

Protection of Children against Sexual Abuse in the Circle of Trust: Legal Frameworks (Lanzarote Convention Monitoring Questionnaire)

Fields marked with * are mandatory.

Introduction

1. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “the Lanzarote Convention” or “the Convention”), which entered into force in July 2010, requires criminalisation of all forms of child sexual abuse. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

2. The Committee of the Parties to the Convention (also known as the “Lanzarote Committee”), established to monitor whether Parties effectively implement the Convention (Article 1 § 2), decided that:

“1. The monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention.

2. The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.

3. The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time-limit set by the Lanzarote Committee.”[1]

The notion of the circle of trust

3. In January 2018, the Lanzarote Committee concluded its first monitoring round “Protection of children against sexual abuse in the circle of trust”. The notion of “circle of trust” includes members of the extended family, persons having care-taking functions or exercising control over the child, and any other persons with whom the child has relations, including his/her peers.[2]

The previous and current monitoring rounds on the circle of trust

4. The two implementation reports adopted as a result of the first monitoring round evaluated the frameworks and strategies put in place by the 26 States Parties to the Lanzarote Convention which had ratified it by the time the monitoring round was launched[3]. Since then, the Convention has been ratified by 22 other Parties,[4] and numerous changes have taken place in the subject area due to the development of international standards and national reforms. Furthermore, a child’s circle of trust remains the environment

where the vast majority of sexual abuse occurs.[5] The Committee therefore decided to come back to the subject matter of the first monitoring round in 2023, to both take stock of the situation in the 22 Parties that had not been examined in the first round and to evaluate the follow-up given to the Committee's recommendations by the 26 Parties that had.

5. All of the current 48 Parties will be monitored at the same time to create a momentum around specific aspects of the monitoring theme. To ensure a more accurate reflection of the situation in the Parties and a speedier publication of intermediary results, the monitoring round will be divided into several parts and conducted on the basis of information submitted by the Parties and other stakeholders in response to questionnaires specific for each part.

Involvement of civil society and other relevant stakeholders in the monitoring round

6. In accordance with paragraph 4 of Rule 26 of the Lanzarote Committee's Rules of Procedure, the Secretariat shall seek the views of the representatives of civil society and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children on the implementation of the Convention by Parties, in particular by asking them to comment on the replies to this questionnaire or by any other means (e.g. by offering the observers and participants in the Lanzarote Committee to submit any relevant information they may have with regard to any Party to the Convention by replying directly to some or all of the questions of this questionnaire). These comments and replies will be transmitted by the Secretariat to the Party(ies) concerned and made public.

Type of questions and elements to be borne in mind when replying

7. Each of the questionnaires of this monitoring round will contain questions derived from the Committee's first monitoring round recommendations and findings, as well as a few new questions based on the Committee's adopted texts and international standards that have emerged in the meantime, including the case-law of the European Court of Human Rights, to gather information for capacity-building purposes. The first part of the monitoring round will assess the legal framework and related procedures with respect to sexual abuse of children in the circle of trust ("Legal frameworks").

8. This specific first questionnaire was adopted by the Lanzarote Committee on 2 June 2023. It is recalled that, in accordance with Rule 26 of the Lanzarote Committee's Rules of Procedure:

"...2. The Secretariat shall address such questionnaires to the Parties through the member in the Lanzarote Committee representing the Party to be monitored, who will act as "contact person".

3. Parties shall submit their replies in one of the official languages of the Council of Europe to the secretariat within the time limit set by the Lanzarote Committee. The replies shall be detailed, answer all questions and contain all relevant reference texts. The replies shall be made public.

5. The Secretariat may request additional information if it appears that the replies are not exhaustive or unclear. Where warranted, with the consent of the Party(ies) concerned and within the limits of budgetary appropriations, the Bureau of the Lanzarote Committee may decide to carry out a visit in the Party(ies) concerned to clarify the situation."

9. In addition, Parties are kindly requested to:

- answer the questions with regard to central, regional and local levels to the extent possible. Federal States may, in respect of their sovereign entities, answer the questions in a summarised way;
- provide, whenever questions/answers refer to it, the relevant text (or a summary) of legislation or other regulations in English or French;

- answer the questions from a gender equality perspective, i.e. specifying, where relevant, whether and how measures for victims and/or offenders take into account gender-specific requirements.

10. The term “national legal framework” used in the questionnaire includes not only laws but also all forms of regulations (decrees, resolutions, administrative directions, instructions, and any other decisions creating legal consequences for more than one individual) and higher courts’ directive rulings.

11. The questions asked concern the legal frameworks pertaining to both online and offline forms of activity. Should your national legal framework distinguish between them, please provide details.

12. As indicated above, some of the questions are included for capacity-building purposes. Therefore, nothing in the wording of these questions should be taken as an indication of a preferred state of affairs or course of action.

13. The questionnaire uses a colour-coded system to help you differentiate questions based on the Lanzarote Committee’s 1st monitoring report’s “invite” recommendations (in blue) and “urge”/ “consider” recommendations (in red). The questions based on the European Court of Human Rights’ case law and the Committee’s adopted texts are coloured red. The questions included for capacity-building purposes are coloured blue.

14. Some of the questions are addressed only to specific Parties found to be not in compliance with a particular requirement of the Convention in the first monitoring round, or to those Parties and to the 22 Parties which had not been evaluated during the first monitoring round. All other questions are meant to be replied to by all Parties.

[1] Rule 24 of the Lanzarote Committee’s [Rules of Procedure](#)

[2] See [1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”](#), p. 12. Examples of the different categories of persons may be found in paragraphs 123-125 of the [Explanatory Report to the Lanzarote Convention](#)

[3] Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Portugal, Romania, San Marino, Serbia, Spain, Türkiye and Ukraine

[4] Andorra, Armenia, Azerbaijan, Cyprus, Czech Republic, Estonia, Georgia, Germany, Hungary, Ireland, Latvia, Liechtenstein, Monaco, Norway, Poland, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom

[5] See the [Explanatory Report to the Lanzarote Convention](#), paras. 48 and 123-125

IDENTIFICATION OF THE RESPONDER

* Name of the Party responding or concerned by your response

Latvia

* Name of the contact person/coordinator

* Email address of the contact person/coordinator

KEY NOTIONS Question 1. Does your national legal framework:

a. **have a reference to “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children?**^[6] If yes, please provide a copy of the relevant provision(s).

[6] 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework” adopted by the Lanzarote Committee on 4 December 15, Recommendation 3.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.a Yes)

According to Section 159, Paragraph 1 (Rape) of The Criminal Law (CL), a person who commits an act of sexual intercourse taking advantage of the state of helplessness of a victim or an act of sexual intercourse against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim (rape) will be held criminally liable. The applicable punishment is the deprivation of liberty for a period of four and up to ten years and with probationary supervision for a period of up to five years. Section 159, Paragraph 2 of the CL establishes criminal liability for a person who commits rape where commission is by a group of persons, or who commits rape of a minor. The applicable punishment is life imprisonment or deprivation of liberty for a period of five years and up to twenty years and with probationary supervision for a period of up to five years. Section 159, Paragraph 3 of the CL establishes criminal liability for a person who commits rape, if serious consequences have been caused thereby, or commits rape of such person who has not attained the age of sixteen years. The applicable punishment is life imprisonment or deprivation of liberty for a period of ten years and up to twenty years and with probationary supervision for a period of up to five years.

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b. **[for 22 Parties + Belgium and Luxembourg] establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an “aggravating circumstance”?**^[7] If yes, please indicate the specific legal provision.

[7] *Ibid.*, Recommendation 2

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.b Yes)

According to Paragraph 1 of Section 159 (Rape) of The Criminal Law (CL), person who commits an act of sexual intercourse taking advantage of the state of helplessness of a victim or an act of sexual intercourse against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim (rape) will be held criminally liable. The applicable punishment is the deprivation of liberty for a period of four and up to ten years and with probationary supervision for a period of up to five years. Paragraph 2 of Section 159 of the CL establishes criminal liability for a person who commits rape where commission is by a group of persons, or who commits rape of a minor. The applicable punishment is life imprisonment or deprivation of liberty for a period of five years and up to twenty years and with probationary supervision for a period of up to five years. Paragraph 3 of Section 159 of the CL establishes criminal liability for a person who commits rape, if serious consequences have been caused thereby, or commits rape of such person who has not attained the age of sixteen years. The applicable punishment is life imprisonment or deprivation of liberty for a period of ten years and up to twenty years and with probationary supervision for a period of up to five years.

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c. [list specific categories of adults in contact with children automatically qualifying as holding this position?](#)^[8]

[8] *Ibid.*, Recommendation 4. Examples: members of the extended family (including new partners), persons having caretaking functions (including trainers of any kind) or exercising control over the child professionally or on a voluntary basis (including persons who look after children in their leisure-time) and any other person trusted by the child (including other children).

- Yes
 No

If appropriate, please provide more information (1.c No)

Sections 159 (Rape), 160 (Sexual Violence) and 162 (Leading to Depravity) of the CL do not list specific categories of groups of persons, but indicate the nature of the relationship with the child victim and the impact of the nature of such relationship on the child, which is defined as trust, authority or other influence on the victim. In a particular case, not only does affiliation of a particular group of persons determine the impact on the child, but the nature of the impact on the child.

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d. define the notion of “circle of trust”?^[9]

[9] *Ibid*

- Yes
 No

If appropriate, please provide more information (1.d No)

The notion of “circle of trust” is not defined in the law. The CL indicates the nature of the relationship with the child victim and the impact of the nature of such relationship on the child, which is defined as trust, authority or other influence on the victim.

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VICTIMS' AGE Question 2. Does your national legal framework:

a. [for 22 Parties + Italy, Portugal, San Marino, and Türkiye] provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence?^[10] Please refer to the specific legal provisions.

[10] *Ibid.*, Recommendation 6

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (2.a Yes)

Yes, Sections 159 (Rape), 160 (Sexual Violence) and 162 (Leading to Depravity) of the CL provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence. (Please see the legal framework listed in the answer to the first question, or see CL: <https://likumi.lv/ta/en/en/id/88966-criminal-law>).

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b. [for 22 Parties + North Macedonia and Ukraine] indicate that the child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence?^[1] Please provide details.

[1] *Ibid.*, Recommendation 5

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (2.b Yes)

Yes, according to Sections 159 (Rape), 160 (Sexual Violence) and 162 (Leading to Depravity) of the CL the child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence. (Please see the legal framework listed in the answer to the first question, or see CL: <https://likumi.lv/ta/en/en/id/88966-criminal-law>). According to the specified Sections, when any of the mentioned conditions are found, the basis of criminal liability arises and the person will be held responsible for rape, sexual violence or leading to depravity. According to the relevant Paragraphs of mentioned Sections, more severe punishment is applicable for the crime if it was committed against a minor.

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SCOPE OF OFFENCE Question 3. Does your national legal framework criminalise sexual abuse of children:

a. **where the offender abuses a recognised position of influence?** [12] Please refer to the specific legal provisions.

[12] *Ibid.*, Recommendation 1

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.a Yes)

Yes, Sections 159 (Rape), 160 (Sexual Violence) and 162 (Leading to Depravity) of the CL the criminalise sexual abuse of children where the offender abuses a recognised position of influence. (Please see the legal framework listed in the answer to the first question, or see CL: <https://likumi.lv/ta/en/en/id/88966-criminal-law>).

