

**1. In Your country, do public prosecutors have the duty to apply a general policy concerning juvenile justice? To do so, do they follow specific guidelines?**

**(If yes, please, specify, Answers to this question should include, inter alia, the prevailing character of the policy between more repressive or more educative as well as the minimum age of criminal responsibility and the minimum age under which it is not permissible to imprison a child).**

Prosecutors are not directly involved into the development of general juveniles' law justice. At the same time Prosecutors are involved into development of any draft legal acts in relation with protection of rights of the State and persons, including creation of such law and improvement of existing provisions related with protection and safeguarding of the rights of juveniles. According to the provisions provided for by the Section 11 of the Criminal Law with the criminal liability may be charged a person who till the day when the criminal offence was committed has reached the age of 14 years and according to the Part 1, Section 65 of the Criminal Law as of the same age the basic sentence - deprivation of liberty - may be imposed.

**2. Does your country criminal justice system provide for specialized public prosecutors for juveniles, entrusted with the implementation of specific laws and procedures? Do public prosecutors from, together with specialized judges for juveniles, a specialized entity within the court where, for instance, a general policy for juvenile justice is defined or discussed? Please, give details.**

No separate specialization of prosecutors in the realm of juveniles' rights protection exists, nevertheless in praxis the heads (head prosecutors) of the Prosecution Office institutions mostly arranges the work of Prosecutors under their supervision, taking into consideration the specific of respective criminal procedures, inter alia entrusting the Prosecutor's functions in cases where under-age offenders are involved, to one and the same prosecutors. No specific cooperation model with judicial authorities exist for common participation in the development of general policy regarding protection of rights of juveniles, nonetheless according to the Section 40 of the Criminal Procedure Law the Chairperson of District (City) Court in cases provided for by the Law and following statutory procedure gives assignment to supervise whether the human rights are complied with in the criminal procedure. According to the obligations and procedure provided for by the Criminal Procedure Law, investigation judge amid of other issues decides on application of security measure related with deprivation of liberty, as well as examines complaints regarding possible breaches of the human rights in the criminal procedure, including towards juveniles who has got rights to the defence. Hence the Prosecutor cooperates with the Judge in safeguarding of rights of juveniles within the frameworks of the respective criminal procedure and pursuant to the procedure provided for by the Criminal Procedure Law.

**3. If yes, how the public prosecutors educated, selected and trained?**

Prosecutors actively participate in the seminars and conferences organized by the different institutions and organizations, including that ones devoted to protection of the rights of juveniles. In most cases such seminars and conferences are organized together with the Judges and in the course of such training are discussed actual problems and possible solutions for drafting of legal acts, as well as for improvement of existing praxis in protection of the rights of the State and persons (including juveniles) are looked for.

**4. As regards victims of offences, can the public prosecutors apply specific procedures and means, in particular to collect testimonies? Moreover, are they free to choose ways of prosecuting or are their powers sometimes limited by the law, for instance, as regards, the choice of alternatives to prosecution or of the prison sentences requested for juveniles already condemned or seconds offenders? Does the law specify according to the juveniles concerned**

*between these prosecution choices, for prison, for some types of sentences? If yes, please, specify. .*

The interrogation of juveniles must be performed according to the provisions provided for by the Criminal Procedure Law and one of functions of the Prosecutor within the preliminary procedure is to supervise complying with the statutory procedure within the preliminary procedure while interrogating the juvenile victims, as, for example, ensuring participation of victim's representative in the interrogation procedure and complying with other rights of the juvenile. Additionally the Criminal Procedure Law provides for other types of settling of the criminal law relationships, which may be freely selected within the preliminary procedure by the person directing proceedings, including simplified criminal proceedings, as, for example, applying Prosecutor's injunctions regarding penalty or summary criminal proceedings. Moreover the person directing the proceedings according to the Section 12 of the Criminal Procedure Law has an obligation to manage the criminal procedure, complying with the internationally recognized human rights, and do not admit imposing of unjustified criminal procedural obligations or disproportional intervening into the life of person, restricting the human rights only in such cases when it is required by the interests of public security. As well as Prosecutor is directly involved into determination of the criminal penalty to accused juvenile, expressing an opinion regarding appropriate type and measure of sentence and has rights to lodge appellation protest in cases, if applied type and measure of sentence in the opinion of Prosecutor is not proportional, lawful or grounded.

