



FACTSHEET – LATVIA

Lanzarote Committee Implementation Report on:

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”

Last update: 25.05.2023

Table of Contents

I.	Introduction	3
II.	Legal frameworks	5
III.	Investigations and prosecution.....	8
IV.	Jurisdiction rules	11
V.	International cooperation.....	13
VI.	Assistance to victims	15
VII.	Civil society involvement and cooperation.....	16
VIII.	Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.....	18
IX.	Education for children.....	19
X.	Higher education curriculum and continuous training.....	20
XI.	Research.....	22

I. Introduction

Protecting children from sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is a common challenge faced by all States. The often transnational nature of these offences makes international cooperation of the utmost importance especially to identify and protect victims as well as to identify and prosecute perpetrators.

The Council of Europe [Convention on the Protection of Children against sexual exploitation and sexual abuse](#) (“Lanzarote Convention”) is a comprehensive instrument that sets out the applicable standards necessary to:

- Prevent child sexual exploitation and abuse, including where this is facilitated by ICTs;
- Protect victims;
- Prosecute perpetrators; and
- Promote national and international co-operation to strengthen these actions.

The [Committee of the Parties to the Lanzarote Convention](#) (“the Lanzarote Committee”) monitors the implementation of the Convention in thematic monitoring rounds. This allows for all Parties to be monitored simultaneously on the same theme.

Particularly concerned by the exponential increase in offences committed using child self-generated sexual images and/or videos (CSGSIV), the Lanzarote Committee decided to dedicate its second monitoring round to this topic. The 43 States that were Party to the Convention at the time the monitoring round was launched took part, including Latvia.

The [implementation report](#) adopted by the Lanzarote Committee in the context of this monitoring round is based on information provided by [State Parties](#) and [other stakeholders](#) in response to a questionnaire. The implementation report also contains information received from 306 [children](#) in 10 Parties who chose to participate.

The Lanzarote Committee’s recommendations to improve or reinforce the protection of children against sexual exploitation and sexual abuse can be found in boxes in each of the 10 thematic chapters. The key messages resulting from the children’s participation are also reflected throughout the whole report. Each chapter also includes examples of promising practices.

The Lanzarote Committee indicates the different levels of urgency applicable to the recommendations made by using the following terms:

- **“Require”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by its Explanatory report;
- **“Request”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by documents adopted by the Committee (e.g. previous monitoring round findings, opinions, other)¹;
- **“Invite”**: when the steps recommended correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Lanzarote Convention.

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by Latvia to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report

¹ See Rule 30 (General comments, proposals and opinions) of the Lanzarote Committee’s Rules of Procedure.

in March 2022. Parties are encouraged to inform the secretariat of any relevant measures implemented after that date, which may have an impact on the Committee's analysis and recommendations by completing this [online form](#) or by email to lanzarote.committee@coe.int.

Key findings of the implementation report as to all Parties

The Committee raised particular concerns that in the vast majority of State Parties, children are at risk of criminal liability in relation to their own self-generated materials, and that many Parties do not provide for the specific offence where a child is a victim of extortion involving the use of its CSGSIV.

Strengthening international cooperation was identified as of particular importance in this context, given that these offences often contain a transnational element. The Lanzarote Committee also called on Parties to establish jurisdiction where any constituent element of an offence takes place within their territory.

Many Parties were found to provide mechanisms to facilitate reporting of these crimes but without providing specific services to support and assist children who have been victims of online sexual abuse to recover. Lack of public awareness and education, including among children, about the specific risks associated with ICT facilitated sexual abuse and self-generated content was also identified as a common challenge.

II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

Observations and recommendations of the Committee on the legal framework specific to Latvia

Exemption of criminal liability of children “producing and possessing” self-generated sexual images and videos of themselves as clarified by the Lanzarote Committee’s Opinion of 2019

The Committee observes that the production of sexually explicit images by children themselves and the possession of such images by children is criminalised in Latvia.² However, the Committee understands from the information submitted that there are special circumstances under which the above-mentioned offences, although established in fact and in law, are not prosecuted/punishable under national law, because closing the procedure may be considered to be in the best interests of the child.³

The interplay of the age of criminal responsibility and the age of sexual consent