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b. **[for 22 Parties + Belgium] where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim's spouse or marital partner?**[13] Please refer to the specific legal provisions.

[13] *Ibid.*, Recommendation 7

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.b Yes)

Yes, Sections 159 (Rape), 160 (Sexual Violence) and 162 (Leading to Depravity) of the CL criminalise sexual abuse in cases where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim's spouse or marital partner. (Please see the legal framework listed in the answer to the first question or see CL: <https://likumi.lv/ta/en/en/id/88966-criminal-law>). According to the CL regulations, any person can be a sexual abuse victim, regardless of their age, their relationship with the guilty person and other circumstances. Therefore, in the event that a victim has suffered from sexual abuse committed by their spouse or marital partner, the perpetrator of the criminal offense will be held criminally liable in accordance with the mentioned Sections of the CL. In addition, in case where the sexual abuse was committed by a person with whom the victim is married, can be recognized as an aggravating circumstance. In accordance with clause 15 of the Paragraph 1 of Section 48 of the CL, the fact that the criminal offence related to violence or threats of violence, or the criminal offence against morality and sexual inviolability was committed against a person to whom the perpetrator of a criminal offence is related in the first or second degree of kinship, or against the spouse or former spouse, or against a person with whom the perpetrator of a criminal offence is or has been in continuous intimate relationships, or against a person with whom the perpetrator of a criminal offence has a joint (single) household, may be considered to be aggravating circumstances

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c. **[for 22 Parties + the Republic of Moldova] where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence?**^[14] Please refer to the specific legal provisions.

[14] *Ibid.*, Recommendation 8

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.c Yes)

Yes, Sections 159 (Rape), 160 (Sexual Violence) and 162 (Leading to Depravity) of the CL the criminalise sexual abuse in cases where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence. (Please see the legal framework listed in the answer to the first question or see CL: <https://likumi.lv/ta/en/en/id/88966-criminal-law>). Listed Sections establish criminal liability if any of such acts have been committed taking advantage of the state of helplessness of a victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim. Thus, if any of these circumstances are detected is a basis for criminal responsibility, regardless of whether coercion, force or threat is also used.

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SCOPE OF OFFENCE Question 4. Does your national legal framework:

a. [criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions?](#)^[15]

Please specify which other acts are covered and whether violation of a child's "sexual integrity" specifically is criminalised.

[15] Ibid., Recommendation 9

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.a Yes)

Yes, CL criminalises sexual abuse of children for acts other than sexual intercourse and equivalent actions.

Please see the relevant Sections:

Section 161. Acts of Sexual Nature with a Person who has not Attained the Age of Sixteen Years

For a person who commits an act of sexual intercourse, anal or oral act, or sexual gratification in an unnatural way, or other acts of sexual nature in physical contact with the body of the victim, if it has been committed on a person who has not attained the age of sixteen years and if such offence has been committed by a person who has attained the age of majority, the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or probationary supervision, or community service.

Section 162. Leading to Depravity

(1) For a person who commits leading to depravity of a person who has not attained the age of sixteen years or who is in the state of helplessness, that is, for a person who commits acts of sexual nature without physical contact with the body of the victim for the purpose of sexual gratification or to rouse sexual instinct in the victim, if such act has been committed by a person who has attained the age of majority or it has been committed taking advantage of the state of helplessness of the victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim, the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or probationary supervision.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has caused serious consequences, or it has been committed against an underaged person, the applicable punishment is the deprivation of liberty for a period of up to seven years and with probationary supervision for a period of up to five years.

Section 162.1 Encouraging to Involve in Sexual Acts

(1) For a person who encourages a person who has not attained the age of sixteen years to involve in sexual acts or encourages such person to meet with the purpose to commit sexual acts or enter into a sexual relationship using information or communication technologies or other means of communication, if such act has been committed by a person who has attained the age of majority, the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or probationary supervision.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed against an underaged person, the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or probationary supervision.

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b. [for 22 Parties + Bulgaria] ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity?^[16] Please refer to the specific legal provisions.

[16] *Ibid.*, Recommendation 11

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.b Yes)

Yes, CL (Sections 159 (Rape), 160 (Sexual Violence) and 162 (Leading to Depravity)) ensures equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity. (Please see the legal framework listed in the answer to the first question or see CL: <https://likumi.lv/ta/en/en/id/88966-criminal-law>).

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c. [for 22 Parties + Albania and the Republic of Moldova] make any distinct reference to “homosexual activities” in the description of criminal offences involving sexual abuse and sexual exploitation of children?^[17] Please refer to the specific legal provisions.

[17] *Ibid.*, Recommendation 12

- Yes
 No

If appropriate, please provide more information (4.c No)

No, CL does not make distinct reference to “homosexual activities” in the description of criminal offences involving sexual abuse and sexual exploitation of children. Section 160, Paragraph 1 of the CL establishes criminal liability for a person who commits acts of sexual nature for the purpose of sexual gratification in physical contact with the body of the victim, if such acts have been committed taking advantage of the state of helplessness of a victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim. Paragraph 2 of this Section establishes criminal liability for a person who commits anal or oral act or sexual gratification in an unnatural way which is related to vaginal, anal or oral penetration of the body of the victim, if such acts have been committed taking advantage of the state of helplessness of a victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim. We would like to stress the fact that the CL defends all victims, regardless of their gender or orientation. According to the Section 95 of the Criminal Procedure Law (CPL) the victim in criminal proceedings may be a natural person or legal person to whom harm was caused by a criminal offence, that is, a moral injury, physical suffering, or a material loss.

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EX OFFICIO PROSECUTION Question 5. Does your national legal framework:

- a. contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his/her legal representative? [18] Please refer to the specific legal provisions.

[18] *Ibid.*, Recommendation 57

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.a Yes)

Latvian criminal system does not provide for the obligation to file a complaint from the victim or his/her legal representative in cases of sexual abuse and exploitation (Chapter XVI “Criminal Offences against Morality and Sexual Inviolability” of the CL). According to Paragraph 1, Section 7 of the CPL, unless otherwise provided for in the CPL, criminal proceedings shall be conducted in the interests of society regardless of the will of the person upon whom the harm was inflicted. The prosecution function in criminal proceedings on behalf of the State shall be implemented by a prosecutor. Paragraph 2 of Section 7 of the CPL lists the cases in which criminal proceedings are initiated if a request has been received from the person to whom harm has been inflicted. Section in Chapter XVI “Criminal Offences against Morality and Sexual Inviolability” of the CL are not listed. (CPL: <https://likumi.lv/ta/en/en/id/107820-criminal-procedure-law>). Please note that all forms of sexual abuse and exploitation are prosecuted in the interests of society, regardless of the will of the person upon whom the harm was inflicted, as soon as information contains particulars that a criminal offence may have been committed or there is a realistic chance that a criminal offence may have been committed.

Paragraph 1, Section 369 of the CPL stipulates that a reason for initiating criminal proceedings is the submission of information indicating the committing of a possible criminal offence to an investigating institution, Office of the Prosecutor, or court (hereinafter – the institution responsible for the progress of criminal proceedings), or the acquisition of such information at an institution responsible for the progress of criminal proceedings. Paragraph 2 of Section 369 of the CPL states that the information referred to in Paragraph 1 of this Section may be submitted:

- 1) as a submission by a person who has suffered as a result of a criminal offence;
- 2) by controlling and supervising institutions, in accordance with the procedures provided for in the laws and regulations governing the activities thereof;
- 3) by medical practitioners or institutions, as a report regarding traumas, illnesses, or cases of death the cause of which may be a criminal offence;
- 4) by non-governmental organisations, and authorities protecting the rights of children, as a submission regarding infringements upon the rights of minors the cause of which may be a criminal offence;
- 5) any natural person or legal person, as information regarding possible criminal offences from which such person has not directly suffered;
- 6) as a submission by any person regarding a criminal offence committed by such person.

Paragraph 4, Section 369 of the CPL provides that the institutions responsible for the conduct of criminal proceedings may obtain the information as a result of a departmental or criminal procedural action thereof in the following cases:

- 1) in directly determining a criminal offence at the time of the committing thereof, and discontinuing such offence;
- 2) in directly determining clear consequences of a criminal offence;

3) in conducting criminal proceedings regarding another criminal offence;
4) in performing other functions specified in laws: examinations, an investigative action, etc.
Thus, all forms of sexual abuse and exploitation of children, without a complaint from the victim or his or her legal representative, shall be subject to initiation of criminal proceedings, investigation and prosecution in Latvia.

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b. **contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint /statements?**^[19] Please refer to the specific legal provision(s).

[19] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.b Yes)

The withdrawal of complaint by a victim shall not affect the course of criminal proceedings and criminal proceedings shall be continued as according to Paragraph 1 and 2 of Section 7 of the CPL criminal proceedings in such cases shall be conducted in the interests of society regardless of the will of the person upon whom the harm was inflicted. The prosecutor will continue to exercise the prosecutorial function on behalf of the State, as provided for in Paragraph 1 and 2 of Section 7 of the CPL (please also see the answer provided under point a).

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c. **[for Portugal] in case of a sexual act committed by an adult in respect of a child aged 14-16 years old which does not result in the child's death or suicide, require the child victim to lodge a complaint as a prerequisite for investigation and prosecution?**^[20]

[20] *Ibid.*, Recommendation 56

- Yes
 No

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MEASURES IN RESPECT OF CHILDREN WHO SEXUALLY OFFEND AND CHILDREN DISPLAYING RISKY AND HARMFUL SEXUAL BEHAVIOUR Question 6. Does your national legal framework:

a. [provide for non-criminal measures in respect of the children below the age of criminal responsibility who commit acts of sexual abuse towards other children?](#)^[21]Please provide details.

[21] Inspired by *X and Others v. Bulgaria* (no. 22457/16), 2 February 2021 and *A.P. v. the Republic of Moldova* (no. 41086/12), 26 October 2021

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.a Yes)

Yes, the Law “On the Imposition of Compulsory Measures of a Correctional Nature on Children” prescribes the types and the procedures for the imposition of compulsory measures of a correctional nature. Compulsory measures of a correctional nature shall be imposed to achieve the following objectives: 1) the formation and reinforcement of a value orientation of a child that corresponds to the interests of society; 2) an orientation of a child toward refraining from illegal activities; 3) re-integration of a child with social behaviour disorders into society. According to Section 2 compulsory measures of a correctional nature may be imposed on a child if he or she has committed such offence or violation for which the laws and regulations provide criminal liability or administrative liability (hereinafter - the offence or violation). Section 3 establishes that compulsory measures of a correctional nature may be imposed on children from 11 to 18 years of age. Section 4 states that compulsory measures of a correctional nature shall be imposed on children who have committed: 1) a criminal offence and who have been released from the imposed sentence by a court; 3) an offence provided in the Criminal Law as regards which the decision to terminate criminal proceedings and to send materials to the court has been taken; 31) an offence provided in the Criminal Law as regards which a procedurally authorised official has established that it has been committed by a child who has not attained 14 years of age (below the age of criminal responsibility) and as regards which the decision to refuse to initiate criminal proceedings and send materials for a departmental examination has been taken. (Law “On the Imposition of Compulsory Measures of a Correctional Nature on Children”: <https://likumi.lv/ta/en/en/id/68489-on-the-imposition-of-compulsory-measures-of-a-correctional-nature-on-children>).