The Section 65 of the Criminal Law provides for the peculiarities of the criminal liability of the juveniles, namely:

- For a person who has committed a criminal offence before attaining eighteen years of age, the period of deprivation of liberty may not exceed ten years for especially serious crimes; five years – for serious offences, associated with violence or threatened violence or if they have caused serious consequences; two years – for other serious offences. For criminal violations and less serious criminal offences the deprivation of liberty can not be applied to such person.

- If person has committed the criminal offence till attaining of age of eighteen years, for which the sanction of respective Section of the Special Chapter of this Law provides for a minimal limit of the liberty deprivation, the Court may impose a sentence that is lower than such minimal limit also in cases, if the Court has admitted that the criminal offence was committed in liability aggravating circumstances.

- A person, who has committed a criminal offence before attaining eighteen years of age, may be conditionally released from punishment before serving the term of the sentence, if he or she has served not less than half of the imposed punishment.

- A fine is applicable only to those minors who have their own income. A fine applied to a minor shall be not less than one and not exceeding fifty times the amount of the minimum monthly wage prescribed in the Republic of Latvia.

- A person, who before attaining eighteen years of age, has committed a criminal violation, shall, after serving the sentence, be deemed to have not been convicted.

Additionally the juveniles are provided for the restrictions to apply the security measure – arrest, namely, the Section 273 of the Criminal Law provides for, that juvenile such security measure may be applied for not exceeding of one year, and if juvenile is suspected or accused for the criminal offence committed due to negligence of for commission of the criminal violation, the arrest can not be imposed, except the case if such person under influence of intoxicating substances has committed the actions in result of which death of another persons occurred. Moreover in case, if accused is suspected or accused for commission of intentional less serious crime, the arrest may be applied only in a case if concerned person has violated provisions of another security or correctional coercive measure (putting into the educational institution of

social correction), or has committed the crime being a suspect or accused for commission of serious or especially serious crime.

***5. What is the specific role of public prosecutors in custody before a court hearing, during the hearing and in the detention after conviction, in cases involving juveniles?***

Prosecutor within the preliminary procedure while performing the supervision according to the Section 37 of the Criminal Procedure Law have an obligation regardless of age of person who has rights to defence to provide instructions regarding selection of procedure type, direction of investigation and performing of investigatory activities, if person directing the proceedings do not ensure purposeful investigation and admits unjustified intervention into the life of person or hesitancy; to request that the direct supervisor of an investigator replace a person directing the proceedings, or make changes in the investigative group, if assigned instructions are not fulfilled or if procedural violations are allowed that threaten the progress of criminal proceedings; to examine the complaints within the competence; to take decisions on lodged recusations within the competence; to take over the direction of criminal proceedings without delay when sufficient evidence for the fair regulation of criminal legal relations has been obtained in an investigation. Prosecutor, while performing the supervision in the preliminary procedure, has rights to take decision on instituting of the criminal procedure and passing it to the investigatory institution; request the fulfilment of provided instructions; carry out investigative operations, informing a person directing the proceedings beforehand regarding such carrying out of investigative operations; familiarise him or herself at any time regarding the materials of the criminal proceedings; revoke the decisions of the person directing the proceedings and a member of the investigative group; submit a proposal to a more senior prosecutor regarding the determination of the direct supervisor of another investigator in concrete criminal proceedings, or the transfer of criminal proceedings to another investigative institution; participate in a meeting wherein the investigating judge decides regarding the granting of permission to apply compulsory measures and to perform special investigative operations; to participate in the taking of procedural actions aimed to cooperation with the person who has rights to defence, as well as in selecting of simpler procedure.

According to the Section 43 of the Criminal Procedure Law Prosecutor while maintaining the accusation in the first instance or appellation instance court has an obligation and rights with consent of higher prosecutor refuse from maintaining of accusation, if grounded doubts exist regarding guilt of accused; to lodge recusation, if statutory grounds exist; to express him or herself regarding each matter to be decided in court; to direct an examination of evidence of the prosecution, and to participate in an examination of other evidence; to request an interval for the submission of additional evidence or for the bringing of a new charge; to submit requests; to speak in court debates; to familiarise him or herself with the minutes of a court session, the complete text of an adjudication, and complaints submitted by persons; to appeal court adjudications, if there are grounds to do so. The mentioned rights and obligations Prosecutor implements independently of age of accused in the criminal procedure.

