

## Question 19

In addition, CPL establishes also special features of an interrogation of a minors. According to Section 152 of the CPL the course of interrogation of a minor shall be recorded in an audio and video recording, if it is in the best interests of the minor and if it is necessary for achieving the objective of criminal proceedings. 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 an audio and video recording, except when it is in contradiction with the best interests of the minor or hinders the achievement of the objective of criminal proceedings. The length of an interrogation of a minor without the consent of such minor may not exceed six hours, during a twenty-four-hour term, including an interruption. A minor shall be interrogated by a performer of an investigative action who has special knowledge regarding communication with a minor during criminal proceedings. If the performer of an investigative action has not acquired special knowledge regarding communication with a minor during criminal proceedings or if the performer of an investigative action deems it necessary, the minor shall be interrogated in the presence of a pedagogue or a psychologist. The representative of a minor has the right to participate in interrogation if the minor does not object thereto. The referred to person may ask the person being interrogated questions, with the permission of the performer of the investigative action. 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.

According to the Section 153 of the CPL if a psychologist considers 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 a direct interrogation, it may be performed with the intermediation of technical means and a psychologist. If an investigator or prosecutor does not agree, the direct interrogation shall be performed only with the permission of the investigating judge, and in a court - with a court decision. The person directing the proceedings and another person invited by him or her shall be located in another room where technical means shall ensure that the person to be interrogated and the psychologist may be seen and heard. The person being interrogated shall be located together with the psychologist in a room that is suitable for a conversation with a minor, and in which it has been technically ensured that the questions asked by the person directing the proceedings are heard only by the psychologist. If a person to be interrogated has not reached 14 years of age, a psychologist, complying with the specific conditions, shall explain to the minor the necessity of the operations taking place and the meaning of the information provided by such minor, ascertain personal data, ask the questions of the person directing the proceedings in a form that corresponds with the psyche of the minor, and, if necessary, inform regarding a break in the investigative action and the resuming thereof. If the person to be interrogated has reached 14 years of age, the person directing the proceedings shall inform a minor, with the intermediation of a psychologist, regarding the essence of the investigative action to be performed, ascertain the personal data of such minor, explain his or her rights and duties, and notify of the liability for the non-execution of the duties thereof, ask the questions of the person directing the proceedings in a form that

corresponds with the psyche of the minor, and, if necessary, inform regarding a break in the investigative action and the resuming thereof.

In addition, please see answer to question 18 on Latvia's inter-institutional cooperation programme "Barnahus". In 1 June 2023 the inter-institutional cooperation programme "Barnahus" has started to operate (the date when the respective amendments to the Law on the Protection of Children's Rights came into force). The inter-institutional cooperation programme "Barnahus" has been established in the premises which are in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises).

One of the main goals of the program is to ensure the possibility to take criminal procedural action (including forensic interviews) 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 2, Clause 9, Section 126, Paragraph 2, Clause 7, Section 130, Paragraph 3, Clause 6, and Section 174 of the Criminal Law.

According to Section 52.1, Paragraph four of the Law on the Protection of Children's Rights 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.

Taking into the account of the mandate given to the Cabinet by Saeima (Parliament of the Republic of Latvia), the Ministry of Welfare of the Republic of Latvia has drafted the Cabinet regulations "Procedures for implementation of the inter-institutional Co-operation Programme "Barnahus"". The draft Cabinet regulations establishes the following operational principles of the inter-institutional Co-operation Programme "Barnahus":

- ensure that the actions to be taken are in the best interests of the child in proceedings involving the child victim of violence (hereinafter - child), including investigation, medical treatment, assessment of the situation of the child and family, psychological assistance, social and medical rehabilitation;
- the interviewing of the child shall be performed in a child friendly manner and in an environment suitable for the child, ensuring that the management of the child's case takes place without undue delay, reducing as far as possible the number of times the child has to be told of the experience;
- activities in which the involvement of the child is necessary shall be performed in an environment suitable for the child, with the institutions proactively co-operating, recording and exchanging the necessary information accordingly;
- the child, his or her representative or trusted representative, as well as non-violent relatives involved in the programme receive information regarding the activities that are being or will be performed, as well as regarding the available support services during the implementation of the programme. Information shall be provided to the child in a form appropriate to age and maturity;
- the assessment of the situation shall be performed in co-operation with law enforcement, health care services, child rights protection and social sector specialists involved

in solving a child and family case so that the sequence of activities performed and the support services granted are in accordance with the needs of the child and his or her non-violent relatives;

- for activities with a child to be performed within the scope of the programme “Barnahus”, except for procedural activities within the scope of criminal proceedings, the consent of the legal representative of the child shall be obtained.

The premises of the inter-institutional cooperation programme “Barnahus” are located in Riga. However, it has been planned that in future the accessibility of “Barnahus” will be enhanced for child victims living in the regions of Latvia, thus, regional units of inter-institutional cooperation programme “Barnahus” will be set up starting from the year 2026.

The current capacity of the inter-institutional cooperation programme “Barnahus” does not allow to provide services for all the children who are victims of violence. Therefore, the inter-institutional cooperation programme “Barnahus” focuses on 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.

It is important to note that the Cabinet has not adopted the Cabinet regulations “Procedures for implementation of the inter-institutional Co-operation Programme “Barnahus””, yet. Until the time Cabinet has adopted the regulations, the inter-institutional cooperation programme “Barnahus” is operating provisionally (certain functionalities related to the work with children are pending, e.g. to ensure that data protection provisions are duly taken into account).

It has been envisaged that the inter-institutional cooperation programme “Barnahus” will become fully operational after the Cabinet has approved the Cabinet regulations. Until then the inter-institutional cooperation programme “Barnahus” primarily focuses on the consultative and educational activities. It has been anticipated that the Cabinet regulations will be adopted by the Cabinet until the end of 2023.