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b. [differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children?](#)^[22] Please refer to the specific legal provision(s) and specify the age of criminal responsibility in your legislation.

[22] Question included for capacity-building purposes

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.b Yes)

Yes, the Latvian criminal justice system and applicable penalties are different for minor. Chapter VII “Special Nature of Criminal Liability of a Minor” establishes specific regulations. (please see CL: <https://likumi.lv/ta/en/en/id/88966-criminal-law>). In conformity with the objective of the punishment specified in Section 35

(punishment and its purpose) of the CL, resocialisation of a minor shall be of primary importance in relation to him or her.

According to Section 66 of the CL a court may, taking into account the particular circumstances of committing a criminal offence and information received regarding the personality of the offender which mitigate his or her liability, release a minor from the punishment adjudged by applying compulsory measures of a correctional nature prescribed by law.

Section 66.1 (Application of Deprivation of Liberty) establishes, that deprivation of liberty is the placement of a minor in a correctional institution and includes an aggregate of means of social behaviour correction and social rehabilitation and provisions of behaviour specified in the law governing the execution of criminal punishments, which is appropriate for the age, psychological characteristics, and level of development of the minor. The period of deprivation of liberty may not exceed ten years for especially serious crimes; five years for serious crimes which are associated with violence or the threat of violence, or have caused serious consequences; two years for other serious crimes. (please see answer to Question 1 for on penalties applicable for sexual abuse). In addition, if a person has committed a criminal offence prior to attaining eighteen years of age regarding which the minimum limit of the applicable punishment of deprivation of liberty has been provided for in the sanction of the relevant Section of the Special Part of this Law, the court may impose a punishment which is lower than this minimum limit also in cases when it has recognised that a criminal offence has been committed in aggravating circumstances. Deprivation of liberty shall be always applied to a minor jointly with the additional punishment - probationary supervision, also in cases when such additional punishment is not provided for in the sanction of the relevant Section of the Special Part of this Law.

In accordance to Section 66.2 (Application of Probationary Supervision) of the CL, according to the harmfulness of the criminal offence, the court may determine probationary supervision as a basic punishment for a minor for a period of three years and up to six years also for committing such serious offence for which deprivation of liberty for a period exceeding five years is provided for in this Law and for committing an especially serious crime. On the basis of a submission of the sentence execution institution, the court may take a decision that a minor upon whom probationary supervision has been imposed by a court judgment or the prosecutor's penal order shall be placed in a social correction educational institution for a period of up to three years, but not less than one year, taking into account the unfavourable social environment where the minor is situated, potential threat to the health or life of the minor, or due to other reasons which hinder the execution of probationary supervision.

Here you can upload any file(s) in support of your answer

CHILD VICTIMS' RIGHT TO PROTECTION AND PARENTAL RIGHTS

Question 7. Does your national legal framework:

a. [provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?](#)^[23] Please provide details.

[23] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 26

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.a Yes)

It follows from the legal framework of Latvia that State inspectors for the protection of children's rights have the right to negotiate and interview the child without the presence of other persons (Section 65.1 of the Law on the Protection of the Children's Rights). (Law on the Protection of the Children's Rights; <https://likumi.lv/ta/en/en/id/49096>). The Orphan's and Custody Court has the right to conduct negotiations with the child without the presence of other persons (Section 16, Clause 6 of the Law on Orphan's and Custody Courts). (Law on Orphan's and Custody Courts; <https://likumi.lv/ta/en/en/id/139369>). Pre-investigative interview process is not defined by law and is not commonly used by Custody court or Childs rights inspectorate if there are suspicions a child has suffered from sexual abuse from the family member, because according to law these situations must be immediately reported to the police, without interviewing a child outside the investigation process.

However – if there are only first suspicions, for example, child shows some signs in his/her behaviour, but there are no concrete facts or there is an information that there are two children under criminal liability age involved in sexual activities, the case is usually in the responsibility of social services, and they according to law are not allowed to interview a child without parent`s consent.

According to the new Cabinet Regulations of Barnahus (planned to enter into force this year, 2023), the exploratory interview will be possible in Barnahus at the request of Custody court or Social Service.

However, in these cases, the consent of the parent or guardian will still be required.

The Civil Procedure Law provides the court with the right to ascertain the opinion of the child. When examining cases that affect the child (for example, divorce cases, when issues of custody and contact arrangements must be decided), the court has the right to clarify the information received from the Orphan's and custody court and to find out the child's opinion on its own, if the child is able to articulate it. The court must take into account the child's age and degree of maturity (Section 238.1, Paragraph five, Section 239., Paragraph two, Section 244.9, Paragraph two, Section 244.10, Paragraph five, Section 249.3, Paragraph four, Section 644.19, Paragraph one of the Civil Procedure Law). (Civil Procedure Law, <https://likumi.lv/ta/en/en/id/50500>).

In all cases, any decision or action affecting a child must prioritize the rights and interests of the child. The best interests of the child are respected in all activities that directly or indirectly affect or may affect the child (Section 6, Paragraph two of the Law on the Protection of the Children's Rights). When determining the best interests of the child, everyone must look for a sustainable solution to the child's situation and, according to the situation, take into account the extent to which the measures to be taken ensure the criteria set out in the Law on the Protection of the Children's Rights (Section 6, Paragraph 2.1 of the Law on the Protection of the Children's Rights).

In all cases when the State Police has justified suspicions that the child has suffered from criminal offences directed against morals or sexual inviolability of the person by the trusted representative/relative of the child, the State Police shall immediately initiate criminal proceedings and conduct an interrogation of the minor, taking into account the best interests of the minor (for example, the interrogation is performed as soon as possible, the interrogation is performed using technical means and the intermediation of a psychologist) and questioning shall take place without the presence of the parent, inviting another minor representative in criminal proceedings).

Here you can upload any file(s) in support of your answer

b. [provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians' prior consent in cases in which there is a reasonable](#)

suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?^[24] Please provide details.

[24] *Ibid*

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.b Yes)

It follows from the legal framework of Latvia that State inspectors for the protection of children's rights have the right to negotiate and interview the child without the presence of other persons (Section 65.1 of the Law on the Protection of the Children's Rights). (Law on the Protection of the Children's Rights; <https://likumi.lv/ta/en/en/id/49096>). The Orphan's and Custody Court has the right to conduct negotiations with the child without the presence of other persons (Section 16, Clause 6 of the Law on Orphan's and Custody Courts). (Law on Orphan's and Custody Courts; <https://likumi.lv/ta/en/en/id/139369>). Pre-investigative interview process is not defined by law and is not commonly used by Custody court or Childs rights inspectorate if there are suspicions a child has suffered from sexual abuse from the family member, because according to law these situations must be immediately reported to the police, without interviewing a child outside the investigation process.

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The Civil Procedure Law provides the court with the right to ascertain the opinion of the child. When examining cases that affect the child (for example, divorce cases, when issues of custody and contact arrangements must be decided), the court has the right to clarify the information received from the Orphan's and custody court and to find out the child's opinion on its own, if the child is able to articulate it. The court must take into account the child's age and degree of maturity (Section 238.1, Paragraph five, Section 239., Paragraph two, Section 244.9, Paragraph two, Section 244.10, Paragraph five, Section 249.3, Paragraph four, Section 644.19, Paragraph one of the Civil Procedure Law). (Civil Procedure Law, <https://likumi.lv/ta/en/en/id/50500>).

In all cases, any decision or action affecting a child must prioritize the rights and interests of the child. The best interests of the child are respected in all activities that directly or indirectly affect or may affect the child (Section 6, Paragraph two of the Law on the Protection of the Children's Rights). When determining the best interests of the child, everyone must look for a sustainable solution to the child's situation and, according to the situation, take into account the extent to which the measures to be taken ensure the criteria set out in the Law on the Protection of the Children's Rights (Section 6, Paragraph 2.1 of the Law on the Protection of the Children's Rights).

In all cases when the State Police has justified suspicions that the child has suffered from criminal offences directed against morals or sexual inviolability of the person by the trusted representative/relative of the child, the State Police shall immediately initiate criminal proceedings and conduct an interrogation of the minor, taking into account the best interests of the minor (for example, the interrogation is performed as soon as possible, the interrogation is performed using technical means and the intermediation of a psychologist) and questioning shall take place without the presence of the parent, inviting another minor representative in criminal proceedings).

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c. allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect?^[25] Please provide details.

[25] This question results from the Committee's reasoning that "before resorting to the removal of the victim, the removal of the perpetrator should be preferred" (page 28 of the 1st implementation report).

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.c Yes)

Any form of abuse or violent control, including sexual, is grounds for protection against abuse. According to the Civil Procedure Law, a request for protection can be submitted if the violence occurred not only between former or current intimate partners, but also between other related persons, regardless of whether the abuser lives or has lived in the same household as the victim of the violence (Section 250.45, Paragraph one of the Civil Procedure Law).

Children in violent family environments are provided with additional protection. If violence or violent control affects a child, an application to the court for the protection in the interests of the child can be submitted by one of the child's parents, a guardian, the orphan's court or a prosecutor (Section 250.55, Paragraph two of the Civil Procedure Law). This means that if the child's parent does not act for the protection of the child for some reason, a request can be submitted to the court by one of the mentioned competent persons or institutions. It should be noted that protection against violence can be requested at any stage of the civil proceedings, even before the filing of a claim (Section 250.55, Paragraph one of the Civil Procedure Law).

The injured person can go to court and ask for restrictions to be imposed on the violent person on his own initiative or through the police (Section 250.56 of the Civil Procedure Law). The regulation of interim protection against violence included in the Civil Procedure Law provides, along with other means, the obligation for the defendant (the violent person) to leave home where the plaintiff permanently lives, and the prohibition to return and stay there (Section 250.47, Paragraph one, Clause 1 of the Civil Procedure Law). Thus, the violent person is obliged to leave the house.

Here you can upload any file(s) in support of your answer

d. consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal?^[26] Please provide details.

[26] *Ibid.*, Recommendation 27

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.d Yes)

According to Latvian law, a child can be separated from the family if, by remaining in the family, it is not possible to prevent adverse conditions for the child's development (Section 27, Paragraph two of the Law on the Protection of the Children's Rights). If necessary, the child is separated from the family by the decision of the competent institution - the Orphan's and custody court (Section 203, Paragraph one of the Civil Law, Section 22 of the Law on Orphan's and Custody Courts). In the event that the child's life, health or development is seriously threatened due to violence or there are reasonable suspicions of violence against the child, as well as due to the lack of care or home conditions (social environment), the police can also separate the child from the family (Section 27, Paragraph 4.1 of the Law on the Protection of the Children's Rights). In court practice, there is a solid opinion on the observance of the principle of proportionality in decisions on the removal of a child from the family. Namely, before separating the child from the family, it is initially necessary to assess whether it is possible to eliminate the adverse conditions, and only if the conditions have not improved and the child's stay in the family threatens his life and health, to decide on the separation of the child from the family (Judgment No. SKA-1182/2017 of the Senate of the Republic of Latvia on 29.12.2017).

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e. [ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate?](#)^[27] Please provide details.

