relying on the data provided by the Ministry of Education and Science, that only 2656 out of 7045 Ukrainian children 7-18 years old living in Latvia are enrolled in Latvian schools (data as of 8 May 2023), they pointed that there is no control mechanism to check whether the rest are actually learning online in Ukrainian schools. In their opinion the state should adopt stricter policies towards checking whether the children who say that they are obtaining education online are actually enrolled in such programs or involving Ukrainian children in Latvian schools, while providing adequate formal and non-formal education measures for their integration.<sup>65</sup> At the same time, there have been several media reports that many Ukrainian children have difficulties in learning in Latvian schools as the education is provided only in Latvian language and not every school provides equal assistance to children.<sup>66</sup> Although it has not yet been discussed very publicly yet, in several informal meetings among the civil society organizations working with Ukrainian civilians concerns have been raised about the lack of Latvian language courses available to children during summer months that would allow them to be better prepared for school year that starts in September.

## 4.2. Challenges for children at multiple risk/disadvantage

In Latvia, as per the Law on Assistance to Ukrainian Civilians, several kinds of assistance are available to disadvantaged children and their families, for example, social services and rehabilitation<sup>67</sup> and technical aids.<sup>68</sup>

In Latvia, there is no one register that collects information on Ukrainian children with disabilities in Latvia. Yet, as can be seen from the Register of Information Necessary for Providing Support to Ukrainian Civilians out of the children currently residing in Latvia:

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<sup>65</sup> Latvia, Public letter to the Saeima, On the education of Ukrainian civilian children ([Par Ukrainas civiliedzīvotāju bērnu izglītību](#)), 16 May 2023.

<sup>66</sup> See for example: Kristina Hudenko, "Mum, I don't understand anything! How Ukrainian refugee children learn in Latvia" (['Mammu, es neaprotu!' Kā Latvijā mācās Ukrainas bērni](#)) Delfi, 13 December 2022; n/a, 'Ukrainian children in Zemgale schools are learning subjects with the help of Google Translate, found out in regional schools.' ([Ukrainu bērni Zemgales skolās mācību priekšmetus apgūst ar Google tulkotāja palīdzību, noskaidrots novadu skolās](#)), Diena, 9 December 2022.

<sup>67</sup> Latvia, [Law on Assistance to Ukrainian Civilians \(Ukrainas civiliedzīvotāju atbalsta likums\)](#), 5 March 2022, Article 7, paragraph 3.

<sup>68</sup> Latvia, [Law on Assistance to Ukrainian Civilians \(Ukrainas civiliedzīvotāju atbalsta likums\)](#), 5 March 2022, Article 7, paragraph 4.

- 1385 need medical assistance,
- 78 need special medical services,
- 96 have a disability of any kind,
- 14 have a functional disability,
- 5 have a severe or very severe functional impairments that limit a person's ability to move independently and take care of themselves.

It must be noted that the information included in this register may not accurately reflect the situation in real life, as the quality of the data depends on each specific municipality as they are responsible of the data input and the data reflect the information provided by the persons themselves.<sup>69</sup>

In Latvia, there have been no reports of challenges in terms of access to child protection authorities faced by children fleeing the Ukraine, who were non-Ukrainian nationals, Roma, children with disabilities, stateless children or other children at multiple risks of exclusion. As prescribed by the law, orphan's and custody courts are primarily the ones responsible of protection of rights of all Ukrainian children.<sup>70</sup>

Neither the State Inspectorate for the Protection of Children's Rights, which oversees the functioning of orphan's and custody courts, nor the Ombudsman's office, which hears general complaints of human rights violations have raised issues of such kind. There are also no reports of complaints reported by media or raised by local NGOs.

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<sup>69</sup> Information received from the Ministry of Interior (*Iekšlietu ministrija*) by email on 14 June 2023.

<sup>70</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 18, paragraph 1-2.



