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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

LATVIA

Replies registered by the Secretariat on 4 March 2014

GENERAL FRAMEWORK

Question 1: Definition of “child”

- a. Does the notion of “child” under your internal law correspond to that set out in **Article 3, letter (a)**, i.e. “any person under the age of 18 years”?

The notion of "child" (or "minor") under the legislature of Latvia has the same meaning as for the purpose of the Article 3 of the Convention.

As stated by Article 3 of the Protection of the Rights of the Child Law, "a child is a person who has not attained 18 years of age, excepting such persons who have been declared to be of legal age in accordance with the law or have entered into marriage before attaining 18 years of age."

Entering into marriage before attaining eighteen years of age is permissible in exceptional cases only. In line with Article 33 of the Civil Law, "by way of exception, a person who has attained sixteen years of age may marry with the consent of his or her parents or guardians if he or she marries a person of age of majority. If the parents or guardians, without good cause, refuse to give permission, then permission may be given by an Orphan's court for the place where the parents or appointed guardians reside.

A child can be declared as a person of age of majority also only in exceptional circumstance. As stated by the Article 220 of the Civil Law, "in exceptional circumstances and for especially good cause, when the guardians and closest kin of a minor attest that the behaviour of the minor is irreproachable, and he or she are able to independently protect and defend his or her rights and perform his or her duties, the minor may be declared as being of age of majority even before he or she have attained the age of eighteen, but not earlier than before he or she fully attain the age of sixteen." The granting of majority before term is executed by the appropriate Orphan's court, and its decision is subject to being confirmed by a court.

- b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with **Article 11, para. 2**?

In line with the Law On Social Services and Social Assistance Section 13 Paragraph 1², "the State shall ensure social rehabilitation services for children who have suffered from violence. Until clarifying of the age of the person, social rehabilitation shall be ensured also to those victims of violence whose minority is doubtful."

At the same time please be informed that the Saeima (Parliament) is currently viewing a draft law, which provides to supplement the Protection of the Rights of the Child Law with a general principle that, in such situations, when the certain age of the possible of the child, he or she is ensured with all the assistance (and not just social rehabilitation), which is provided for children:

"All entities involved in protection of a child's rights are obliged to provide assistance in any case to a child who needs it, considering specific needs of the particular child and circumstances of the particular situation. If there is any doubt about a person's minority, such a person, until clarification of his or her age, shall be considered as a minor and this person shall be ensured with appropriate assistance."

- c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

In Latvia, age of puberty at which children are allowed to engage in sexual activities, is 16 years of age. Adult persons performing sexual acts with a child who has not attained the age of 16, is criminally liable:

The Criminal Law Section 161. Sexual Connection, Pederasty and Lesbianism with a Person who has not Attained the Age of Sixteen Years

For a person who commits an act of sexual connection, or pederastic, lesbian or other unnatural sexual acts of gratification, with a person who has not attained the age of sixteen years and who is in financial or other dependence on the offender, or if such offence has been committed by a person who has attained the age of majority

the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest or community service or a fine with or without probation supervision for a period not exceeding three years.

Question 2: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in **Article 2**, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

The Constitution of the Republic of Latvia Section 91. *All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind.*

Protection of the Rights of the Child Law Section 3. The Child and the Principle of Equality Regarding the Rights of the Child

(2) The State shall ensure the rights and freedoms of all children without any discrimination – irrespective of race, nationality, gender, language, political party alliance, political or religious convictions, national, ethnic or social origin, place of residence in the State, property or health status, birth or other circumstances of the child, or of his or her parents, guardians, or family members.

The Criminal Procedure Law Section 8. Principle of Equality

The Criminal Procedure Law shall determine a uniform procedural order for all persons involved in criminal proceedings irrespective of the origin, social and financial situation, employment, citizenship, race, nationality, attitude toward religion, sex, education, language, place of residence, and other conditions of such persons.

The Youth Law Section 2¹ Youth policy and working with youth

(4) Basic principles of youth policy are as follows:

3) The principle of equal opportunities - to provide, without any discrimination, an opportunity for youth to actively participate in the social, political, cultural and economic life activities;

Law On Social Security Section 2¹. Prohibition of Differential Treatment

(1) In ensuring social services, differential treatment based on a person's race, skin colour, gender, age, disability, state of health, religious, political or other persuasion, national or social origin, property or marital status or other circumstances shall be prohibited.

Question 3: Overview of the implementation

Please indicate (without entering into details):

- a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;

Basic principles have been fixed in the legislation:

Protection of the Rights of the Child Law Section 2. Purpose of the Law

(3) Protection of the rights of the child is an integral part of State policy. The State and local governments shall organise and monitor the protection of the rights of the child throughout the territory of the State.

Protection of the Rights of the Child Law Section 15. Rights of the Child to Protection from Exploitation

(2) A child has the right to be protected from physical and mental exploitation, from sexual exploitation and seduction, and from any other forms of exploitation, which may in any way harm the child.

In line with the Protection of the Rights of the Child Law Section 51, for violence against a child, encouraging or forcing a child to take part in sexual activities, exploitation or involvement of a child in prostitution, the persons at fault shall be held liable as prescribed by law. Criminal liability is prescribed by the Criminal Law Chapter XVI for offences against morals and sexual inviolability of a child referred to in the Convention. In addition, penalties for child sexual abuse offences are prescribed more severe as for analogous activities with persons of full age.

Preventive measures also have been taken, such as setting prohibition for persons convicted criminal offences against morals and sexual inviolability to work in an institution for children, or for such persons to adopt children (currently a draft law has been elaborated to prescribe such a prohibition in the future also in relation to custody); prescribing an obligation for any person to report to law enforcement authorities in cases where it is known or suspected that a child is a victim of a crime, etc. For failure to report, the offenders will be held liable as prescribed by law.

In line with the Protection of the Rights of the Child Law Section 5, the protection of the rights of the child in the State are ensured by:

- 1) the parents (adopters), foster family and guardians of a child;
- 2) educational, cultural, health care and child care institutions;
- 3) State and local government institutions;
- 4) public organisations and other natural or legal persons whose activities are associated with the provision of support and assistance to children;
- 5) employers.

Thus it can be concluded that protection of the children's rights in the State is insured by the State and municipal institutions, as well as by other legal entities in accordance with laws and regulations applicable to these bodies.