[27] *Ibid.*, Recommendation 25

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.e Yes)

In Latvia, the procedure for the implementation of cooperation of organizations of state and local government institutions and non-governmental organizations and the protection of children's rights is determined by the Regulations of the Cabinet of Ministers of 12.09.2017 No. 545 "Rules on the cooperation of institutions in the protection of children's rights". (<https://likumi.lv/ta/id/293496-noteikumi-par-instituciju-sadarbibu-bernu-tiesibu-aizsardziba>, no English translation available). Cooperation is organized with the help of consultative collegial groups established in municipalities. Among these groups, such situations related to possible violations of children's rights are considered in cases where a quick action and cooperation of several institutions are required, as well as in cases where the situation cannot be resolved within the framework of one institution or has not been resolved over a long period of time. Paragraph 10 of the mentioned regulations stipulates that, when considering the individual case, the representatives of the cooperation group provide and analyse the information at their disposal and coordinate the further action, agreeing on the measures to be taken by each represented institution according to its competence.

An internal information system has been established in Latvia and regulated by the Regulations of the Cabinet of Ministers of 25.03.2014. "Information system for the support of minors" (The Regulations (no English translation available): <https://likumi.lv/ta/id/265255-nepilngadigo-personu-atbalsta-informacijas-sistemas-noteikumi>) which includes information necessary for the protection of children's rights, integrating state and local government institutions, as well as medical personnel's information about minors who need support and cases where preventive measures are taken to protect children's rights. The purpose of the

information system is to ensure the exchange of information between different institutions in order to also ensure a successful investigation process as well as to provide social assistance to the child.

Here you can upload any file(s) in support of your answer

CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

Question 8. Does your national legal framework clearly distinguish:

- cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken, and
- cases of withdrawal of parental rights once the court has convicted the said parent?^[28] Please provide details.

[28] *Ibid.*, Recommendation 32

- Yes
 No

Please provide information in support of your answer, if possible by referring to specific legal provisions and their exact wording (8 Yes)

The legal framework of Latvia clearly stipulates the termination of custody rights for an abusive parent. Namely, a parent's right of custody is terminated if the Orphan's and custody court recognizes that the parent's violence against the child has been established or there are reasonable suspicions of the parent's violence against the child (Section 203, Paragraph one, Clause 5 of the Civil Law).

Likewise, the right of custody is terminated if the child is in health or life-threatening conditions due to the parent's fault (intentional action or negligence); the parent abuses his/her rights or does not provide care and supervision of the child (Section 203, Paragraph one, Clauses 2 and 3 of the Civil Law).

Likewise, in cases where there are actual obstacles that prevent a parent from taking care of a child, for example, a parent is in prison, this parent's right of custody over the child is terminated (Section 203, Paragraph one, Clause 1 of the Civil Law).

In these cases, care is provided by the other parent, but if there are obstacles to this as well, the Orphan's and custody court provides care for the child outside the family.

The court can deprive a parent of the right of custody if the child's health or life is endangered due to parent's fault (intentional action or negligence); the parent abuses his/her rights or does not provide care and supervision of the child and this may endanger the physical, mental or moral development of the child (Section 200, Paragraph one of the Civil Law).

If one of the parents is deprived of the right of custody, the court places the child in the separate custody of the other parent. If the guardianship of the other parent does not sufficiently protect the child from danger or the right of guardianship is taken away from both parents, the court instructs the Orphan's and custody court to provide care for the child outside the family (Section 200, Paragraph two of the Civil Law).

It should be noted that the decision to terminate custody rights can be taken immediately (Section 23, Paragraph one of the Law on Orphan's and Custody Courts), as soon as the responsible institution is informed of child abuse or has reasonable suspicions of child abuse. A court judgment convicting a parent is not a prerequisite for the court to open a case for parental custody. Decisions on matters of guardianship can be decided before the conviction of the parent, i.e., immediately after the competent authorities have a reasonable suspicion of violence against the child by the parent.

In all cases, any decision that affects the child, including the termination of custody rights of the parent, is made with the child's rights and interests being prioritized. The best interests of the child are respected in all activities that directly or indirectly affect or may affect the child (Section 6, Paragraph two of the Law on the Protection of the Children's Rights). When determining the best interests of the child, everyone must look for a sustainable solution to the child's situation and, according to the situation, take into account the extent to which the measures to be taken ensure the criteria set out in the Law on the Protection of the Children's Rights (Section 6, Paragraph 2.1 of the Law on the Protection of the Children's Rights).

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CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

Question 9. Does your national legal framework provide for:

a. [automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending](#)?^[29] Please provide details.

[29] Question included for capacity-building purposes, i.e. to map whether there are Parties that have a particular legal framework in such cases.

- Yes
 No

If appropriate, please provide more information (9.a No)

There is no automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending. But if the examination of the child's living conditions or otherwise reveals that the child is in health or life-threatening conditions, as well as if the child's continued presence in the family may endanger his health or life, the chairperson of the orphan's court, deputy chairperson of the orphan's court, or a member of the orphan's court alone makes a decision on: 1) termination of the parents' right to custody of the child; 2) removal of the child from the guardian's family and suspension of the guardian from performing his duties; 3) removal of the child from the foster family; 4) termination of pre-adoption care. A solo decision is executed immediately and the child is brought to safety. A one-person decision of an orphan court official is aimed at immediately preventing the child from being in health or life-threatening conditions or endangering the child's full development. According to Article 24 of the Law on Orphan's and Custody Courts, the Orphan's and Custody Courts convenes a hearing no later than 15 days after the adoption of a single-person decision to decide on the restoration of the suspended custody rights to the child's parents. During the one-person decision, the legal representative of the child is the Orphan's Court. If the information obtained within 15 days shows that the parents have not eliminated the unfavorable conditions in the family or if reasonable suspicions are established about the parents' responsibility in a particular case, the child is not returned to the family and the child is provided with out-of-family care.

Here you can upload any file(s) in support of your answer

b. [automatic withdrawal of parental rights of parents convicted of sexual abuse of own child?](#)^[30] Please provide details.

[30] *Ibid*

- Yes
 No

If appropriate, please provide more information (9.b No)

According to the Article 22 of the Law on Orphan's and Custody Courts regulates the termination, deprivation and renewal of child custody rights there is no automatic withdrawal of parental rights of parents convicted of sexual abuse of own child. When one parent is deprived of custody, the court places the child in the separate custody of the other parent. According to the second part of Article 200 of the Civil Law if the guardianship, which could be exercised by the other parent, would not sufficiently protect the child from danger or the right of guardianship is taken away from both parents, the court instructs the orphan's court to provide the child with care outside the family. If the examination of the child's living conditions or otherwise reveals that the child is in health or life-threatening conditions, as well as if the child's continued presence in the family may endanger his health or life, the chairperson of the orphan's court, deputy chairperson of the orphan's court, or a member of the orphan's court alone makes a decision on: 1) termination of the parents' right to custody of the child; 2) removal of the child from the guardian's family and suspension of the guardian from performing his duties; 3) removal of the child from the foster family; 4) termination of pre-adoption care. A solo decision is executed immediately.

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GUARANTEES OF PROTECTION FOR PERSONS REPORTING SUSPECTED OFFENCES Question 10.

How does your national legal framework ensure that any person reporting in good faith suspected sexual abuse and sexual exploitation of a child, including a person bound by professional confidentiality rules, does not get prosecuted or punished by judicial proceedings for defamation, libel or similar offences?^[31]

[31] Based on *Yuppala v. Finland* (no. 18620/03), 2 December 2008 and *M.P. v. Finland* (no. 36487/12), 15 December 2016. Partly based on Article 12 of the Lanzarote Convention.

Persons has the obligation to report suspected sexual abuse and sexual exploitation of a child. These details are verified when criminal proceedings are initiated. If the information is not confirmed, the criminal proceedings are terminated.

Section 73, Paragraph 1 of the Law on the Protection of the Children's Rights provides that all inhabitants have an obligation to inform immediately the State police, the State Inspectorate for the Protection of Children's Rights, the Orphan's and Custody Court, or the social service for an offense against a child, as well as if a person suspects that the child has objects, substances or materials or there are conditions that may threaten the life or health of the child himself or others. Section 73, Paragraph 2 establishes that employees of health care and educational institutions, social service providers, police officers, state and local government officials and employees, as well as other persons, through the performance of work or official duties, the rights and legal interests of the child are or may be affected and who know about violation

of the child's rights and have not reported it to the institutions mentioned, failure to report shall be subject to disciplinary liability or other liability prescribed by law.

Section 315 of the CL provides for liability for failure to inform about a crime – for failure to inform, where it is known, that a serious or especially serious crime is being prepared or has been committed. Any person is therefore obliged to report a crime. Even if there is only suspicion, Section 370, Paragraph 2 of the CPL provides for the initiation of criminal proceedings if information contains particulars regarding a criminal offence that has possibly taken place, and the examination of such information is possible only with the resources and methods of criminal proceedings. Section 369, Paragraph 2 of the CPL lists the range of persons who may submit an application and report a suspicion of a crime (please see answer to question 5). Children also have the possibility to report by calling the Child and Adolescent Helpline 116111 at any time of the day or night.

Here you can upload any file(s) in support of your answer

ASSISTANCE TO THIRD PARTIES Question 11.

What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care?^[32]

[32] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 30

According to Cabinet of Ministers regulation No.790 "Procedures for Providing Social Rehabilitation Services to Adult Persons who are Victims of Violence and who have Committed Violence" Article 15.1. a person may request the rehabilitation service if person has suffered from violence directed towards himself or a close relative. Rehabilitation service includes up to 23 consultations with social worker, psychologist and lawyer. According to Section 52.1 of the Law on the Protection of the Children's Rights in order to provide support to child victims of violence and their non-abusive relatives and also to ensure the possibility to take criminal procedural action, the interinstitutional cooperation programme "Barnahus" is implemented and it is ensured by the State Inspectorate for Protection of Children's Rights.

The interinstitutional cooperation programme "Barnahus" has the following objectives:

- 1) to ensure in one place intervention measures corresponding to the best interests of a child victim of violence, including the assessment of the child's needs and risks, medical, psychological, and social support for the child and his or her non-abusive relative;
- 2) to ensure the possibility to take criminal procedural action for children who have suffered from criminal offences against morality and sexual inviolability and also from the criminal offences referred to in Section 125, Paragraph two, Clause 9, Section 126, Paragraph two, Clause 7, Section 130, Paragraph three, Clause 6, and Section 174 of the Criminal Law;
- 3) to coordinate and ensure that competent authorities exchange information, process the necessary data of a child victim of violence and of other persons related to him or her, including special categories of personal data required to exercise the powers of the competent authorities when leading the case of abuse against a child without repeated gathering of one and the same information from the child (repeated questioning of the child etc.), and also to ensure the retention of the information received and to create statistical analysis.

The procedures for the organisation of the implementation of the interinstitutional cooperation programme "Barnahus", for the provision of services and the performance of interinstitutional cooperation procedures, and also the extent of and procedures for the processing of personal data shall be determined by the

Cabinet.

According to the new Cabinet Regulations of Barnahus (planned to enter into force this year, 2023), consultation with the social worker and therapeutic services (crisis intervention with the psychologist) will be possible also for non-offending parents/family members if needed. Longer therapeutic services up to 20 or more psychologic consultations in Barnahus however will be provided only for child victims. Before the aforementioned 20 psychologic consultations three consultations will be conducted to identify the scope of issues the child encounters that need to be dealt with by the psychologist in the rehabilitation process.