The Committee notes that in order to demonstrate compatibility with the exclusion of criminal liability for the production and possession of CSGSIV, Latvia pointed at the age of criminal responsibility, which is 14 years old, below which children cannot be held criminally liable for acts they commit.⁴ Latvia also noted that production and possession of self-generated material were not criminalised when the child(ren) in question have reached the legal age for sexual activities. However, the Committee underlines that relying on the age of sexual consent alone, to exclude criminal responsibility for the scenarios listed in paragraphs 3-6 of the 2019 Opinion, is

insufficient as, in such case, younger children may not be covered by the exemption from criminal responsibility.⁵

- The Committee **requests** that Latvia ensures that a child will not be prosecuted when he/she possesses:
 - their own CSGSIV;
 - CSGSIV of another child with the informed consent of the child depicted on them;
 - CSGSIV of another child as a result of receiving them passively without actively asking for them.⁶

Sharing own self-generated material and other children’s self-generated material

The Committee observes that children are potentially criminally liable for the distribution or transmission of their own CSGSIV in Latvia.⁷ Furthermore, Latvia has rules that lead to the criminalisation of the distribution by children of CSGSIV of other children.⁸

The Committee **requests** that Latvia ensures that:

- a child will not be prosecuted for sharing his/her sexual images and/or videos CSGSIV with another child when such sharing is voluntary, consensual, and intended solely for their own private use.⁹
- the distribution or transmission by children of self-generated sexually explicit images and/or videos CSGSIV of *other* children is prosecuted as a last resort when such

² Paras. 67, 68.

³ Para. 70.

⁴ Para. 71.

⁵ Para. 73.

⁶ Recommendation II-6.

⁷ Para. 78.

⁸ Para. 82.

⁹ Recommendation II-8.

images and/or videos qualify as “child pornography” in accordance with Article 20(2) of the Convention.¹⁰

On the “sexual extortion of children”:

The Committee observes that Latvia could not provide data or details about cases of sexual extortion of children involving CSGSIV.¹¹

In cases where the sexual extortion is intended to procure additional sexual images or videos, the Committee observes that Latvia prosecutes for offences related to “child pornography”, in concurrence with offences where threat is a core element, such as extortion or coercion. Latvia also referred to threat as one of the elements of the offences related to child pornography.¹² Latvia also referred to the offences of corruption of children, which may be established in recognition of the constituent elements of coercion/extortion.¹³

When it is intended to procure other sexual favours from the child depicted on the images/videos or from other children, Latvia reported that it would prosecute for sexual abuse of a child in accordance with Article 18 of the Convention, for offences related to child prostitution or to participation in pornographic performances, and corruption of children. Latvia also indicated that it would qualify this conduct as solicitation of children for sexual purposes.¹⁴ In addition, Latvia also prosecutes conduct relating to the possession of the initial child sexual image or video as an offence related to “child pornography” under Article 20.¹⁵

In the case where it is intended to procure a financial gain, or other property from the child, Latvia indicated that the conduct would be qualified as extortion or aggravated extortion.¹⁶

Generic recommendations of the Committee on legal frameworks

The Committee **invites** Parties, including Latvia:

- to rather use the term “CSAM” for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child, following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)¹⁷ in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children, as the Committee acknowledges that using the term “child pornography” can undermine the gravity of the crimes it refers to.¹⁸
- to introduce a definition of CSAM in line with its Recommendation II-1 above.¹⁹
- to introduce explicit references in its respective legal frameworks to conduct concerning CSGSIV, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.²⁰
- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Convention.²¹
- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of CSGSIV.²²
- to consider criminalising the offence of “grooming” (solicitation of children for sexual

¹⁰ Recommendation II-9.

¹¹ Para. 95.

¹² Para. 98.

¹³ Para. 100.

¹⁴ Para. 102.

¹⁵ Para. 103.

¹⁶ Para. 106.

¹⁷ The Terminology Guidelines also refer to the term

“child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

¹⁸ Recommendation II-3.

¹⁹ Recommendation II-3.

²⁰ Recommendation II-2.

²¹ Recommendation II-4.

²² Recommendation II-7.

purposes), even when it does not lead to a face-to-face meeting or producing CSAM.²³

- to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional CSGSIV, other sexual favours, a financial gain or other gain to the offenders by:
 - either creating a specific incrimination to address this situation,
 - or prosecuting both the initial detention of CSGSIV and the act of extortion.²⁴
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²⁵

²³ Recommendation II-10.