According to the Section 12 of the Punishments Execution Code of the Republic of Latvia the Prosecutor General and Prosecutors subordinated to him ensures supervision over execution of the liberty deprivation sentences, common and uniform complying with the Laws of the Republic of Latvia in the imprisonment institutions for correction of convicts, including juveniles, and prevent commission of new criminal offences. Prosecutor according to the provisions and procedure of Punishments Execution Code attends in the administrative commission of the imprisonment institutions, wherein decision on mitigation or reinforcing of sentence serving regime are taken, and early release of convicts, hence supervising the compliance of commission decisions to the legal provisions, including cases, when respective issues are decided towards juvenile convicts.

**6. What is the role played by public prosecutors in the partnership with local social and administrative agencies working in the field of juvenile delinquency? For instance, are public prosecutors involved in the choices regarding the city policies and do they participate in instances where these partners sit together with elected persons (such as city mayors), schools, teachers etc.?**

Prosecutors within their competence actively participate in different events arranged with aim to ensure full protection of person rights, including juveniles, in Latvia. Also in cases when the representation of the Prosecution Office is required the Prosecutors are involved into the working groups and invited to meetings arranged with intention to improve efficiency and quality of work of the law enforcement regarding diminishing of delinquency of juveniles.

**7. In practice, what is the role played by public prosecutors in the coordination and cooperation of the main actors involved in the investigation process (such as the child protection services, police, prosecutors, courts, the medical profession, other)? Please, specify.** As specified above (see answer to 5<sup>th</sup> question), Prosecutor has certain obligations and rights within the coordination of preliminary investigation procedure.

## **Civil justice system and administrative proceedings**

**8. What is the role of public prosecutors as regards access to justice for juveniles? Please, specify between juveniles in danger as regards their education, the living conditions, etc., for whom a judicial protection is needed, and juveniles who are victims of offences and who claim for compensation?**

According to the Part 1, Section 16 of the Prosecution Office Law, Prosecutor has obligation to take examination in case if information is received on possible infringement of juvenile's interests. According to the Part 2, Section 17 of the Prosecution Office Law Prosecutor, if he/she finds the breach of law, taking into consideration the nature of offence, has an obligation to warn about law breach, lodge protest or application on necessity to prevent law breach, lodge application with the court, institute the criminal procedure or institute examination regarding application of administrative or disciplinary liability.

According to the Section 22 of the Criminal Procedure Law person, including juvenile, who has been caused a harm by the criminal offence, taking into consideration caused moral infringement, physical pains and pecuniary damages, are safeguarded the procedural possibilities for requesting and receiving of moral and pecuniary compensation.

**9. In your country, are there situations affecting juveniles where public prosecutors can initiate ex-officio investigations? If yes, please, specify.**  
(see answer to question 8, part 1)

**10. What is the specific role of public prosecutors in applying protective and educative measure towards juveniles? Within the framework, are public prosecutors in relations with other instances or bodies such as, for instance, community homes, school and how their contacts with these bodies organised (designated correspondents, free telephone line, etc.)? )**

Any person has rights to apply to the Prosecution Office in respect of possible violation of the Law, including any violation towards the juvenile. Phones and e-mail addresses of the Prosecution Office are publicly available and these communication means can be used without any restrictions.

***11. What is the role of public prosecutors in child abduction cases by one parent and other family related cases?***

The Prosecution Office in all cases when information is received on possible illegal infringement of person's rights, including infringement of rights to the family or illegal restriction of parent's rights, carries out examination and takes respective decision according to the Law, taking into consideration the nature of violation. Moreover it should be noted that the Criminal Law chapter on the criminal offences against the family and juveniles are enlisted the number of criminally punishable offences, which inter alia provides for a liability for not returning of juvenile and separating of a child from mother, father and guardian. The criminal liability is provided also for kidnapping of a person, including juvenile. Hence Prosecutor in all cases when any information is received on possibly illegal taking over of the juvenile from one parent or guardian must consider whether the constituent elements of the criminal offence exist and must take decision on institution of the criminal procedure and charging of the guilty person with the criminal liability. *(procedure by which Prosecutor reacts to the offence is specified in answer to Part 1, question 8).*

***12. What is the role of prosecutor in cases such as placement of juveniles in the name of their self protection or placement of children pending expulsion or any other case?***

The functions of the Prosecutor do not include taking of decision regarding placement of juvenile in the specialized institutions for his/her protection, nevertheless Prosecutor has no restrictions to request that responsible institutions take any measure for safeguarding of juvenile's rights. In case if Prosecutor has received an information on possible breach of law or infringement of juveniles' rights, Prosecutor within his/her competence may take an examination. *(procedure as Prosecutor reacts to the breach of law is specified in answer to Part 1, question 8).*