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ASSISTANCE TO THIRD PARTIES Question 12.

When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family?^[33]

[33] *Ibid.*, Recommendation 31

According to Section 71 of the Law on the Protection of the Children's Rights information on a child obtained by employee a child care, educational, social assistance, State or local government institution, upon fulfilling the duties of their office, shall be confidential, and information which could in any way harm the future development of the child or the maintenance of the psychological balance of the child man not be disclose. In practice, this can most often be observed in the work of Orphans' and Custody Courts. If the court believes that the disclosure of the information in the case (for example, the child's opinion, psychologist's opinion, etc.), when presenting the case materials to the participants of the administrative process, may harm the future development of the child or the preservation of his psychological balance, the said information must be placed in an envelope sealed with the seal of the court and should be added to the case so that only the court can get acquainted with the existing information.

According to the new Cabinet Regulations of Barnahus (planned to enter into force this year, 2023), Barnahus provides an assessment of the child's situation based on the information obtained during the interrogation and in cooperation with the local social service that manages the child's case. If the assessment is already done by social services – Barnahus takes it into consideration. The assessment also means that the ability of the child's non-violent relative to be a resource for the child is assessed. if the child's physical safety is at risk, the Custody Court is involved. if the child's emotional well-being is at risk, the Barnahus together with local social looks and decide for next steps to support the child and the family.

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MONITORING OF OFFENDERS Question 13. Does your national legal framework provide for:

a. [a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority or influence?](#)^[34]

Please provide details.

[34] *Ibid.*, Recommendation 33

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.a Yes)

When person is convicted of child sexual abuse and the CL stipulates that such a crime is punishable by imprisonment for a term longer than five years, in all these cases additional punishment – probationary supervision for a term from one to five years is applied (Section 38.1 and relevant Sections in Special Part of the law). In some cases, it is possible to apply a suspended sentence (if a deprivation of liberty is determined for a period exceeding three months but not exceeding five years, or not exceeding three years if an especially serious crime has been committed). Section 55, Paragraph 11 of the CL states that suspended sentence can not be determined if the person has committed a rape or acts of sexual nature for the purpose of sexual gratification in physical contact with the body of the victim, if such acts have been committed taking advantage of the state of helplessness of a victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim. It is also possible that persons convicted of child sexual abuse can be conditionally released from prison (Completion of Punishment), except in cases if deprivation of liberty has been imposed on a person of legal age for an especially serious crime committed against a person who has not attained the age of sixteen years, and is related to sexual violence (Section 61, paragraph 6 of the CL). In all these cases the person is under the supervision of State Probation Service of Republic of Latvia (hereinafter – SPS).

please see the continuation in the attached document.

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b. [sharing with other countries data concerning persons convicted of child sexual abuse?](#)^[35] Please provide details.

[35] Based on Article 38 of the Lanzarote Convention.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

According to Section 16 of Punishment Register Law the Information Centre of the Ministry of the Interior shall include and store in the Register the information provided by the central authority of a European Union Member State with regard to the conviction of a citizen of Latvia, non-citizen of Latvia, the conviction of a citizen of a European Union Member State, the European Economic Area or the Swiss Confederation

(hereinafter - the Union citizen) who holds a Latvia-issued registration certificate of a Union citizen or a permanent residence certificate of a Union citizen, and regarding the conviction of a person who is not a citizen of the European Union, a person who is a stateless person, or a person whose nationality is unknown (hereinafter - the third-country national), and also the information provided by a third country with regard to the conviction of the abovementioned persons in accordance with international agreements.

If the central authority of a European Union Member State provides information regarding any adjustments to the information provided earlier, the Information Centre of the Ministry of the Interior shall adjust the information in the database of the Register accordingly.

If, when providing the information the central authority of a European Union Member State has indicated that the information should be used exclusively for the purposes of criminal proceedings, such information shall not be provided to another central authority of a European Union Member State. In such case, the Information Centre of the Ministry of the Interior shall provide information regarding the European Union Member State from which the information has been received.

The Information Centre of the Ministry of the Interior shall provide third countries with the information that has been provided by the central authority of a European Union Member State and is included in the Register, respecting the restrictions determined by the European Union Member State.

In addition, according to Section 20 the Information Centre of the Ministry of the Interior shall provide the information included in the Register to the central authority of another European Union Member State in respect of the criminal record of a citizen of Latvia, non-citizen of Latvia, such Union citizen who holds a registration certificate of a Union citizen or a permanent residence certificate of a Union citizen issued in Latvia, and also in respect of the criminal record of a third-country national, specifying the relevant restrictions on processing of personal data, if a request for such information has been received from the central authority of another European Union Member State.

The information in respect of criminal record of a national of another European Union Member State or a third country shall be provided in accordance with international agreements.

Here you can upload any file(s) in support of your answer

MEASURES IN RESPECT OF PROFESSIONALS AND LEGAL PERSONS Question 14. Does your national legal framework:

a. **allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child?**^[36] Please provide details.

[36] Based on Article 27§3(b) of the Lanzarote Convention.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.a Yes)

Section 72, Paragraph 5 of the Law on Protection of the Children's Rights determines that such persons shall not work in child care, educational, health care, and other such institutions where children are staying, at events for children and such events in which children take part, shall not perform voluntary work, and also shall not provide services according to an agreement entered into who have been convicted of criminal offences that are related to violence or threats of violence - irrespective of whether or not the conviction is

extinguished or set aside. Paragraph 7 of this Section determines that if there are justified suspicions or the manager of the institution, the employer, or the organiser of the event has information at the disposal thereof that the persons referred to in Paragraph 5 of this Section have allowed violations of the rights of the child or criminal proceedings on the criminal offence referred to in Paragraphs 5 and 6 of this Section have been initiated against them, or an administrative offence proceedings have been initiated for the administrative offences referred to in Paragraph 6 of this Section, the manager of the institution, the employer, or the organiser of the event shall ensure that the relevant employees are suspended from their position (from the fulfilment of the duties) until the day when the decision taken by the competent authority or a court judgment has entered into effect and become not subject to appeal or until making of the final ruling in the criminal proceedings.

Here you can upload any file(s) in support of your answer

b. ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in “out-of-home care”^[37] settings are held liable?^[38] Please provide details.

[37] In accordance with the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse adopted at its 25th meeting (15-18 October 2019), “out-of-home care” represents all settings in which children can be placed out of their home for care (see point b of the Declaration).

[38] Based on the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse, point 6.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

Section 73, Paragraph one of the Law on the Protection of the Children’s Rights provides that all inhabitants have an obligation to inform immediately the State police, the State Inspectorate for the Protection of Children’s Rights, the Orphan’s and Custody Court, or the social service for an offense against a child, as well as if a person suspects that the child has objects, substances or materials or there are conditions that may threaten the life or health of the child himself or others. Section 73, Paragraph two establishes that employees of health care and educational institutions, social service providers, police officers, state and local government officials and employees, as well as other persons, through the performance of work or official duties, the rights and legal interests of the child are or may be affected and who know about violation of the child’s rights and have not reported it to the institutions mentioned, failure to report shall be subject to disciplinary liability or other liability prescribed by law.

Here you can upload any file(s) in support of your answer

c. ensure that legal persons failing to protect children in their care from sexual abuse are held liable?^[39] Please provide details.

[39] *Ibid.*, see point 7.



Yes

No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.c Yes)

Section 315 of the CL provides for liability for failure to inform about a crime – for failure to inform, where it is known, that a serious or especially serious crime is being prepared or has been committed. Any person is therefore obliged to report a crime. Even if there is only suspicion, Section 370, Paragraph two of the CPL provides for the initiation of criminal proceedings if information contains particulars regarding a criminal offence that has possibly taken place, and the examination of such information is possible only with the resources and methods of criminal proceedings. Section 369, Paragraph two of the CPL lists the range of persons who may submit an application and report a suspicion of a crime (please see answer to question 5). In addition, Section 70.1 of the CL establishes that for the criminal offences provided for in the Special Part of this Law, a court or in the cases provided for by the Law - a prosecutor may apply a coercive measure to a legal person governed by private law, including State or local government capital company, as well as partnership, if a natural person has committed the offence in the interests of the legal person, for the benefit of the person or as a result of insufficient supervision or control, acting individually or as a member of the collegial authority of the relevant legal person: 1) on the basis of the right to represent the legal person or act on the behalf thereof; 2) on the basis of the right to take a decision on behalf of the legal person; 3) in implementing control within the scope of the legal person.

Here you can upload any file(s) in support of your answer

SPECIAL REPRESENTATIVES Question 15. How does your national legal framework ensure that special representatives and guardians ad litem who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:

a. [receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings?](#)^[40]

[40] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 35

Section 104, Paragraph 2 of the CPL if harm has been caused to a minor person, the victim shall be represented in criminal procedures by: 1) a mother, father, or guardian; 2) one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant member of the immediate family takes care of the minor; 3) a representative of an authority protecting the rights of children; 4) a representative of such non-governmental organisation that performs the function of protecting the rights of children. Paragraph 9 establishes that in deciding a matter regarding permission for a person to participate in criminal proceedings as a representative of a minor victim, the person directing the proceedings shall observe the sequence specified in Paragraph two of this Section, and the possibilities and desire of the specific persons to truly protect the interests of the victim.

In addition, Section 108, Paragraph 5 of the CPL establishes legal assistance to a minor victim and the representative of a minor victim is mandatory in criminal proceedings regarding a criminal offence related to violence committed by a person, upon whom the minor victim is financially or otherwise dependent, or

regarding a criminal offence against morals or sexual inviolability.

According to Section 5.1 of the Law on the Protection of the Children's Rights a public prosecutor, a judge, an official of the State Inspectorate for the Protection of Children's Rights, an official of the State Police who works with children, a lawyer, a social educator and a psychologist, social worker, member of Orphan's and Custody's court who works with children shall require special knowledge in the field of protection of the rights of the child, including regarding communication with a minor during criminal proceedings. The way in which special knowledge is acquired in the field of the protection of children's rights is established according to Cabinet Regulation No. 173 "Regulations on the Procedure for Acquiring Specialized Knowledge on the Protection of the Rights of the Child, Content and Scope of Such Knowledge", adopted on 1 April, 2014. According to Regulation, it is mandatory to pass a 40 hours training course about the children's right protection, while the scope of the education development program is 24 hours.

According to the regulation the topics and scope of the educational program are determined according to the profession of the specialists trained in the specific program and the specifics of professional activity. The curriculum may include the following topics:

- children's rights protection system, normative acts in the field of children's rights protection;
- application of international legislation in the protection of children's rights;
- rights and responsibilities of parents and children;
- violence against a child, its types and signs; violence in the family of a child;
- inter-institutional cooperation in ensuring the protection of children's rights;
- principles when making contact with a child;
- a minor in criminal proceedings, civil proceedings, administrative proceedings and administrative violations proceedings.

Here you can upload any file(s) in support of your answer

b. [avoid combining the functions of a lawyer and guardian ad litem in one person?](#)^[41]

[41] Ibid., Recommendation 36

As mentioned to answer a) to this question, minor shall have an Representative (Section 104, Paragraph 2 of the CPL) and shall have mandatory legal assistance (lawyer) (provided by the state if necessary).