²⁴ Recommendation II-11.

²⁵ Recommendation II-12.

III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies \(ICTs\)](#) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

Observations and recommendations of the Committee on investigations and prosecution specific to Latvia

The Committee observes that Latvia's investigation and prosecution services are already in line with some of its recommendations as it has:

- specialised units dealing with ICT facilitated offences against children within law enforcement.²⁶
- specialised investigative units for handling ICT facilitated sexual offences where these are committed by children.
- training modules provided by State authorities and by external organisations for law enforcement agents related to aspects of child sexual exploitation and sexual abuse.²⁷ In addition, the Committee notes that Latvian law provides for specific training and requires officials of the State Police who work with children to complete educational programmes to attain specialised knowledge in the field of protection of the rights of the child.²⁸
- training for prosecutors provided by State authorities on aspects of child sexual exploitation and sexual abuse.²⁹ Latvia further indicated that prosecutors must pass two training courses on children's rights, as part of a specialised education program consisting of 40 lessons, including 24 lessons on knowledge perfection.³⁰ It also informed the Committee that specialised training on the protection of children's rights is mandatory for all prosecutors working with children, and evaluation of the prosecutors' participation in the professional

development activities is mandatory.³¹ The Committee observes that in Latvia, training for prosecutors includes children's rights as well as interviewing children and other procedures, including communicating with children throughout criminal proceedings.³²

- training for judges provided by State authorities and by external organisations on aspects of child sexual exploitation and sexual abuse.³³ The Committee also notes that it is mandatory in Latvia for judges who participate in cases on violence against children to pass a 40-hour training course on children's right to protection. There is, however, no specific focus on ICT facilitated offences against children.³⁴
- Therefore, the Committee **requests** Latvia to ensure that training on ICT facilitated sexual offences against children is available for prosecutors and judges who are or will be working on these issues.³⁵

On the identification of victims, the Committee notes that Latvia has victim identification units within law enforcement for cases of ICT facilitated sexual offences against children.³⁶

The Committee observes that Latvia is connected to the INTERPOL's international child sexual exploitation (ICSE) database, but does not actively contribute to it, as it expressed some scepticism about the utility of the database in its national context.³⁷

²⁶ Para. 115.

²⁷ Paras. 145, 146, 148.

²⁸ Para. 149.

²⁹ Paras. 156, 157.

³⁰ Para. 161.

³¹ Para. 163.

³² Para. 164.

³³ Para. 167.

³⁴ Para. 168.

³⁵ Recommendations III-16 and III-18.

³⁶ Para. 180.

³⁷ Para. 188.

- Therefore, the Committee **invites** Latvia to ensure that any obstacles to active contribution to INTERPOL's ICSE's database are removed and that national contributions are implemented in practice, regardless of the nationality of the victims.³⁸
- It also **requests** Latvia to take the necessary legislative or other measures, in conformity with the fundamental principles of its internal law, to ensure an effective investigation and prosecution of ICT

facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.³⁹

Latvia indicated that a key challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts.⁴⁰ It further noted that where evidence is obtained, searching the data of devices in order to isolate and analyse it requires a considerable amount of time, resources and work.⁴¹

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities:

- Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Committee **requests** those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.⁴²

necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.⁴⁵

- to ensure that units, services or persons within courts responsible for ICT facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.⁴⁶
- to have units, sections or persons specialised in ICT facilitated sexual offences committed by children against other children for authorities responsible for investigation and for authorities responsible for prosecution.⁴⁷
- to provide specific training on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.^{48 49}
- to ensure that training on the challenges raised by CSGSIV and ICT facilitated coercion or extortion of children is available to prosecutors and to judges.⁵⁰
- to offer joint (or "joined-up") training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT facilitated child sexual exploitation and

The Committee **invites** all Parties, including Latvia:

- to ensure that the capacities of any investigative unit specialised in ICT facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators.⁴³
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving CSGSIV.⁴⁴
- to ensure that units, services or persons within courts responsible for ICT facilitated sexual offences against children have the

³⁸ Recommendation III-27.

³⁹ Recommendation III-28.