Also, in line with the Protection of the Rights of the Child Law Section 73, all inhabitants have a duty to safeguard the safety of their own and other children and to inform not later than the same day the police, the Orphan's court or other institution for the protection of the rights of the child in regard to any abuse of a child, violation of the rights of the child or other threat to a child, as well as when if the person has suspicions that the child has articles, substances or materials, which may be a threat to the life or health of the child himself or herself or of another person.

Health care, pedagogical, social field or police employees, and elected state and local government officials, who have received information regarding violations of rights of the child and who have failed to inform the institutions referred to in regard to such, shall be held liable as prescribed by law for failure to such information.

- b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

Action plan for the protection of minors from criminal offences against morals sexual inviolability for 2010 - 2013. A new action plan for 2014 and beyond is currently still pending.

The Ministry of Justice is in general responsible for implementation of the action plan, however many of the plan tasks are within the competence of other ministries or bodies.

The action plan contains four key directions to be developed in an integrated manner:

- 1) preventive measures, public education and involving in infringement of criminal offences against morals and sexual inviolability;
- 2) improvement of the penal policy;
- 3) improvement of the practice for surveillance, treatment and resocialisation of persons who have committed offences against morality and sexual inviolability;
- 4) Development of cross-institutional collaboration.

- c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

No such guidelines have not been elaborated in Latvia.

Question 4: Child participation

- a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (**Article 9, para. 1**);

Children's right to express their views, participate in self-government and in development and implementation of different children's rights protection programmes are clearly defined by law:

Protection of the Rights of the Child Law Section 13. Freedoms of the Child

(1) A child has the right to freely express his or her opinions, and for this purpose, to receive and impart any kind of information, the right to be heard, and the right to freedom of conscience and belief. The parents of a child shall determine his or her religious affiliation.

(3) A child has the right to participate in self-administration in the fields of education, culture and sports. In any other fields, which affect the interests of the child, appropriate attention, corresponding to the age and maturity of the child, shall be paid to the opinion of the child.

Protection of the Rights of the Child Law Section 17. Rights of the Child to Take Part in the Formulation of Programmes for the Protection of the Rights of Child

A child has the right himself or herself or through a lawful representative to take part in the formulation and realisation of programmes for the protection of the rights of the child.

- b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (**Article 14, para. 1**).

In drafting laws and regulations that affect children's rights and interests children's rights protection institutions and non-governmental organisations practically working with abused children, are involved, thus ensuring consideration of children's interests and needs.

However, to ensure consideration of views, needs and concerns of a particular child in a particular case, the legislation prescribes following provisions obliging to it:

Protection of the Rights of the Child Law Section 13. Freedoms of the Child

(3)[...] In any other fields, which affect the interests of the child, appropriate attention, corresponding to the age and maturity of the child, shall be paid to the opinion of the child.

Protection of the Rights of the Child Law Section 20. Examination of Matters Associated with the Protection of the Rights of the Child

(2) A child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to the child, either directly or through a lawful representative of the child or through a relevant institution.

Law On Social Security Section 2. Basic Principles of the Operation of the Social Security System

The social security system shall operate in accordance with the following basic principles:

6) an individual approach.

Law On Social Services and Social Assistance Section 4. Basic Principles for the Provision of Social Services

(1) Social services shall be provided only on the basis of an evaluation of the individual needs and resources of a person carried out by a social work specialist.

Law On Social Services and Social Assistance Section 24. Social Rehabilitation at the Place of Residence

In order to promote the use of resources available in the State and local government and ensure the integration into society of a person, the social service or social rehabilitation service provider shall develop and implement an individual social rehabilitation plan for each person to be socially rehabilitated.

In addition, please be informed that the Saeima (the Parliament) is currently viewing a bill elaborated to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/TI, and providing to supplement the Protection of the Rights of the Child Law with the following provisions:

The Protection of the Rights of the Child Law Section 70. Persons and Institutions Responsible for the Protection of the Rights of the Child

(1) It is the duty of all persons and institutions responsible for protection of the rights of the child to provide assistance in every case to a child who has need thereof. If there is any doubt about a person's minority, such a person, until clarification of his or her age, shall be considered as a minor and this person shall be ensured with appropriate assistance."

Question 5: Specialised bodies/mechanisms

a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (**Article 10, para. 2, letter (a)**);

The Ministry of Welfare and its subordinate body – State Inspectorate for Protection of Children's Rights are generally responsible for the protection of the children's rights:

The Cabinet Regulation No 49 of 27 January 2004 "Regulations of the Ministry of Welfare," Article 1.

The Ministry of Welfare is the leading state administration body dealing with employment, social protection, child and family law, as well as with equal opportunities for disabled persons and with gender equality.

Protection of the Rights of the Child Law Section 62. Competence of the Ministry of Welfare

(1) The Ministry of Welfare shall:

1) in co-operation with the Ministry of Education and Science, the Ministry of the Interior, the Ministry of Justice, the Ministry of Culture and the Ministry of Health, as well as other State and local government institutions and non-governmental organisations, develop draft long-term State policies in the field of the protection of the rights of children, including draft State policies in the field of alternative care for orphans and children left without parental care;

2) organise and co-ordinate the supervision of the observation of the regulatory enactments in the field of the protection of the rights of children;

4) co-ordinate the co-operation of State and local government institutions in issues related to the protection of the rights of children and family law within the competence thereof;

Protection of the Rights of the Child Law Section 65¹. Competence of State Inspectorate for Protection of Children's Rights

The State Inspectorate for Protection of Children's Rights shall supervise and control compliance with regulatory enactments in the field of protection of the rights of the child.

Though, other institutions are also competent in specific aspects of the children rights protection:

Protection of the Rights of the Child Law Section 63. Competence of the Ministry of Education and Science

(1) The Ministry of Education and Science shall:

3) in co-operation with the Ministry of Welfare, formulate educational programmes in the field of protection of the rights of the child;

Protection of the Rights of the Child Law Section 64. Competence of the Ministry of the Interior

The Ministry of the Interior shall:

1) in co-operation with the Ministry of Welfare and other responsible institutions, ensure that a draft programme is developed for a three-year period for the prevention of child crime and for the protection of the child from crime, and shall co-ordinate the implementation of such programme;

Protection of the Rights of the Child Law Section 64¹. Competence of the Ministry of Justice

(2) The Ministry of Justice shall ensure that court work is organised so that priority consideration shall be applicable in the adjudication of matters associated with the protection of the rights and the best interests of the child.