Here you can upload any file(s) in support of your answer

c. [are provided free of charge for the child victim?](#)^[42]

[42] Ibid., Recommendation 37

Yes, according to Section 108, Paragraph 6 of the CPL if a minor victim or his or her representative has not entered into an agreement with an advocate regarding provision of legal assistance, in the case provided for in Paragraph five of this Section (mandatory legal assistance) the person directing the proceedings shall take a decision to retain an advocate as the provider of legal assistance in accordance with the procedures provided for in Section 104, Paragraph 6 of the CPL. In such case payment to the advocate for the provision of State ensured legal assistance and the reimbursable expenses related to the provision thereof shall be covered in accordance with Cabinet regulations governing payment for the provision of State ensured legal assistance.

Here you can upload any file(s) in support of your answer

SPECIAL REPRESENTATIVES Question 16. [for 22 Parties + Malta]

a. Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child?^[43] Please provide details.

[43] *Ibid.*, Recommendation 34

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (16.a Yes)

According to Section 26 (5), Clause 6 of the Law on Orphan's and Custody Courts (Law on Orphan's and Custody Courts; <https://likumi.lv/ta/en/en/id/139369>). The special representative (special guardian) is appointed by the Orphan's and Custody court in cases where there is conflict between the child's parents relationships that indicate different interests of the child's parents, as well as in cases where there are reason to believe when the interests of the parent of the child do not coincide with the interests of the child. A special representative can be a person who has obtained a higher education in pedagogy, psychology, medicine, social work or law and has at least three years of work experience in the relevant thematic field of the acquired education or the protection of children's rights and acquired specialized knowledge in the field of protection of children's rights no earlier than five years ago in accordance with the regulatory enactments on the procedure for acquiring specialized knowledge in the field of protection of children's rights. The special representative is appointed in the general procedure for appointing a guardian, after checking his responsibility to the requirements of the law.

In criminal proceedings Section 104, Paragraph 2 of the CPL stipulates that if harm has been caused to a minor person, the victim shall be represented in criminal procedures by: 1) a mother, father, or guardian; 2) one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant member of the immediate family takes care of the minor; 3) a representative of an authority protecting the rights of children; 4) a representative of such non-governmental organisation that performs the function of protecting the rights of children. Paragraph 9 establishes that in deciding a matter regarding permission for a person to participate in criminal proceedings as a representative of a minor victim, the person directing the proceedings shall observe the sequence specified in Paragraph two of this Section, and the possibilities and desire of the specific persons to truly protect the interests of the victim. In addition, Paragraph 5 of this Section establishes that if the rights of a minor and the protection of the interests thereof are encumbered or otherwise not ensured, or the representatives referred to in Paragraph two of this Section submit a reasoned request, the person directing the proceedings shall take a decision on retaining of an advocate as the representative of a minor victim. Likewise, Section 106, Paragraph 2 establishes that a person who is directly or indirectly interested in the deciding of a case in favour of a person who has caused harm may not be the representative of the victim.

Here you can upload any file(s) in support of your answer

b. **Is this person allowed to be present throughout the criminal proceedings?**^[44] Please provide details.

[44] *Ibid*

- Yes
- No

If appropriate, please provide more information (16.b No)

It is not automatic for this person to be allowed to be present, but such a person can be present if he or she also has some status also in criminal proceedings. As mentioned before, in criminal proceedings according to Section 104, Paragraph 2 of the CPL stipulates that if harm has been caused to a minor person, the victim shall be represented in criminal procedures by: 1) a mother, father, or guardian; 2) one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant member of the immediate family takes care of the minor; 3) a representative of an authority protecting the rights of children; 4) a representative of such non-governmental organisation that performs the function of protecting the rights of children. In addition, Paragraph 5 of this Section establishes that if the rights of a minor and the protection of the interests thereof are encumbered or otherwise not ensured, or the representatives referred to in Paragraph two of this Section submit a reasoned request, the person directing the proceedings shall take a decision on retaining of an advocate as the representative of a minor victim. If a person is representative of a minor in criminal proceedings (recognized by the decision of the person directing the proceedings), according to Section 107 the representative has all the rights of the victim. The representative of a minor victim who has reached the age of fifteen years may implement his or her rights together with the person to be represented.

Here you can upload any file(s) in support of your answer

SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 17. In investigative and judicial proceedings how does your national legal framework ensure that:

a. **protection measures are available to all children irrespective of their age?**^[45] Please provide details.

[45] *Ibid.*, Recommendation 38

Section 12, Paragraph 3.1 of the CPL establishes that a criminal proceeding involving a minor shall be conducted by taking into account the age, maturity and any special needs of the minor. Section 96.1 of the CPL determines that a minor, as well as a person who has suffered from a criminal offence directed against morality or sexual inviolability of a person, or from trafficking in human beings, shall be specially protected. A specially protected victim has the right, with the permission of a person directing the proceedings, to participate in procedural activities together with trusted person, unless it is a person against whom criminal proceedings have been initiated, a detained, a suspect, or an accused. Similarly, a specially protected victim has the right to request and receive information regarding release or escape from a place of imprisonment or a place of temporary detention of such arrested or convicted person who inflicted harm to him or her, if there is a threat to the victim and there is no risk of harm to the arrested or convicted person.

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b. **specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child?**^[46] Please provide details.

[46] *Ibid.*, Recommendation 39

As mentioned before according to Section 96.1 of the CPL all minors as well as persons who have suffered from a criminal offence directed against the morality or sexual inviolability of a person, or from human trafficking and persons who have suffered from a criminal offence related to violence or threat of violence and committed by a member of the immediate family, former spouse of the victim or by a person with whom the victim has been in a continuous intimate relationship shall be specially protected victims. Considering the characteristics of such persons, the type and nature of the criminal offense, as well as the circumstances of the criminal offense committed, they are considered more vulnerable and therefore more vulnerable to repeated victimization. Consequently, victims of this category are also provided with a more gentle and special procedure for criminal procedural activities, including interrogation procedures. For more details please see the answer a) to this question.

Here you can upload any file(s) in support of your answer

c. **a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children's psychological well-being?**^[47] Please provide details.

[47] Based on *N.Ç. v. Türkiye* (no. 40591/11), 9 February 2021

According to Section 5.1 of the Law on the Protection of the Children's Rights a public prosecutor, a judge, an official of the State Inspectorate for the Protection of Children's Rights, an official of the State Police who works with children, a lawyer, a social educator and a psychologist, social worker and Members of the Orphan's and Custody Court who works with children shall require special knowledge in the field of protection of the rights of the child, including regarding communication with a minor during criminal proceedings. The way in which special knowledge is acquired in the field of the protection of children's rights is establish according to Cabinet Regulation No. 173 "Regulations on the Procedure for Acquiring Specialized Knowledge on the Protection of the Rights of the Child, Content and Scope of Such Knowledge", adopted on 1 April, 2014.

The specialist participates in the mentioned trainings within a year after taking up his position except for the case if he has learned all the topics mentioned in these Regulations no earlier than five years ago, including while obtaining higher education or studying other formal education programs. A specialist improves his knowledge periodically at least every five years by studying a knowledge improvement education program. The scope of the professional qualification program is 40 academic hours (on-site or remote classes), while the scope of the knowledge improvement educational program is 24 academic hours (on-site or remote classes) (the 24 academic hour educational program is for those who have already acquired the preliminary professional qualification program of 40 academic hours).

The topics and scope of the educational program are determined according to the profession of the specialists trained in the specific program and the specifics of professional activity. The curriculum may include the following topics:

- children's rights protection system, normative acts in the field of children's rights protection;
- application of international legislation in the protection of children's rights;
- rights and responsibilities of parents and children;
- violence against a child, its types and signs; violence in the family of a child;
- inter-institutional cooperation in ensuring the protection of children's rights;
- principles when making contact with a child;
- a minor in criminal proceedings, civil proceedings, administrative proceedings and administrative violations proceedings.

In addition, the State police college organise each academic year adult non-formal educational programs "Protection of the Children's Rights" (40 academic hours) and "Protection of the Children's Rights Part 2 (24 academic hours) during which theoretical knowledge and skills are provided to officials of the State police who are authorised to perform criminal proceedings in order to ensure protection of the rights of the child in police work and to improve skills and knowledge. The target audience of this non-formal adult education program is State Police officials working with children on a daily basis. The programmes have been developed in accordance with the guidelines and methodology specified by the Ministry of Welfare. Similarly, officials of the State police attend various local and international training courses, where different types of techniques and tactics are taught in interviewing witnesses and suspects of victims of minors.

In order to promote the understanding and knowledge of professionals regarding the case management in the framework of the interinstitutional cooperation programme "Barnahus" and the importance of co-operation when working with children who are victims of violence, as well as to promote the regional coverage of the interinstitutional cooperation programme "Barnahus" (for children living in the regions of Latvia), the State Inspectorate for Protection of Children's Rights is developing and implementing in-depth training programmes for the improvement of the special knowledge referred to in Section 5.1, Paragraph two of the Law on Protection of the Rights of the Child:

- on child-friendly forensic interview protocols;
- on inter-institutional co-operation when working with children;
- on the implementation of social rehabilitation services.

the State Inspectorate for Protection of Children's Rights also provides consultative support to professionals who work with children who are victims of violence regarding the implementation of the interinstitutional cooperation programme "Barnahus".

Here you can upload any file(s) in support of your answer

SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 18.

Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences?^[48] Please provide details.

[48] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 40

Yes

No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (18 Yes)

On 20 April 2023 Saeima (the Parliament of the Republic of Latvia) adopted amendments to the Law on the Protection of the Children's Rights. According to those amendments in order to provide support to children victims of violence and their non-violent relatives, as well as in order to ensure the possibility to perform criminal proceedings, the inter-institutional cooperation programme "Barnahus" shall be implemented, which shall be ensured by the State Inspectorate for Protection of Children's Rights. The amendments came into force on 1 June 2023. The Inter-institutional Cooperation Programme "Barnahus" have the following tasks: 1) to ensure, in one place, intervention measures corresponding to the best interests of the child victim, including the assessment of the needs and risks of the child, medical, psychological and social support for the child and the non-violent family member thereof; 2) to ensure the possibility of carrying out criminal proceedings for children who have suffered from criminal offences against morality and sexual inviolability, as well as from other criminal offences referred to in the Criminal Law; 3) to coordinate and ensure that competent authorities exchange information, and process the necessary data of the child victim and other persons associated with the child, including the personal data of specific categories required for the fulfilment of the mandate of the competent authorities in the case management of a child who is victims of violence, without re-obtaining the same information from the child (re-questioning of the child, etc.), as well as ensuring the collection of information received and producing statistical analysis.

One of the main objectives of the new initiative is to enhance the possibility for a child victim to participate in the investigative and assessment process of his or her situation, namely, the program promotes that much more attention is being paid to what the child has to say. Specially trained psychologists help the competent authorities to communicate with the child victim according to evidence based interviewing protocols.

According to the amendments to the Law on the Protection of the Children's Rights Cabinet regulations on the operation of Barnahus have been drafted by the Ministry of Welfare of the Republic of Latvia. The Cabinet Regulations establishes the procedures for the organisation of the implementation of the interinstitutional cooperation programme "Barnahus", for the provision of services and the performance of interinstitutional cooperation procedures, and also the extent of and procedures for the processing of personal data shall be determined by the Cabinet. It is planned that the Cabinet regulation will enter into force until the end of 2023.