⁴⁰ Para. 203.

⁴¹ Para. 207.

⁴² Recommendations III-3 and III-7.

⁴³ Recommendation III-4.

⁴⁴ Recommendation III-5.

⁴⁵ Recommendation III-9.

⁴⁶ Recommendation III-10.

⁴⁷ Recommendation III-11.

⁴⁸ Such trainings can also be part of broader training programmes.

⁴⁹ Recommendation III-14.

⁵⁰ Recommendations III-17 and III-19.

sexual abuse, in order to ensure consistency at all stages.⁵¹

- to ensure that training on ICT facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.⁵²

On measures to ensure the effective investigation and prosecution:

- The Committee **requires** all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.⁵³

It also **invites** all Parties, including Latvia:

- to ensure that measures, services and technology available to those in charge of identifying child victims of ICT facilitated sexual offences are up to date, reflect current practices across Parties, including establishing and using national child abuse

material databases, and that resources are sufficiently allocated.⁵⁴

- to engage in and strengthen inter Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other's databases or shared databases, including those containing information on such perpetrators.⁵⁵
- to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.⁵⁶
- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.⁵⁷

⁵¹ Recommendation III-20.

⁵² Recommendation III-21.

⁵³ Recommendation III-30.

⁵⁴ Recommendation III-24.

⁵⁵ Recommendations III-25, III-29.

⁵⁶ Recommendation III-31.

⁵⁷ Recommendation III-32.

IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

Observations and recommendations of the Committee on jurisdiction rules specific to Latvia

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1) (a-c))

The Committee observes that Latvia has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. According to Section 2 of the Criminal law, the criminal procedure may be conducted if at least one of the actions falling within the constituent element of the criminal offense is committed in the territory of Latvia.⁵⁸

Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

The Convention provides that Parties should take the necessary legislative and other measures to establish jurisdiction over offences committed by persons who have their habitual residence in their territory (Article 25(1)(e)). Latvia has made a reservation to this provision, in accordance with Article 25(3), not to apply this jurisdiction rule. However, the Committee notes that Latvia has jurisdiction over offences involving sexual abuse or exploitation of children committed by persons habitually resident in its territory.⁵⁹

- Therefore, the Committee **invites** Latvia to consider removing this reservation and establish jurisdiction for offences under the Convention when such offences are committed abroad by persons having their habitual residence in its territory.⁶⁰

Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the

State where the offence was committed (Article 25(6))

It appears that Latvia does not apply this condition for prosecution.

Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed (Article 25(4)): the dual criminality principle

Latvia reported that it would assume jurisdiction over offences involving sexual abuse or sexual exploitation of children, irrespective of the laws of the State where the offence was committed if committed by one of its nationals or by a person who has a habitual residence in its territory.⁶¹

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

The Committee observes that Latvia will establish jurisdiction over an offence committed against persons who have their habitual residence in its territory but only for serious or especially serious crimes.⁶² The Committee further notes that in order to apply the passive personality principle in Latvia, the dual criminality principle is not a prerequisite for prosecution.⁶³ However, the perpetrator must not have been held criminally liable or committed to stand trial in the jurisdiction where the offence was committed as a condition for prosecution in Latvia.⁶⁴

- The Committee **requests** Parties that are not already doing so, including Latvia, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance

⁵⁸ Para. 214.

⁵⁹ Para. 216.

⁶⁰ Recommendation IV-3.

⁶¹ Para. 224.

⁶² Para. 231.

⁶³ Para. 232.

⁶⁴ Para. 233.

with the Lanzarote Convention where the offence is committed against one of its

nationals or a person who has his or her habitual residence in its territory.⁶⁵

Generic recommendations of the Committee on jurisdiction rules

- The Committee **invites** Parties that are not already doing so to remove the requirement for dual criminality for the following offences when committed by one of their nationals:
 - CSGSIV possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs, when CSGSIV are involved;⁶⁶
 - solicitation of children for sexual purposes.⁶⁷