Protection of the Rights of the Child Law Section 64³. Competence of the Office of the Prosecutor General

The Office of the Prosecutor General shall organise training for prosecutors with respect to issues regarding the rights of the child and shall ensure that the rights of the child are observed during pre-trial investigations.

Protection of the Rights of the Child Law Section 65.² Competence of the Ombudsman Bureau

The Ombudsman Bureau shall:

2) examine complaints regarding violations of the rights of the child, paying particular attention to violations committed by State or local government institutions and the employees thereof;

3) submit proposals, which promote the observance of the rights of the child.

Protection of the Rights of the Child Law Section 66. Competence of Local Governments in Regard to Protection of the Rights of the Child

(1) A municipality local government and a town local government shall analyse the situation in the field of observance of the rights of the child, and shall develop and implement a programme for the protection of the rights of the child in the administrative territory of the municipality or the city.

(5) The local government shall involve the public in ensuring the rights of the child and shall co-ordinate the activities of public organisations.

Protection of the Rights of the Child Law Section 67². Minor Persons Support information System

(1) Minor Persons Support Information System is a constituent element of the national information system "Integrated Interior Information System", which includes information necessary for the protection of the rights of the child through integration of information of the state and local government institutions, as well as information of health care professionals about the minors in need of assistance, and, for events where preventive measures shall be taken for the protection of the child's rights.

(2) Minors Supporting Information System is designed to promote protection of children's rights and interests by providing processing of the necessary information and facilitating cross-institutional cooperation in the following matters:

1) protection of the minor's rights and interests;

2) surveillance of provision of the minor's rights and interests;

3) preventive work;

4) provision of social assistance and social services;

5) prevention and disclosure of criminal offences and other violations of law;

6) search of a minor;

7) ensuring of enforcement of the administrative penalties, criminal sanctions, security measures and coercive educational measures;

8) implementation of settlement and preparation of evaluation reports on a probation client.

Protection of the Rights of the Child Law Section 68. Competence of Child Care, Educational and Other Institutions

(1) Child care, instructional, cultural and educational institutions (kindergartens, children's homes, shelters, schools, health care institutions, camps and the like) shall ensure the rights of the child within the scope of their competence as determined in their articles of association or by-laws.

According to the Law on Social Services and Social Assistance, the State shall provide social services to persons through establishing its own social service providers or involving other providers of social services, as well as local government in cases provided by the law:

Law On Social Services and Social Assistance Section 1. Terms Used in this Law

The following terms are used in this Law:

18) social service office — an institution established by a local government, which provides social assistance, organises and provides social services to inhabitants of the local government;

Law On Social Services and Social Assistance Section 3. Right to Social Services and Social Assistance

(2) The Cabinet and local government shall determine the procedures for receipt of social services and social assistance.

(3) The procedures by which social services provided by local government is received shall be determined by local government binding regulations.

Law On Social Services and Social Assistance Section 9. Duties of Local Governments in the Provision of Social Services and Social Assistance

(1) The local government in the territory of which a person has registered his or her main place of residence has a duty to provide the person with a possibility to receive social services and social assistance corresponding to his or her needs.

(2) If a local government has received information from natural persons or institutions regarding a person who might require a social care or social rehabilitation service or social assistance, the local government has a duty in accordance with the procedures specified in the Law On Social Security to verify the received information, to evaluate the needs of the person for social services and social assistance and to inform this person or his or her lawful representative of the rights and possibilities of receiving social services and social assistance, as well as the procedures by which social services or social assistance may be received.

(3) If a person requires social services in a night shelter or a crisis centre, he or she shall turn directly to the service provider who takes a decision on the provision of a service. If necessary, the local government, in the territory in which a person without a home is located, shall ensure the person with night shelter or shelter, information and consultations, as well as one-time material assistance.

On Local Governments Section 12

Local governments, in the interests of residents of the relevant administrative territory, may voluntarily carry out their initiatives with respect to any matter if it is not within the competence of the Saeima, the Cabinet, ministries, other State administrative institutions, the courts or other local governments, or also if such activity is not prohibited by law.

Law On Social Services and Social Assistance Section 13 Duties of the State in the Provision of Social Services

(2) The State may create social care and social rehabilitation institutions or enter into agreements with other social service providers in order to provide professional rehabilitation to persons with disabilities, social rehabilitation to persons addicted to psychoactive substances, social rehabilitation of persons functional disabilities, social rehabilitation of trafficking victims, support programs for children suffering from celiac disease without established disability, and to provide implementation and development of supportive professional social work in municipalities.

(2¹) The fulfilment of the State duties provided for the provision of social rehabilitation of persons with vision and hearing disabilities shall be ensured by the Latvian Society of the Blind and the Latvian Association of the Deaf; the provision of the technical aids services – tiflotechnology and surdototechnology – shall be ensured by the Latvian Society of the Blind and the Latvian Association of the Deaf. Social rehabilitation services to children who were victims of violence shall be ensured by the Latvian Children's Fund through organization of rehabilitation services and the provision of rehabilitation services institution such foundations, of which at least one of the founders of the Latvian Children's Fund. If necessary, the Latvian Society of the Blind, the Latvian Association of the Deaf and the Latvian Children's Fund shall also select other service providers in accordance with the procedures specified in the regulatory enactments regulating public procurement.

- b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (**Article 10, para. 2, letter (b)**);

Protection of the Rights of the Child Law Section 67¹. Statistical Information regarding the Status of the Rights of the Child

The Ministry of the Interior, the Ministry of Education and Science, the Ministry of Welfare, the Ministry of Environmental Protection and Regional Development, the Ministry of Justice, the Ministry of Health, State Inspectorate for Protection of Children's Rights and local governments shall, within the scope of their competence, provide statistical information regarding protection of the rights of the child in the State, regarding parents whose care or protection rights shall be taken away, and regarding families, who together with children have been evicted from their dwellings, regarding child adoption, the placing of children in extra-familial care, the application of compulsory measures of an instructional or medical nature to children, children being held to criminal liability, regarding children who have reached the mandatory education age and who are not attending educational institutions, and regarding children who have become victims of violence and street-children, as well

as shall submit an appropriate summary report to the Central Statistics Bureau. The Central Statistics Bureau shall annually compile the information referred to and submit it to the Ministry of Welfare and the Ombudsman Bureau.