The interinstitutional cooperation programme "Barnahus" has been developed taking into account the Barnahus Quality Standards, an internationally recognised set of underlying principles, specific activities and institutional arrangements that enable child-centred and effective, collaborative actions (<https://www.barnahus.eu/en/the-barnahus-quality-standards/>) with the aim to provide child victims and witnesses of violence rapid access to justice and care. The Barnahus Quality Standards are globally promoted by the PROMISE Barnahus Network with the headquarters placed at the Secretariat of the Council of Baltic Sea States (<https://www.barnahus.eu/en/>).

Here you can upload any file(s) in support of your answer

INVESTIGATION Question 19. In the investigation phase:

In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in

Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

a. are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory?^[49] Please provide details.

[49] *Ibid.*, Recommendation 41

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.a Yes)

The Section 151.1 (Special Features of Interrogation of a Specially Protected Victim in Pre-Trial Criminal Proceedings) establishes that interrogation of a specially protected victim is performed in a separate room appropriate for such purposes or without the presence of persons not related to the particular procedural action. It also determines that the interrogation of such person who has been recognised as a victim of violence committed by a person upon whom the victim is materially or otherwise dependent, from trafficking in human beings or from a criminal offence directed against morality or sexual inviolability of a person shall be conducted by a performer of an investigative action of the same gender. That condition may be waived if the victim himself or his or her representative agrees thereto. If in a criminal offence, which is directed against morality and sexual inviolability of a person, the victim and the person who has the right to defence are of the same gender and if the victim or his or her representative so requests, the interrogation shall be performed by the performer of an investigative action of the opposite gender.

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b. are all staff responsible for interviewing child victims required to undergo suitable qualifying training?^[50] Please provide details.

[50] *Ibid.*, Recommendation 42

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.b Yes)

Yes, it is mandatory, all staff who interviews a child or obtain information from a child during criminal proceedings must acquire special knowledge in the field of protection of children's rights. According to the provisions of Section 152, Paragraph 2 of the CPL, a minor shall be interrogated by a performer of an investigative action who has special knowledge regarding communication with a minor during criminal proceedings.

According to Section 5.1 of the Law on the Protection of the Children's Rights a public prosecutor, a judge,

an official of the State Inspectorate for the Protection of Children's Rights, an official of the State Police who works with children, a lawyer, a social educator and a psychologist who works with children shall require special knowledge in the field of protection of the rights of the child, including regarding communication with a minor during criminal proceedings. The way in which special knowledge is acquired in the field of the protection of children's rights is established according to Cabinet Regulation No. 173 "Regulations on the Procedure for Acquiring Specialized Knowledge on the Protection of the Rights of the Child, Content and Scope of Such Knowledge", adopted on 1 April, 2014. The State Inspectorate for the Protection of Children's Rights organizes training in accordance with the funds allocated for the current year in the Law on the State Budget. In addition, The State police college organises each academic year adult non-formal educational programs "Protection of the Children's Rights" (40 academic hours) and "Protection of the Children's Rights Part 2 (24 academic hours) during which theoretical knowledge and skills are provided to officials of the State police who are authorised to perform criminal proceedings in order to ensure protection of the rights of the child in police work and to improve skills and knowledge. The target audience of this non-formal adult education program is State Police officials working with children on a daily basis. The programmes have been developed in accordance with the guidelines and methodology specified by the Ministry of Welfare. Similarly, officials of the State police attend various local and international training courses, where different types of techniques and tactics are taught in interviewing witnesses and suspects of victims of minors.

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c. [does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child's age and attention span?](#)^[51] Please provide details.

[51] *Ibid.*, Recommendation 43

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.c Yes)

Section 12, Paragraph 3.1 of the CPL establishes that a criminal proceeding involving a minor shall be conducted by taking into account the age, maturity and any special needs of the minor. Section 151, Paragraph 4 of the CPL establishes that the interrogation of a victim is conducted as soon as possible. The number of interrogations is as small as possible. The interrogation of a victim shall be performed, as much as possible, by the same person. In addition, The Section 151.1 establishes special features of interrogation of a specially protected victim; Sections 152 and 153 establishes also special features of an interrogation of a minor. (please see answer to question 19 a)).

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d. [\[for Serbia\] how do you ensure that child victims of sexual abuse by someone in a recognised position of trust, authority or influence are not repeatedly interviewed during the proceedings?](#)^[52]

[52] *Ibid.*, Recommendation 54

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e. [where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first?](#)^[53] Please provide details.

[53] *Ibid.*, Recommendation 44

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.e Yes)

Yes, Section 151, Paragraph 4 of the CPL establishes that the interrogation of a victim is conducted as soon as possible. The number of interrogations is as small as possible. The interrogation of a victim shall be performed, as much as possible, by the same person. Persons directing the proceedings, when investigating a criminal offence against morality or sexual inviolability of minors, shall ensure that in pre-trial investigations minors are interrogated once. In certain cases, minor victims will be repeatedly interrogated, but in such cases the person directing the proceedings shall be guided by Section 152, Paragraph 4 of the CPL or Section 153, paragraph 1 of the CPL, where the assessment provided by a psychologist and recommendations prepared shall be taken into account. The Section 151.1 establishes special features of interrogation of a specially protected victim; Sections 152 and 153 establishes also special features of an interrogation of a minor. (please see answer to question 19 a)).

Here you can upload any file(s) in support of your answer

f. [does your national legal framework offer criminal defence the possibility to contest a child's disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings?](#)^[54] Please provide details.

[54] *Ibid.*, Recommendation 45

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.f Yes)

Latvia is currently developing amendments to the CPL. At the same time, it should be noted that in accordance with Section 152, Paragraph 1 the course of interrogation of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is dependent financially or otherwise, a victim of human trafficking, or a criminal offence directed against morality or sexual inviolability of the person,

shall be recorded in a sound and image recording, except when it is in contradiction with the best interests of the minor or hinders the achievement of the objective of criminal proceedings. Paragraph 4 of this Section establishes that if a psychologist indicates to the person directing the proceedings that the psyche of a person who has not reached 14 years of age or the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is financially or otherwise dependent, a victim of human trafficking or criminal offence against morals or sexual inviolability, may be harmed by repeated direct interrogation, such direct interrogation shall be conducted only with the permission of the investigating judge, but in a court - with a court decision. Therefore, the court evaluates whether such repeated questioning of the child is allowed and necessary, taking into account the best interests of the child. In the event that the child is interrogated again, the same questions cannot be asked in the reinterrogation, only additional clarification which has not yet been previously ascertained

Here you can upload any file(s) in support of your answer

JUDICIAL PROCEEDINGS Question 20. In the judicial proceedings:

In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

- a. [is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings?](#)^[55] Please provide details.

[55] *Ibid.*, Recommendation 46

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.a Yes)

Yes, it should be noted that in accordance with Section 152, Paragraph 1 of the CPL the course of interrogation of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is dependent financially or otherwise, a victim of human trafficking, or a criminal offence directed against morality or sexual inviolability of the person, shall be recorded in a sound and image recording, except when it is in contradiction with the best interests of the minor or hinders the achievement of the objective of criminal proceedings. In addition, Section 140 of the CPL establishes that the person directing the proceedings may perform an investigative action by using technical means (teleconference, videoconference) if the interests of criminal proceedings require such use. During the course of a procedural action using technical means, it shall be ensured that the person directing the proceedings and persons who participate in the procedural action and are located in various premises and buildings can hear each other during a teleconference, and see and hear each other during a videoconference.

Here you can upload any file(s) in support of your answer

b. [does your national legal framework make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse, including when they are giving evidence?](#)^[56] Please provide details.

[56] *Ibid.*, Recommendation 59

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.b Yes)

Yes, if the judge allows child's questioning in court proceedings, according to Section 99, Paragraph 2 of the CPL specially protected victim may request that his or her participation and hearing in a court hearing takes place using technical means, thus, victims participation and hearing in a court hearing takes place using technical means. Section 140 of the CPL establishes that the person directing the proceedings may perform an investigative action by using technical means (teleconference, video conference) if the interests of criminal proceedings require such use. During the course of a procedural action using technical means, it shall be ensured that the person directing the proceedings and persons who participate in the procedural action and are located in various premises and buildings can hear each other during a teleconference, and see and hear each other during a video conference. Likewise, we like to point out that regarding the trial, specially protected victims have the opportunity not to meet or see the perpetrator face to face. In addition, Section 501 of the CPL provides that testimony previously given by any person in specific criminal proceedings may be read or played in court, if: 5) the court agrees to the instruction of a psychologist that the person who has not attained 14 years of age or a minor victim may not be interrogated in a court hearing or with the intermediation of a psychologist. This also allows the minor victim to be excluded from the court hearing and allows the trial to take place without the child being present.

Here you can upload any file(s) in support of your answer

c. [is there any difference in the scope of the application of this requirement based on the child's age?](#)^[57] Please provide details.

[57] *Ibid.*, Recommendation 60

- Yes
- No

If appropriate, please provide more information (20.c No)

No. (please see the answer to previous question). At the same time, we emphasize that according to the Section 152, Paragraph 4 of the CPL, in order for minor to repeatedly testify in court, a psychologist's opinion is necessary, as well as a special decision of the judge to perform such actions.

Here you can upload any file(s) in support of your answer

d. [are video recordings of interviews of child victims regarded as admissible evidence?](#)^[58] Please provide details.

[58] *Ibid.*, Recommendation 47

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.d Yes)

Section 123 of the CPL establishes that proving is an activity of a person involved in criminal proceedings that is expressed as the justification, using evidence, of the existence or non-existence of facts included in an object of evidence. In addition, Section 127, paragraph 1 establishes that evidence in criminal proceedings is any information acquired in accordance with the procedures provided for in the Law, and fixed in a specific procedural form, regarding facts that persons involved in the criminal proceedings use, in the framework of the competence thereof, in order to justify the existence or non-existence of conditions included in an object of evidence.

Section 141, Paragraph 1 of the CPL provides that an investigative action shall be recorded in minutes, sound or sound and image recording. Section 143 of the CPL, on the other hand, explicitly provides for the use of sound, sound and image recording. This Section specifies how the performer of the investigative action must proceed when recording the conduct of the investigation, either using sound or sound and image recording. Paragraph five of this Section provides that the sound or sound and image recording of an investigative action shall be stored together with the criminal case. The law is thus clear that properly recorded sound or sound and image recording is admissible evidence.

Here you can upload any file(s) in support of your answer

e. [what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the criminal proceedings?](#)^[59]

[59] *Ibid.*, Recommendation 48

Section 241 of the CPL establishes that a security measure shall be applied as a procedural security measure to a suspect or an accused if there are grounds to believe that the relevant person will continue criminal activities, or hinder pre-trial criminal proceedings or court or avoid such proceedings and court. In criminal proceedings, a suspect shall be subject to procedural compulsory measures imposed by the person directing the proceedings on the basis of Section 242 of the CPL. The person directing the proceedings shall, on the basis of Section 263 of the CPL, take the decision on the detention of a person, which shall be deprivation of liberty for a period of up to 48 hours, whereafter the person directing the proceedings shall, on the basis of Section 243 of the CPL, apply one of the security measures provided for in Section 243. Given that the victim of a crime of sexual violence is a child, arrest the most common security measure in such cases. This protects the child from any contact with the abuser. Section 271 establishes that arrest is the deprivation of the liberty of a person that may be applied in the cases provided for by law to a suspect or an accused with a decision of an investigating judge, or a court ruling, before the entering into effect of a final ruling in specific criminal proceedings, if there are grounds for placing under arrest. The application of arrest shall be the grounds for a restriction on the rights of a person, and shall allow the holding of the person in an investigation prison or in specially equipped police premises.