Promising practice

Latvia can prosecute persons who are neither nationals nor persons who have their habitual residence in its territory for sexual abuse or exploitation of children committed abroad, including children who are not its nationals, when the offender is present on its territory as in accordance with Article 4, paragraph 1 of the Criminal Law, Latvian citizens, non-citizens and foreigners with a permanent residence permit in the Republic of Latvia shall be held liable in accordance with this Law within the territory of Latvia for a crime committed in the territory of another state or outside the territory of a state, irrespective of whether the crime has been recognised as criminal and punishable in the territory of commission. In addition, Paragraph 3 of Section 4 of the Criminal Law provides that foreigners who do not have a permanent residence permit in the Republic of Latvia and who have committed serious or particularly serious crimes in the territory of another state, which were directed against the Republic of Latvia or against the interests of its inhabitants, shall be held criminally liable in accordance with this Law, irrespective of the laws of the state in which the crime was committed, if they have not been held criminally liable or committed for trial in accordance with the laws of the state where the crime was committed.

⁶⁵ Recommendation IV-9.

⁶⁶ Recommendation IV-7.

⁶⁷ Recommendation IV-8.

V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

Observations of the Committee on international cooperation specific to Latvia

Latvia referred to the Council of the Baltic Sea that appears as an important asset in the context of the PROMISE projects supporting Barnahus.⁶⁸

The Committee observes that INHOPE,⁶⁹ the PROMISE Barnahus Network,⁷⁰ WeProtect Global Alliance,⁷¹ and EMPACT (European Multidisciplinary Platform Against Criminal Threats) cybercrime CSE/CSA⁷² conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Latvia.⁷³

Furthermore, the Committee notes that law enforcement representatives from Latvia attend the Europol's central training course

“Combatting the Sexual Exploitation of Children on the Internet” (COSEC) and the Europol-Interpol-Cepol co-organised training course on victim identification (VID training course).⁷⁴

Lastly, the Committee observes that Latvia does not have the limitation introduced in the Directive 2012/29 of the European Parliament and the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA,⁷⁵ on the requirements for victims to report to another country of the European Union if the offense was committed in that country.⁷⁶

Generic recommendations of the Committee on international cooperation

- The Committee **requests** all Parties, including Latvia, to extend their international cooperation with other Parties to improve the effective implementation of the Convention.⁷⁷

The Committee **invites** all Parties, including Latvia:

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to

CSGSIV.⁷⁸

- to expand international cooperation with countries which are not Parties to the Convention to disseminate the standards of the Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Convention, in matters related to CSGSIV.⁷⁹
- to regularly assess the difficulties that they face when dealing with international

⁶⁸ Para. 253.

⁶⁹ www.inhope.org/

⁷⁰ <https://www.barnahus.eu/en/>

⁷¹ <https://www.weprotect.org/>

⁷² <https://www.europol.europa.eu/empact>

⁷³ Para. 255.

⁷⁴ Para. 259.

⁷⁵ See, Article 17§2: “Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to

the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.”?

⁷⁶ Para. 271.

⁷⁷ Recommendation V-3.

⁷⁸ Recommendations V-6, V-11.

⁷⁹ Recommendations V-4, V-7, V-12, V-15.

- cooperation and remedy them.⁸⁰
- to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.⁸¹
 - to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁸²
 - to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁸³
 - to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Convention, in investigation and proceedings concerning the offences established in accordance with the Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV.⁸⁴
 - to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.⁸⁵

Promising practice

The Latvian Dardedze Centre cooperates with Estonia to provide trainings on interviewing children – the specialist from two countries learned how to delicately interview children and ask questions about issues concerning sexuality and violence.

⁸⁰ Recommendation V-5.

⁸¹ Recommendations V-8, V-13.

⁸² Recommendation V-9.

⁸³ Recommendation V-10.

⁸⁴ Recommendations V-14, V-16.

⁸⁵ Recommendation V-19.

VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

Observations and recommendations of the Committee on assistance to victims specific to Latvia

The Committee observes that although Latvia has legislation containing adequate provisions to assist child victims, they concern the protection of children in general and do not specifically provide support, assistance, and psychological help to child victims of sexual abuse or exploitation.⁸⁶

The Committee notes that the Latvian government also provides moral and financial compensation to victims of crime, including children victims of sexual abuse.⁸⁷

The Committee notes that Latvia was one of the few Parties to have provided information on the

number of children who received support, assistance and psychological help in connection with the dissemination of CSGSIV.⁸⁸

- To improve the implementation of the Convention, the Committee **requires** Latvia to take the necessary legislative or other measures to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, taking due account of the child's views, needs and concerns.⁸⁹

Generic recommendations of the Committee on assistance to victims

The Committee also **invites** all Parties, including Latvia:

- to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT facilitated sexual exploitation and abuse of children – including the risks associated with CSGSIV – and how to provide appropriate support to victims and to those

who wish to help them.⁹⁰

- to assist child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of CSGSIV in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.⁹¹

⁸⁶ Paras. 285, 286.