Also, the respective data are collected by the Centre of Disease Prevention and Control. This institution is subordinated to the Ministry of Health and ensures collection and compilation of data on various issues regarding public health. Data on persons who have suffered injuries as a result of violence and turned to the healthcare facility is available from the "the registry of patients suffering from maintained by the Centre for Disease Prevention and Control. It must be noted that the above data is inseparable from specific information about sexual violence. However, in 2011, the Centre for Disease Prevention and Control conducted a study on negative childhood experiences of Latvian youth in regard to violence, including sexual abuse experienced by adolescents during their childhood.

- c. Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (**Article 37, para. 1**).

The Biometric Data Processing Law provides the legal basis for the Biometric Data Processing System developed aiming at determination of the identity of natural persons, as well as at prevention the use of another person's identity. In line with the Section 7, Paragraph 1 Article 1 regarding the persons convicted, the Biometric Data Processing System includes the digital image of a face, but in accordance with Section 8, Article 1 - a digital image of a finger (palm) print. In view of the above, the Biometric Data Processing System includes also digital images of a face and finger (palm) prints of persons convicted for sexual crimes against minors. These data are considered to be persons' identity data within the meaning of Article 37, Paragraph 1 of the Convention.

The Law on Development and Use of National DNA database provides a legal basis for the national DNA database to be used for disclosure of crimes, search of missing persons and identification of unidentified corpses (dead body materials). In line with Section 4 of the above law, the National DNA database shall collect and keep information regarding DNA profiles and persons who are suspected, accused or convicted, regarding unidentified bodies, persons missing in the Republic of Latvia and biological traces. In view of this, the national DNA database contains also data on DNA profiles of persons convicted for sexual crimes against minors. These data are also considered to be persons' identity data within the meaning of Article 37, Paragraph 1 of the Convention.

In addition, information regarding persons convicted of sexual offences against minors, are also included in the national information system "Punishment Register". Section 1 of the Punishment Register Law provides that the purpose of the Law is to establish uniform registration of persons who have committed criminal offences and administrative violations, to promote prevention and disclosure of these offences and violations, as well as the control of execution of punishment and infringement of rights prescribed to the person for those offences and violations

Law On Biometric Data Processing Section 7.

(1) In events provided by Section 5 Articles 10 and 11 of this Law, the biometric data processing system shall contain the following data regarding a person whose finger (palm) prints have been obtained:

- 1) digital image of a face;*

Law On Biometric Data Processing Section 8.

In the events provided by Section 5 Articles 10 and 11 of this Law, the biometric data processing system regarding a person whose finger (palm) prints have been obtained the, shall contain the following data:

- 1) digital image of finger (palm) prints*

Law On Biometric Data Processing Section 5.

The biometric data processing system shall include biometric data which are obtained:

10) in the result of operational, intelligence and counterintelligence activities. The obtained data shall be included in the biometric data processing system, when necessary to prevent a threat to national security and public order, and when the decision on entry of this data adopts the entity of operational activity who has acquired the respective data;

11) in the result of investigative activities and from detainees, suspects, accused and convicted persons;

Law on Development and Use of the National DNA Database Section 2

The purpose of this Law is to establish the National DNA database that shall be used to disclose criminal offences, as well as to determine and regulate the exchange of the results of DNA genetic analysis with foreign states and international organisations.

Law on Development and Use of the National DNA Database Section 4

Information regarding DNA profiles and that concerning persons who are suspected, have been accused or have been convicted, regarding unidentified bodies, persons missing in the Republic of Latvia and biological traces shall be compiled and kept within the National DNA database.

Law on Development and Use of the National DNA Database Section 8

Information regarding the citizens and non-citizens of Latvia convicted in other states, the foreigners who have received a permanent residence permit in Latvia, stateless persons and refugees and information regarding the DNA profiles thereof shall be included within the National DNA database in accordance with the international agreements binding on the Republic of Latvia.

Punishment Register Law Section 22

(1) The current database of the Register shall store information about:

1) the person against whom criminal proceedings have begun - until the person loses that status;

2) the detained person - until the person loses that status;

3) the suspected person - until the person loses that status;

4) the charged person - until the person loses that status;

5) the person against whom the proceedings of determination compulsory medical treatment take place - by the time a person loses that status;

6) the convicted person - until the conviction is expunged or annulled, but in the event, where medical or coercive educational measure have been inflicted - until the compulsory medical treatment is cancelled or coercive educational measure is executed;

7) the person to whom coercive medical treatment measure have been inflicted - until the respective coercive measure is cancelled;

8) The person who has committed an administrative offence - until a period of one year has elapsed from serving of the sentence enforced or from the execution of the sentence enforced for the administrative offence or from the time limitation from enforcement of the sentence;

9) a minor person to whom coercive educational measure have been inflicted - until the coercive measure is enforced or replaced by penalty;

10) a legal entity to whom compulsory coercion measure have been inflicted - until the respective coercive measure is cancelled;

11) a citizen of Latvia, non-citizen of Latvia, a citizen of the Union, to whom a registration certificate of the Union citizen or a permanent residence card of the Union citizen, as well as temporary or permanent residence permits issued to an alien who have been convicted in a country of the European Union or in a third country, have been issued - until when information is received central authority of any Member State of the European Union or a third country regarding cancellation of previously provided information, but no for more than 100 years after the birth of the person.

(2) Information from the current database of the Register shall be transferred to the archive database, if the purpose for storage of information prescribed by Paragraph 1 Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of this Section has become extinct or the term of information storage has been expired.

As regards to the responsible body - the State Police is the body responsible for collection and storage of information regarding DNA profiles and persons who are suspected, accused or convicted, regarding unidentified bodies, persons missing in the Republic of Latvia and biological traces. While the authority responsible for collection of the convicted persons' identity and genetic profile (DNA) data is the Prison Administration.