## 5. Policies in place

### 5.1. Dedicated action plan and/or integrated measures

In Latvia, there is no single overarching action plan addressing specifically children fleeing Ukraine. A policy planning document that determines the measures to be implemented by state institutions, municipalities, non-governmental organizations and merchants and the resources to be involved to ensure the necessary assistance to the Ukrainian civilians fleeing the war is the Action Plan for Providing Support to Ukrainian Civilians in the Republic of Latvia for 2023<sup>71</sup>. The plan mentions children in several places. In relation to activities that are needed to ensure that all Ukrainian children have extraordinary guardians and they receive the social services necessary to them most duties are entrusted to orphan's and custody courts and the State Inspectorate for the Protection of Children's Rights. The action plan also states, among other things, that consultative support should be provided for children with behaviour problems and communication difficulties, as well as their legal representatives and specialists<sup>72</sup>, the local municipalities should ensure child monitoring services and the State Employment Agency should take care of possibilities for youth summer employment.<sup>73</sup> The chapter on education provides that Ukrainian children should have access to all levels of formal education, as well as access to informal education.<sup>74</sup> Thus it can be said that the plan in some places recognize the special needs of the children, but in others, for example activities that are related to healthcare, it does not. One explanation for that might be the laconic form and language of the plan.

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<sup>71</sup> Latvia, Action Plan for Providing Support to Ukrainian Civilians in the Republic of Latvia for 2023 ([Pasākumu plāns atbalsta sniegšanai Ukrainas civiliedzīvotājiem Latvijas Republikā 2023. gadam](#)), 21 December 2022.

<sup>72</sup> Latvia, Action Plan for Providing Support to Ukrainian Civilians in the Republic of Latvia for 2023 ([Pasākumu plāns atbalsta sniegšanai Ukrainas civiliedzīvotājiem Latvijas Republikā 2023. gadam](#)), 21 December 2022, paragraph 4.16.

<sup>73</sup> Latvia, Action Plan for Providing Support to Ukrainian Civilians in the Republic of Latvia for 2023 ([Pasākumu plāns atbalsta sniegšanai Ukrainas civiliedzīvotājiem Latvijas Republikā 2023. gadam](#)), 21 December 2022, chapter 5.

<sup>74</sup> Latvia, Action Plan for Providing Support to Ukrainian Civilians in the Republic of Latvia for 2023 ([Pasākumu plāns atbalsta sniegšanai Ukrainas civiliedzīvotājiem Latvijas Republikā 2023. gadam](#)), 21 December 2022 chapter 6.

## 5.2. European Child Guarantee

In Latvia, the relevant authorities have yet to finalize the national action plans on the implementation of the European Child Guarantee. The Ministry of Welfare (*Labklājības ministrija*) has submitted the first drafts of the national action plans to the European Commission and are awaiting first round of comments and the following dialogue. Therefore, it is too early to tell to what extent the Ukrainian children will be included in these plans. As disclosed by the Child Guarantee Coordinator in Latvia in drafting the national action plans, the children arriving from Ukraine has been recognized as a target group and there are some specific activities targeted specifically towards them. At the same time, they are also covered by the general activities targeting all children in Latvia or specific group of them (for example, children with disabilities).<sup>75</sup>

## 5.3. Budget

In Latvia, as prescribed by the Law on Assistance to Ukrainian Civilians, generally, measures for the provision of assistance to Ukrainian civilians are primarily financed from the funds from the State budget and local government budgets which have been allocated to the authorities financed from the budget. The Cabinet of Ministers may, upon reasoned request of the ministries, provide the institutions with additional funding from funds that are planned to be redistributed in the process of executing the annual state budget.<sup>76</sup> The State compensates the allowances and other funds the municipalities have spent to support the Ukrainian civilians from State budget.<sup>77</sup> Thus there is no specific budget allocated for displaced children from Ukraine in the current budget and, unless some major changes are made on how the state and municipal budget is distributed, it is also not likely that there will be such a specific allocation in the future annual budgets.

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<sup>75</sup> Information received from the Ministry of Welfare (*Labklājības ministrija*) by phone call on 19 June 2023.

<sup>76</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 8, paragraph 1.

<sup>77</sup> Latvia, [Law on Assistance to Ukrainian Civilians](#) (*Ukrainas civiliedzīvotāju atbalsta likums*), 5 March 2022, Article 13.