⁸⁷ Para. 293.

⁸⁸ Para. 297.

⁸⁹ Recommendation VI-3.

⁹⁰ Recommendation VI-2.

⁹¹ Recommendation VI-4.

VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

Observations and recommendations of the Committee on civil society involvement and cooperation specific to Latvia

The Committee observes that Latvia is one of the few Parties where cooperation projects are decided upon by a national body specifically dedicated to children's rights, such as the national Council on the cooperation of children's rights, which reviews the "political challenges related to the interdisciplinary cooperation in the field of the rights of the child". Convened by the Minister of Welfare, it includes social welfare workers, child protection representatives, police from the local and national level, representatives from the local educational board, as well as optional members such as educational institutions, residential institutions, prison facilities, a commission assessing special education needs, a municipal commission reviewing cases of administrative violations, State probation service, and nongovernmental organisations.⁹²

Latvia indicated that the interaction with civil society includes preventive and awareness-raising activities to minimise the risk of abuse that children face online.⁹³ The Committee notes that Latvia refers to projects aimed at awareness-raising and education on the issue of CSGSIV or similar issues but the use of different terms, such as "sexting", "cyber mobbing", "child pedopornography", "provocative selfies", "revenge porn", "sextortion", "pedopornographic material", "grooming", leaves doubt as to the actual content of such projects. Although the objective may be the same (to combat the production, possession, distribution, or transmission of self-generated

sexually explicit images and/or videos and self-generated sexual content), differences in terminology can be detrimental. Such content circulates online and knows no border. Combating these offences therefore requires sustained cooperation between states, which can only be successful if there is no doubt about the vocabulary when communicating information or transmitting evidence.⁹⁴ Other civil society projects in Latvia - whether or not carried out in cooperation with the State - aimed at preventing abuses related to the sharing of such content are the conduction of surveys.⁹⁵

The Committee observes that in Latvia, telephonic and electronic helplines concern violence taking place in the digital environment, which is rare among the Parties.⁹⁶ The Committee notes that beyond reporting mechanisms, NGOs in Latvia offer free psychological support to children.⁹⁷

- To improve the implementation of the Convention, the Committee **requires** Latvia to involve civil society bodies in implementing preventive measures in the field of sexual exploitation and abuse of children.⁹⁸
- The Committee also **requests** Latvia to encourage the financing of projects and programmes carried out by civil society aiming to prevent and protect children from sexual exploitation and sexual abuse.⁹⁹

⁹² Para. 306.

⁹³ Para. 320.

⁹⁴ Para. 322.

⁹⁵ Para. 323.

⁹⁶ Para. 328.

⁹⁷ Para. 329.

⁹⁸ Recommendation VII-1.

⁹⁹ Recommendation VII-2.

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee **invites** all Parties, including Latvia:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV.¹⁰⁰
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.¹⁰¹
- to support civil society to carry out projects and programmes that include the issue of CSGSIV.¹⁰²
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives¹⁰³ and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.¹⁰⁴

Promising practice

In Latvia, helplines/hotlines work directly in cooperation with the police or a criminal investigation department in order to report directly any suspicion of abuse.

¹⁰⁰ Recommendation VII-3.

¹⁰¹ Recommendation VII-4.

¹⁰² Recommendation VII-5.

¹⁰³ Parties are also invited to provide example(s) of how

children's views are taken into account in the context of the participation of children.

¹⁰⁴ Recommendations VII-6, VII-7.

VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee **invites** all Parties, including Latvia:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.¹⁰⁵
- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity.¹⁰⁶
- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.¹⁰⁷
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹⁰⁸
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.¹⁰⁹
- to promote themselves and to encourage the information and communication of the technology sector, the media, and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹⁰
- to step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹¹
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹²
- to take the necessary measures to ensure coordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.¹¹³

¹⁰⁵ Recommendation VIII-1.