As regards to Clauses 2 and 3 of the Article 37 of the Convention - in line with Section 15 of the Law on Biometric Data Processing System, Section 17 of the Law On Development and Use of the National DNA Database and Section 20 of the Punishment Registry Law, information included in the state information systems "Biometric Data Processing System", "National DNA Database" and "Punishment Registry" may be provided to foreign competent institutions pursuant to international agreements and laws of the European Union binding to the Republic of Latvia. Exchange of information included in the above mentioned public information systems provides competent institutions exercising international police cooperation and international cooperation in the field of criminal justice.

Law On Biometric Data Processing Section 15.

Data included in the Biometric data processing system shall be provided to foreign competent authorities having regard of international agreements and laws of the European Union binding to the Republic of Latvia.

Law on Development and Use of the National DNA Database Section 17

(1) The information included in the national DNA database shall be allowed to issue to foreign law enforcement institutions in cases and order provided for by international agreements and laws of the European Union binding to the Republic of Latvia.

(2) A translation to the official language shall be ensured for the DNA profiles and information received from the law-enforcement authorities of foreign states.

Punishment Register Law Section 20

(4) Information about judicial record of a citizen of the other Member State of the European Union or a third country shall be provided in accordance with international agreements.

Question 6: National or local coordination, cooperation and partnerships

- a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (**Article 10, para. 1**);

Each institution has a statutory clearly defined competence. Taking into account that an effective and comprehensive protection of children's rights is possible only if all the competent authorities and organizations cooperate, the cooperation principle is secured in the law determining it as an obligation. While the Ministry of Welfare and the subordinate body - the State Inspectorate for Protection of Children's Rights - coordinate and supervise the cooperation.

Protection of the Rights of the Child Law Section 6. Principle of Protection of the Rights of the Child

(3) Protection of the rights of the child shall be realised in collaboration with the family, State and local government institutions, public organisations and other natural and legal persons.

Protection of the Rights of the Child Law Section 62. Competence of the Ministry of Welfare

(1) The Ministry of Welfare shall:

- 1) in co-operation with the Ministry of Education and Science, the Ministry of the Interior, the Ministry of Justice, the Ministry of Culture and the Ministry of Health, as well as other State and local government institutions and non-governmental organisations, develop draft long-term State policies in the field of the protection of the rights of children, including draft State policies in the field of alternative care for orphans and children left without parental care;
- 2) organise and co-ordinate the supervision of the observation of the regulatory enactments in the field of the protection of the rights of children;
- 4) co-ordinate the co-operation of State and local government institutions in issues related to the protection of the rights of children and family law within the competence thereof;

Protection of the Rights of the Child Law Section 62¹. Competence of the Ministry of Health

The Ministry of Health shall:

- 1) formulate State policy projects in the field of child health care, including in the field of medical rehabilitation; and
- 2) organise and co-ordinate child health care in conformity with the State programme, laws and other regulatory enactments.

Health care facilities in providing medical care for children, where appropriate, cooperate with law enforcement authorities if there is reason to believe that the child is a victim of abuse, due to lack of care and supervision or violation of other children's rights.

Medical Treatment Law Section 56¹

- (1) If a health care facility is providing assistance to a patient and there is reason to believe that the patient is a victim of abuse, the health care facility immediately, but not later than within 12 hours inform the State Police about the finding.
- (2) If a health care facility is providing assistance to a patient and there is reason to believe that the patient is a victim of lack of sufficient care or violation of other children's rights, the health care facility immediately, but not later than within 12 hours inform the State Police about the finding.

Protection of the Rights of the Child Law Section 63. Competence of the Ministry of Education and Science

(1) The Ministry of Education and Science shall:

- 3) in co-operation with the Ministry of Welfare, formulate educational programmes in the field of protection of the rights of the child;

Protection of the Rights of the Child Law Section 64. Competence of the Ministry of the Interior

The Ministry of the Interior shall:

- 1) in co-operation with the Ministry of Welfare and other responsible institutions, ensure that a draft programme is developed for a three-year period for the prevention of child crime and for the protection of the child from crime, and shall co-ordinate the implementation of such programme;

Protection of the Rights of the Child Law Section 64¹ Competence of the Ministry of Justice

- (1) The Ministry of Justice shall organise the training of judges with respect to issues regarding the rights of the child.
- (2) The Ministry of Justice shall ensure that court work is organised so that priority consideration shall be applicable in the adjudication of matters associated with the protection of the rights and the best interests of the child.

Protection of the Rights of the Child Law Section 64³ Competence of the Office of the Prosecutor General

The Office of the Prosecutor General shall organise training for prosecutors with respect to issues regarding the rights of the child and shall ensure that the rights of the child are observed during pre-trial investigations.

Protection of the Rights of the Child Law Section 65¹ Competence of State Inspectorate for Protection of Children's Rights

The State Inspectorate for Protection of Children's Rights shall supervise and control compliance with regulatory enactments in the field of protection of the rights of the child.

Protection of the Rights of the Child Law Section 65² Competence of the Ombudsman Bureau

The Ombudsman Bureau shall:

- 2) examine complaints regarding violations of the rights of the child, paying particular attention to violations committed by State or local government institutions and the employees thereof;
- 3) submit proposals, which promote the observance of the rights of the child.

Protection of the Rights of the Child Law Section 66. Competence of Local Governments in Regard to Protection of the Rights of the Child

(1) A municipality local government and a town local government shall analyse the situation in the field of observance of the rights of the child, and shall develop and implement a programme for the protection of the rights of the child in the administrative territory of the municipality or the city.

(5) The local government shall involve the public in ensuring the rights of the child and shall co-ordinate the activities of public organisations.

Protection of the Rights of the Child Law Section 68. Competence of Child Care, Educational and Other Institutions

(1) Child care, instructional, cultural and educational institutions (kindergartens, children's homes, shelters, schools, health care institutions, camps and the like) shall ensure the rights of the child within the scope of their competence as determined in their articles of association or by-laws.

Law On Social Services and Social Assistance Section 4. Basic Principles for the Provision of Social Services

(3) In providing social services, the institutions shall ensure inter-professional and inter-institutional co-operation.

Law On Social Services and Social Assistance Section 9. Duties of Local Governments in the Provision of Social Services and Social Assistance

(2) If a local government has received information from natural persons or institutions regarding a person who might require a social care or social rehabilitation service or social assistance, the local government has a duty in accordance with the procedures specified in the Law On Social Security to verify the received information, to evaluate the needs of the person for social services and social assistance and to inform this person or his or her lawful representative of the rights and possibilities of receiving social services and social assistance, as well as the procedures by which social services or social assistance may be received.