However, the CPL also provides for other security measures besides arrest which ensure that there will be no further contact between the victim and the abuser, for example, Section 243, Paragraph 1, Clause 2 of the CPL provides for the prohibition from approaching a specific person or location. Please also see answers to question a) and b).

Here you can upload any file(s) in support of your answer

f. [does your national legal framework allow taking the child's testimony without the presumed offender being present?](#)^[60] Please provide details.

[60] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.f Yes)

Yes, The Law allows a child to give evidence without the presumed offender being present. The CPL defines the range of persons who can take part in the provision of testimonies of children. Section 104 of the CPL defines the persons who may act as a representative of a minor victim and participate in the procedural actions carried out with the involvement of a minor victim. The decision to recognise a person as a representative of a victim shall be taken by the person directing the proceedings. The CPL, in its Sections 151.1, 152, and 153, specifies how interrogation of a minor victim is to be conducted and what persons are allowed to participate in the process, and also how testimonies of a minor victim are to be recorded. (please see answer to question 19 a)).

Here you can upload any file(s) in support of your answer

g. [how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?](#)^[61]

[61] *Ibid*

As mentioned before, please see the answers to questions 20 a), b), c), d), e), f) as all the regulations also ensures that the child is involved in the criminal process as little as possible, ensuring that only appropriate persons who are also specially trained are present. At the same time we emphasize again that according to Section 151.1 of the CPL the interrogation of a specially protected victim is performed in a separate room appropriate for such purposes or without the presence of persons not related to the particular procedural action. Section 152 of the CPL, Paragraph 1 establishes that the course of interrogation of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is dependent financially or otherwise, a victim of human trafficking, or a criminal offence directed against morality or sexual inviolability of the person, shall be recorded in a sound and image recording, except when it is in contradiction with the best interests of the minor or hinders the achievement of the objective of criminal proceedings. In addition, Section 501 of the CPL provides that testimony previously given by any person in specific criminal proceedings may be read or played in court, if: 5) the court agrees to the instruction of a

psychologist that the person who has not attained 14 years of age or a minor victim may not be interrogated in a court hearing or with the intermediation of a psychologist. This allows the minor victim to be excluded from the court hearing and allows the trial to take place without the child being present.

Likewise, in rare cases where judge allows for minor's questioning in court, victims participation and hearing in a court hearing takes place using technical means. According to information provided from Latvian Court Administration, the technical solution is provided only based on a Court's request. The child is examined in a separate/special room where the Courts Administration had installed a computer or a video conferencing equipment. There is also a psychologist and/or a representative of the child in the room. The child did not see or hear what was happening in the courtroom. Psychologist was able to hear all questions addressed to the child and, when necessary, modified the questions to ensure that the child is not traumatized. All participants of the court hearing were able to see and hear the questioning of the child.

In addition, according to Section 157 of the CPL Section establishes investigation action – Confrontation. Confrontation is the simultaneous interrogation of two or more persons which is carried out if there are substantial contradictions in the previous testimonies of such persons. It should be emphasized that the General Prosecutor's Office states that, in practice, the child victim of sexual exploitation is not confronted with the perpetrator. When ordering a forensic psychological, less often forensic psychiatric expertise, the person directing the proceedings asks the expert a question about the admissibility of confrontation. The expert states in his opinion that confrontation with the offender is not permissible. Thus, the person directing the proceedings does not violate the expert's conclusion and such investigation action cannot take place.

Here you can upload any file(s) in support of your answer

h. [what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?](#)^[62]

[62] *Ibid.*, Recommendation 49

One of the general principle of the rights of a victim according to Section 97 of the CPL establishes that an image of a victim recorded as a photograph, video, or by other types of technical means shall not be published in the mass media during procedural actions without the consent of such victim if such publication is not necessary for the disclosure of a criminal offence. In addition, according to the law On the Press and Other Mass Media it is prohibited to publish without the consent of the persons and institutions referred to in the Law on the Protection of the Rights of the Child:

- 1) such information which may be the basis for endangering the interests (privacy, identity and reputation) of the child victim as a result of the illegal activity;
- 2) a picture of the child victim as a result of the illegal activity;
- 3) such information which allows the identification of a juvenile offender or a juvenile witness.

On addition, Section 96.1 of the CPL determines that a minor, as well as a person who has suffered from a criminal offence directed against morality or sexual inviolability of a person, or from trafficking in human beings, shall be specially protected. Section 375, Paragraph 31 of the CPL establishes that documents which are related to informing of a victim regarding release of such arrested or convicted person or escape of the latter from a place of imprisonment who has caused harm to the former, shall be kept with the reference referred to in Paragraph three of this Section, and only the officials performing criminal proceedings may become acquainted with them. Section 412, Paragraph 61 of CPL establishes that copies of sound and image recordings in which testimonies of a minor who has the right to defence, victims or witnesses are recorded shall not be issued, however, a possibility to become acquainted with them in the presence of the person directing the proceedings or an authorised person shall be ensured. Section 413, Paragraph 2 establishes that a list of material evidence and documents as well as a list of the persons

whose testimonies have been included in the listing of evidence to be used in court shall be appended to a decision. Only the list that is sent to the court shall indicate the addresses of the persons.

As well, according to Section 450, Paragraph 2 of the CPL case regarding a criminal offence against the morality and sexual inviolability, and regarding a criminal offence committed by a minor or against a minor, and also a criminal case in which the protection of a State or adoption secret is necessary shall be tried in a closed court hearing. In accordance with Section 28.4 of the law On Judicial Power case files examined during a closed hearing shall be available before the date specified in Paragraphs two, three, and four of this Section only to those persons for whom such rights have been provided in the procedural laws and in Section 28.3, Paragraph three of this Law. After expiration of the time periods specified in Paragraphs two, three, and four of this Section, the relevant case files shall be available as restricted access information. Therefore, the media does not have access to materials or information about such cases.

Here you can upload any file(s) in support of your answer

i. [does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults?](#)^[63] Please provide details.

[63] *Ibid.*, Recommendation 50

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.i Yes)

Yes, the Section 108, Paragraphs 5 and 6 of the CPL (Provision of Legal Assistance to a Victim) provides that provision of legal assistance to a minor victim and the representative of a minor victim is mandatory in criminal proceedings regarding a criminal offence related to violence committed by a person upon whom the minor victim is materially or otherwise dependent, or regarding a criminal offence against morality or sexual inviolability. In such case if minor victim and the representative of a minor victim needs State ensured legal aid, payment to the advocate for the provision of State ensured legal assistance and the reimbursable expenses related to the provision thereof shall be covered in accordance with Cabinet regulations governing payment for the provision of State ensured legal assistance.

Here you can upload any file(s) in support of your answer

j. [does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters?](#)^[64] Please provide details.

[64] *Ibid.*, Recommendation 51

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.j Yes)

According to Section 108, Paragraph 6 of the CPL if a minor victim or his or her representative has not entered into an agreement with an advocate regarding provision of legal assistance, in the case provided for in Paragraph five of this Section the person directing the proceedings shall take a decision to retain an advocate as the provider of legal assistance in accordance with the procedures provided for in Section 104, Paragraph 6 of this Law. In such case payment to the advocate for the provision of State ensured legal assistance and the reimbursable expenses related to the provision thereof shall be covered in accordance with Cabinet regulations governing payment for the provision of State ensured legal assistance. Section 104, Paragraph 6 of the CPL establishes that the person directing the proceedings shall notify the decision on necessity to ensure a legal assistance in criminal proceedings to the senior of the sworn advocates of the territory of the relevant court process. Not later than within three working days after receipt of the request of the person directing the proceedings, the senior of the sworn advocates shall notify the person directing the proceedings regarding the participation of the relevant advocate in criminal proceedings. The person directing the procedures, which are to be carried out immediately and in which the victim has been involved, if necessary, shall retain an advocate for ensuring representation in conformity with the schedule of the advocates on duty compiled by the senior of the sworn advocates in the territory of the relevant court process.

We would like to point out, that according to Section 5.1 of the Law on the Protection of the Children's Rights also a lawyer if he or she wants to participate in the criminal proceedings shall require special knowledge in the field of protection of the rights of the child, including regarding communication with a minor during criminal proceedings. The way in which special knowledge is acquired in the field of the protection of children's rights is establish according to Cabinet Regulation No. 173 "Regulations on the Procedure for Acquiring Specialized Knowledge on the Protection of the Rights of the Child, Content and Scope of Such Knowledge", adopted on 1 April, 2014. Lawyers must take the mentioned training at least once every five years. In training, lawyers learn the following topics in depth: 1. children's rights protection system, normative acts in the field of children's rights protection; 2. application of international legislation in the protection of children's rights; 3. rights and responsibilities of parents and children; 4. violence against a child, its types and signs; violence in the family of a child; 5. inter-institutional cooperation in ensuring the protection of children's rights; 6. principles when making contact with a child; 7. a minor in criminal proceedings, civil proceedings, administrative proceedings and administrative violations proceedings.

Here you can upload any file(s) in support of your answer

k. [what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority or influence, once a criminal justice decision has been taken?](#)^[65]

[65] *Ibid.*, Recommendation 52

Section 96.1 of the CPL determines that a minor, as well as a person who has suffered from a criminal offence directed against morality or sexual inviolability of a person, or from trafficking in human beings, shall be specially protected. A specially protected victim has the right, with the permission of a person directing the proceedings, to participate in procedural activities together with trusted person, unless it is a person against whom criminal proceedings have been initiated, a detained, a suspect, or an accused. Similarly, a specially protected victim has the right to request and receive information regarding release or escape from a place of imprisonment or a place of temporary detention of such arrested or convicted person who inflicted harm to him or her, if there is a threat to the victim and there is no risk of harm to the arrested or convicted person. The Section 108, Paragraph 5 of the CPL (Provision of Legal Assistance to a Victim) provides that

provision of legal assistance to a minor victim and the representative of a minor victim is mandatory in criminal proceedings regarding a criminal offence related to violence committed by a person upon whom the minor victim is materially or otherwise dependent, or regarding a criminal offence against morality or sexual inviolability. In such case payment to the advocate for the provision of State ensured legal assistance and the reimbursable expenses related to the provision thereof shall be covered in accordance with Cabinet regulations governing payment for the provision of State ensured legal assistance.

The needs of a child victim are assessed individually. Depending on the individual assessment, the necessary assistance is being provided. In cases a child victim visits Barnahus, it is also the responsibility of the Inter-institutional Cooperation Programme “Barnahus” to coordinate the provision of assistance to the child victim. The necessary types of assistance vary depending on the child victim’s needs according to Section 52.1 of the Law on the Protection of the Children’s Rights. The types of assistance may encompass social rehabilitation services, medical care as well as other types of assistance. In the planning, delivery and follow-up of the necessary services for the child victim the competent authorities collaborate and consults with the child and his or her legal representative.

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