¹⁰⁶ Recommendation VIII-2.

¹⁰⁷ Recommendation VIII-3.

¹⁰⁸ Recommendation VIII-4.

¹⁰⁹ Recommendation VIII-5.

¹¹⁰ Recommendation VIII-6.

¹¹¹ Recommendation VIII-7.

¹¹² Recommendation VIII-8.

¹¹³ Recommendation VIII-9.

IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

Observations and recommendations of the Committee on education for children specific to Latvia

The Committee observes that Latvia is one of the few Parties that explicitly address the challenges raised by CSGSIV as part of the information on the prevention of sexual exploitation and sexual abuse of children in its national curriculum.¹¹⁴ Moreover, both national curricula and non-formal educational activities address the challenges raised by CSGSIV.¹¹⁵

Although Latvia did not provide information as to whether such information is provided to children in an age-appropriate manner, as required by the Convention, it specified that it is delivered in both primary and secondary education.¹¹⁶

- Therefore, the Committee **invites** Latvia to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards CSGSIV, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.¹¹⁷

The Committee observes that in Latvia, information on the risks of sexual exploitation and sexual abuse facilitated by ICTs and the

challenges raised by CSGSIV is covered in “social sciences and health studies”.¹¹⁸

- To ensure the effective implementation of the Convention, the Committee **invites** Latvia to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including as regards CSGSIV, within a more general context of sexuality education.¹¹⁹

In terms of the involvement of the parents in the provision of information to children, the Committee notes that in Latvia, the State Police has issued brochures for parents and teachers. For example, the 2015 edition contains facts about internet safety. The 2015 brochure contains information on social media and potential threats online. The 2016 brochure contains a test for parents to find out and check if they know what their child is doing on the internet. An interactive workbook contains probing questions that parents can ask when talking to their children about internet safety, as well as tips for them to use when teaching and explaining the various safety issues to their children.¹²⁰

Generic recommendations of the Committee on education for children

The Committee **invites** all Parties, including Latvia:

- CSGSIV to consistently involve children in the development of internet safety awareness

programmes.¹²¹

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹²²

¹¹⁴ Para. 383.

¹¹⁵ Para. 385.

¹¹⁶ Para. 392.

¹¹⁷ Recommendation IX-6.

¹¹⁸ Para. 399.

¹¹⁹ Recommendation IX-7.

¹²⁰ Para. 403.

¹²¹ Recommendation IX-4.

¹²² Recommendation IX-5.

X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

Observations and recommendations of the Committee on higher education curriculum and continuous training specific to Latvia

The Committee observes that part of the professionals who will or already work with children in Latvia receive training and/or education on the protection of children against sexual exploitation and sexual abuse (such information is provided to future professionals as part of their curriculum during their education), which focus specifically on the risks of child sexual exploitation and abuse facilitated by ICTs,¹²³ including the risks associated with CSGSIV,¹²⁴ in the form of trainings.¹²⁵

The health sector is one of the sectors most likely to benefit from this education and/or training, and Latvia indicated that psychology students focusing on the “clinical and health psychology” receive courses related to the prevention and therapy of abused children (one of the activities of clinical and health psychologists is to work with children who have been victims of violence and their families) as part of their curriculum.¹²⁶

The Committee notes that in Latvia some of the professionals working in contact with children have been trained and/or received education on how to identify potential situations where a child is a victim of sexual exploitation or sexual abuse.¹²⁷ Furthermore, some persons working in contact with children receive information on the

protection and rights of children, in different frameworks and on different topics.¹²⁸

To improve the effective implementation of the Convention, the Committee **requires** Latvia:

- to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.¹²⁹
- to ensure that the persons who have regular contacts with children are equipped to identify any situation of sexual exploitation and sexual abuse of children in areas relating to sport, culture and leisure activities.¹³⁰
to ensure that the persons who have regular contacts with children are informed of the possibility for them to report to the services responsible for child protection any situation where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children:- in the education sector - in the health sector - in the social protection sector - in areas relating to sport, culture and leisure activities.¹³¹

¹²³ Para. 416.

¹²⁴ Para. 410.

¹²⁵ Para. 412.

¹²⁶ Para. 421.

¹²⁷ Para. 428.