(3) If a person requires social services in a night shelter or a crisis centre, he or she shall turn directly to the service provider who takes a decision on the provision of a service. If necessary, the local government, in the territory in which a person without a home is located, shall ensure the person with night shelter or shelter, information and consultations, as well as one-time material assistance.

Law On Social Services and Social Assistance Section 12. Duties and Rights of Local Government Social Service Offices

(2¹) If the municipal social service office has grounds to believe that a child is a victim of abuse resulting from abuse of rights of a parent, guardian or foster families, due to lack of proper care and supervision or violation of other children's rights, it immediately, but no later than the next working day shall inform the Orphan's Court and the State Police about the fact.

Law On Social Services and Social Assistance Section 4. Basic Principles for the Provision of Social Services

(3) In providing social services, the institutions shall ensure inter-professional and inter-institutional co-operation.

The Ministry of Welfare annually hosts methodically **informative meetings with employees of Social service offices** to talk and discuss topical issues in the field of social services and social assistance. Representatives from various institutions having cooperation with social services, are invited to participate at these methodical meetings. At the last meetings organized, a discussion arose with the State Inspectorate for Protection of Children's Rights regarding cooperation of social service with Orphan's courts.

Quarterly meetings of Cooperation Council of social work specialists take place. The Council is an advisory body, it is comprised of representatives of state authorities, higher education institutions, local governments and non-governmental organizations whose professional activities are directed to ensure and promote development of professional social work, education and provision of social work specialists. Thereby contributing to involvement of society representatives in development of social work policy.

The policy planning document "**Professional Social Work Development Guidelines for 2014 - 2020**" contains several intended measures aimed at inter-professional and inter-institutional cooperation through developing of collaborative models/ guidelines between:

- social service, social workers and health care facilities, health care practitioners;
- social service, social workers and educational institutions, educators;
- social service, social workers and State Probation Service and its officials, law enforcement authorities and police officers;
- social service, social workers and Orphans' Court and its employees, as well as the developed cooperation models are intended to pilot in social services, where necessary, improving the regulatory framework.

Guidelines are **designed to improve professional skills of social work practice with different customer target groups**, including abusers/victims of violence; families with children/families with children, young people with disabilities (to avoid falling into a social care service); minors/young parents with reduced child care skills; young people who do not study, work, with behavioral problems, lacking basic skills for independent living; long-term (over one year) unemployed persons; long-term welfare recipients at working age; ex-prisoners; psychoactive substance addicts and compulsive gamblers, etc.

In-person meetings of various specialists are also regularly organised. For example, youth affairs specialists and youth officials are invited to participate at methodical meetings of youth workers to talk about children/ youth safety and security matters. The Youth Policy Guidelines for 2009 - 2018 provide a number of measures for promotion of children safety and inter-ministry cooperation in this field. Methodically informative meetings are held twice a year, organised by the Ministry of Education and Science in line with the Youth Law - the ministry is responsible for provision of methodical guidance. The Youth Policy Guidelines for 2009 - 2018 Section 6.3.4 "Legal aspects of youth behaviour and the reduction of violence against youth" and Section 6.3.5 "Youth social protection" provide measures to promote the children/youth rights protection through cooperation of the competent authorities. At the end of 2012, an informatively methodical meeting was organized and attended by a representative from the Net-Safe Latvia Safer Internet Centre, informing about malicious, including sexual, abuse of children/youth in the Internet environment and how to avoid it.

We would like to draw your attention to the fact, that for promotion of cooperation and effective exchange of information, a special information system has been also established:

Protection of the Rights of the Child Law Section 67²: Minor Persons Support information System
(1) Minor Persons Support Information System is a constituent element of the national information system "Integrated Interior Information System", which includes information necessary for the protection of the rights of the child through the integration of information of the state and local government institutions, as well as information of health care professionals about the minors in need

of assistance, and, for events where preventive measures shall be taken for the protection of the child's rights.

(2) Minors Supporting Information System is designed to promote protection of children's rights and interests by providing processing of the necessary information and facilitating inter-institutional cooperation in the following matters:

- 1) protection of the minor's rights and interests;*
- 2) surveillance of provision of the minor's rights and interests;*
- 3) preventive work;*
- 4) provision of social assistance and social services;*
- 5) prevention and disclosure of criminal offences and other violations of law;*
- 6) search of a minor;*
- 7) ensuring of enforcement of the administrative penalties, criminal sanctions, security measures and coercive educational measures;*
- 8) implementation of settlement and preparation of evaluation reports on a probation client.*

b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (**Article 10, para. 3**)? If so, please specify how;

Protection of the Rights of the Child Law Section 5. Persons and Institutions Protecting the Rights of the Child

(1) The protection of the rights of the child in the State shall be ensured by:

- 1) the parents (adopters), foster family and guardians of a child;*
- 2) educational, cultural, health care and child care institutions;*
- 3) State and local government institutions;*
- 4) public organisations and other natural or legal persons whose activities are associated with the provision of support and assistance to children;*
- 5) employers.*

Protection of the Rights of the Child Law Section 6. Principle of Protection of the Rights of the Child

(3) Protection of the rights of the child shall be realised in collaboration with the family, State and local government institutions, public organisations and other natural and legal persons.

Protection of the Rights of the Child Law Section 66. Competence of Local Governments in Regard to Protection of the Rights of the Child

(5) The local government shall involve the public in ensuring the rights of the child and shall co-ordinate the activities of public organisations.

Protection of the Rights of the Child Law Section 69. Participation of Social and Religious Organisations in Ensuring the Rights of the Child

(3) Within budget limits, the State and local governments shall provide financial support to public organisations for the realisation of programmes devoted to the interests of the family and children.

Law On Social Services and Social Assistance Section 4. Basic Principles for the Provision of Social Services

(3) In providing social services, the institutions shall ensure inter-professional and inter-institutional co-operation.

Law On Social Services and Social Assistance Section 12. Duties and Rights of Local Government Social Service Offices

(2¹) If the municipal social service office has grounds to believe that a child is a victim of abuse resulting from abuse of rights of a parent, guardian or foster families, due to lack of proper care and supervision or violation of other children's rights, it immediately, but no later than the next working day shall inform the Orphan's Court and the State Police about the fact.

Under the Cabinet Regulation No 291 of 3 June 2003 "Requirements for Social Service Providers" Clause 7.4, a social worker of a municipal social service who is working with families with children have acquired knowledge and skills in order to assess the risks for families with children, while the Clause 8.6. provides that a social worker of a municipal social service, before commencement of social work, carries out risk assessments in the families with unfavourable conditions for the development of a child. The social worker has to re-assess risks six months after commencement of social work in a family.

Law On Social Security Section 14. Duties of Social Service Providers

(2) Social service providers shall co-operate with other institutions in the interests of social service recipients.

The Ministry of Welfare, within its competence, develops sectoral policy planning documents, which, among other things, provide mechanisms for strengthening of inter-sectoral cooperation. The **Guidelines for development of social services for 2014-2020** should be mentioned as one of the policy programming documents where one of the lines of action is an effective social service management. The above mentioned guidelines include also a number of measures for cooperation between different institutions as well as for strengthening of government administration and non-governmental cooperation for ensuring more effective and efficient organisation of social services, including clarification of cross-sectoral collaboration and competence frameworks in the social field (2017).

In line with the National program for improvement of a child's and a family's condition for 2014, the State Inspectorate for Protection of Children's Rights has prioritized for the 2014 the assessment of observation of rights of children in special boarding schools institutionalised in foster care facilities and children with special needs.

- c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (**Article 15, para. 2 and Article 16**)?

In line with the State Probation Service Law Section 3 "Principles of Probation", the work of the State Probation Service shall be organised based on the following principles - co-operation, optimisation, social integration. The principle of co-operation determines that the basis of probation work is the organisation and promotion of co-operation between institutions for the purpose of optimally and in conformity to a common policy to involve and utilise the resources of the State, local governments and public organisations for the implementation of probation;

State Probation Service Law Section 3. Principles of Probation

The work of the State Probation Service shall be organised based on the following principles:

- 1) the principle of co-operation – the basis of probation work is the organisation and promotion of co-operation between institutions for the purpose of optimally and in conformity to a common policy to involve and utilise the resources of the State, local governments and public organisations for the implementation of probation;*
- 2) the principle of optimisation – probation work shall be organised in such a way that it rationally utilises the functions of probation, delegating them to the relevant local governments and public organisations and reserving the right to determine the criteria for the performance of such functions and to control the performance of these functions;*
- 3) the principle of social integration – performing the supervision of probation clients and the correction of their social behaviour, shall ensure the integration into society of such clients.*

At the same time it must be noted that the State Probation Service implements the programs only to those individuals who have been convicted of offences against morality and sexual liberty. Individuals who have not committed sexual offences yet or against whom no criminal proceedings have been initiated, do not get involved in such program .

See the answer to the question 6b

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (**Article 38, para. 4**)? Please give examples.

Based on the "Guidelines for the development cooperation policy for 2001-2015" approved on 6 July 2011, Latvia is implements development cooperation policy and provides assistance to third countries in line with fundamental principles approved in the global and the EU level which are implemented under highlighting of human rights and human security aspects.

PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

- a. Which legislative or other measures have been taken to:
- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (**Article 6, Explanatory Report, paras. 59-62**). Please also specify whether this information includes the risks of the use of new information and communication technologies (**Article 6, Explanatory Report, para. 63**);

Protection of the Rights of the Child Law Section 19. Information regarding Rights and Duties of the Child

(1) Educational institutions, which implement general educational programmes, shall ensure that each child has the opportunity to acquire a basic knowledge of the rights and duties of the child.

Protection of the Rights of the Child Law Section 63. Competence of the Ministry of Education and Science

- (1) The Ministry of Education and Science shall:*
- 2) ensure the accessibility and quality of education;*
 - 3) in co-operation with the Ministry of Welfare, formulate educational programmes in the field of protection of the rights of the child;*

The Cabinet Regulation No 530 of 6 August, 2013 "Regulations on the national standard in the elementary education and standards of elementary education subjects" Annex 18 "Social Sciences. Education subjects standard for the grades 1-9".

II. Compulsory substance of the subjects.

3 Readiness for socially responsible position:

5.7. personal safety;

III Basic requirements for the acquisition of a subject, graduating the 3rd grade

8 Understanding of a human and society development processes and patterns. Educatee:

8.16. knows how to maintain his or her own and other people's safety at home, on the street, at school;

8.18. knows what the violence is, types of violence; knows where to look for a help in accidents and hows to handle cases of violence;

IV. Basic requirements for the acquisition of a subject, graduating the 6rd grade

12 Understanding of a human and society development processes and patterns. Educatee:

12.19. knows what the violence is, types of violence; knows where to look for a help in accidents and hows to handle cases of violence;

V. Basic requirements for the acquisition of a subject, graduating the 9rd grade

16 Understanding of a human and society development processes and patterns. Educatee:

16:14. understand the nature of sexuality, gender roles; is aware of the value of gender equality;

16:15. aware of sexual deviations, the sex industry;

16:22. knows mechanisms of infection spreading; knows how to protect himself or herself from sexually transmitted infections and HIV/AIDS; understands importance of prevention of sexually transmitted infections and HIV/AIDS;

16:48. is aware of the concept of the rule of law, can name fundamental human rights and is aware of their inviolability;

16:50. is able to distinguish a legal action from an illegal conduct;

The Cabinet Regulations No 281 of 21 May 2013 "Regulations on the state general secondary education standards, subject standards and curriculum models" Annex9 "Health education. General secondary education standard of the subject"

II. Compulsory substance of the subjects.

4 The component of the educational content "Social environment in space and time":

4.10. violence, its forms and possibilities of assistance to victims;

4.11. safe physical environment;

4.12. sexuality and sexual relationships;

4.13. reproductive health;

4.14. prevention of unwanted pregnancy and sexually transmitted diseases;

4.15. physical and psychological safety;

III Basic requirements for the acquisition of the subject

7 The component of the educational content "Individual and Society":

7.12. recognizes and knows how to act in cases of psychological pressure and manipulation.