¹²⁸ Para. 432.

¹²⁹ Recommendation X-4.

¹³⁰ Recommendation X-5.

¹³¹ Recommendation X-6.

Generic recommendations of the Committee on higher education curriculum and continuous training

The Committee also **invites** all Parties, including Latvia:

- to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with CSGSIV, for example through education or continuous training.¹³²
- to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV.¹³³

Promising practices

In Latvia, the programme “A safe school” was developed by the State Police to inform and educate the school personnel. It includes the following topic: “What can the personnel do if they find out that a child has been communicating with a stranger and sending sexual content?”.

In Latvia, the Law on the Rights of the Child provides for an obligation that all specialists who are in contact or may be in contact with children shall require special knowledge in the field of protection of the rights of the child, including: social workers, police officers, lawyers, judges, teachers, psychologists, custody court specialists, prosecutors, etc. In practice, specialists acquire a training course of 40 hours where topics concerning the rights of the child, interinstitutional cooperation, violence prevention and identification are included. Every 5 years, specialists shall take part in a 24-hour training course on the rights of the child. Usually, these training courses are financed by the state or by the municipalities. On average, approximately 600 specialists take part in the training course annually.

¹³² Recommendation X-2.

¹³³ Recommendation X-3.

XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

Observations of the Committee on research specific to Latvia

Latvia has provided information on research undertaken on the issues raised by CSGSIV in general.¹³⁴

was carried out by universities, and it is unclear in what capacity they were supported by the government.¹³⁶

Latvia has also informed of its participation for one or several years in the EU Kids Online research, which is a multinational research network seeking to enhance knowledge of children's online opportunities, risks, and safety. Surveys carried out in the framework of EU Kids Online collect data and information on, *inter alia*, children's practice of sending and receiving sexual messages online.¹³⁵ In the context of these surveys, Latvia has indicated that the research

The Committee observes that Latvia has also collaborated with NGOs and non-governmental initiatives or research centres. Latvia has explicitly stated that these collaborations take the form of financial support as the Latvian Safer Internet Centre is co-funded by the Ministry of Environmental Protection and Regional Development and the Institute of Mathematics and Informatics of the University of Latvia.¹³⁷

Generic recommendations of the Committee on research

The Committee **invites** all Parties, including Latvia:

- to collect data and undertake research at the national and local levels to observe and evaluate the phenomenon of CSGSIV.¹³⁸
- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and research on the issue is regularly undertaken.¹³⁹
- to build on the findings from existing research on CSGSIV, when available, to ensure that policies and measures are best

developed and appropriately targeted to tackle the issues raised by CSGSIV.¹⁴⁰

- to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV, with due respect for the requirements of personal data protection.¹⁴¹

Promising practices

In Latvia, the Latvian Safer Internet Centre organised a survey among children from 13 to 18 years old, to collect data on the number of children who had sent, received and/or disseminated CSGSIV.¹⁴² The

¹³⁴ Para. 437.

¹³⁵ Para. 440.

¹³⁶ Para. 453.

¹³⁷ Survey by the Latvian Safer Internet Centre:

<https://drossinternets.lv/en/info/about-us>

¹³⁹ Recommendation XI-2.

¹⁴⁰ Recommendation XI-3.

¹⁴¹ Recommendation XI-4.

¹⁴² Survey by the Latvian Safer Internet Centre:

<http://www.drossinternets.lv/>

results of the survey were used in an awareness raising campaign on the risks associated with sending such material. Moreover, in the framework of the campaign “I only forwarded it” organised by the “Centrs Dardedze” two online surveys were undertaken. One survey addressed children from 12 to 17 years old and included among other questions on whether they knew of any peers who had sent to someone a sexually explicit image of themselves (64%), whether they had received any such image by one of their peers (42%), and whether they had forwarded a sexual image of someone else to others (9%). The second survey was addressed to parents, who were asked whether they had spoken to their children about the risks of “sexting” and what actions they had taken if their child had sent a self-generated sexual image and subsequently suffered from a bad experience.¹⁴³

¹⁴³ Centrs Dardedze survey: <https://www.centrsdardedze.lv/lv/jaunumi/aptauja-katrs-otrais-pusaudzis-ir-sanemis-telefona-vienaudza-kailfoto>