8 The component of the educational content "Social environment in space and time":

8.15. is aware of situations of inequality and infringement of the rights in families;

8.16. discuss about punitive, liberal and the "golden mean" (abstention, mutual trust, safe sexual relations) views in matters regarding sexual relations;

8.17. knows how to protect himself or herself from unwanted pregnancy;

8.18. is able to make decisions about how to protect himself or herself from sexually transmitted infections and HIV;

8.19. is aware of the types of violence, the recognition, responsibility and assistance possibilities for victims;

8.20. is aware of sexual molestations and the liability prescribed by the Criminal Law;

8.24. knows how to act in dangerous situations;

8.25. is aware of safety measures that should be followed when travelling to other countries.

The Cabinet Regulations No 211 of 27 June 2000 "Regulations on the state professional secondary education standard and the state vocational standard", Clause 8, sub-clause 8.1:

8 All educational programs in the relevant subjects shall include the following topics:

8.1. health education;

Protection of the Rights of the Child Law Section 66. Competence of Local Governments in Regard to Protection of the Rights of the Child

(2) In conformity with the law, the local government shall:

5) organise parental education;

Protection of the Rights of the Child Law Section 69. Participation of Social and Religious Organisations in Ensuring the Rights of the Child

(1) Social and religious organisations shall realise their programmes for parent and child education, strengthening of the family, organisation of recreation and in regard to other issues as provided for in their articles of association, shall organise public support for protection of the rights of the child, and shall realise public monitoring of protection of the rights of the child in general or in regard to specific fields of protection of the rights of the child in accordance with the procedures prescribed by law.

As regards to risk situations, especially those related to the use of information and communication technologies, please be informed that since 2009 the Latvian Internet Association within framework of the work of Net-Safe Latvia Safer Internet Centre, in collaboration with partners and receiving 75% co-financing from the European Union Commission's Safer Internet Programme, conducts educational work in internet content security.

Also, in order to support problem-solving, Latvia has provided an opportunity for children and young people to consult with psychologists of the hotline. However, in the future be further developed of functionality of this hotline (116111) should be ensured by providing not only verbal support over the phone, but also providing an opportunity for children and young people to receive the support via electronic means (e-mails, forums, etc.), particularly popularising this opportunity among young people.

In order to receive assistance in any kind of problem situations associated with the use of Internet and social security, as well as to report violations and illegal content on the Internet, everyone has a opportunity to consult electronically on the site www.drossinternets.lv.

The guidelines for development of social services developed by the Ministry of Welfare for 2014 - 2020 provides a number of activities for education of society, including children and youth:

- 1) for the Ministry of Welfare in collaboration with local governments and non-governmental organizations to provide information campaigns, materials and research for raising public awareness about domestic violence and its recognition (2014 to 2020);
- 2) for local governments in collaboration with non-governmental organisations after receipt of social rehabilitation services to provide consultation and support activities to persons who are victims of domestic violence or are in violence risk conditions (2015-2020).

In 2013, a campaign was launched (which was implemented the Hotline for Children and Adolescents of the State Inspectorate for Protection of Children's Rights) against sexual violence "Violence is not a little secret! Talk about it!" At the time of which, 3098 calls were served, in 149 cases of violence psychological counselling was provided, including assistance in 91 case of emotional abuse, in 19 case of sexual abuse and in 26 cases of physical abuse. In 7 cases the received information about domestic violence and abuse at school was forwarded to children's rights protection inspectors, social service or orphan's court.

- According to the National Program for improvement of a child's and a family's condition for 2014, the State Inspectorate for Protection of Children's Rights plans to organize in 2014 a cycle of campaigns, which would lasts for three weeks. Within the campaigns, the children themselves and the adults would be encouraged to report cases of violence in the family, educational and care facilities, etc., as well as to get psychological assistance and support. The campaign is aimed to address the public, not to remain indifferent in cases where children suffer from abuse.

Following the amendments to the Protection of the Rights of the Child Law, a range of specialists who would be required to acquire the above mentioned knowledge is expanded, as well as entities are determine and the procedure is provided for state and local government specialists who handle cases related to the protection of children's rights (hereinafter - Specialist) shall acquire special knowledge in in the field of the protection of children's rights, and the substance of the knowledge.

In addition please be informed that the State Inspectorate for Protection of Children's Rights in 2013 developed an informative material "Some tips on how to avoid mistakes during chats via Internet" (available here: http://www.bti.gov.lv/lat/informativie_materiali/bukleti/?doc = 3125 & page =) on ways to avoid situations of abuse and criminal activities on the Internet and how to stay safe during chats via Internet.

Individuals have also an opportunity to report on possible violations of children's rights, including children trafficking cases through e-consultations on the website of the Inspectorate.

(http://www.bti.gov.lv/lat/lietotaju_ertibam/uzdod_jautajumu, as well as http://www.bti.gov.lv/lat/lietotaju_ertibam/eiesniegums/).

- encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (**Article 5, para. 1**);

Protection of the Rights of the Child Law Section 5¹ Persons and institutions requiring expertise in the field of protection of children's rights

(1) Expertise in the field of protection children's rights shall be required for:

- 1) a managing directors, social workers and social rehabilitation providers of foster care institutions;*
- 2) a chairperson, vice-chair and a member of an Orphan's Court;*
- 3) a director and a deputy director in the work of upbringing of an educational institution*
- 4) an expert of the State Service of Education Quality;*
- 5) an expert of youth affairs;*
- 6) a prison officer, who works with minors;*
- 7) a head of a local municipality administrative commission or a head of a local municipality administrative commission children's affairs sub-commission;*
- 8) a head of a local municipality pedagogical medical commission;*
- 9) a local municipality police officer who works with children and families;*
- 10) a local municipality social services worker who works with children and families;*
- 11) a prosecutor;*
- 12) a social pedagogue and a psychologist who works with children;*
- 13) a head of a social services;*
- 14) a judge;*
- 15) a children's rights protection inspector;*
- 16) a head of the State pedagogical medical commission;*
- 17) a State police official who works with children;*
- 18) a pedagogue of general education, vocational education and hobby education;*
- 19) an employee of the State Probation Service;*
- 20) any other person, if a management decision adopted by him or her they (especially an administrative act), actual actions or other forms of employment or official duties are affecting or may affect a child's rights and legal interests.*

(2) The order by which an expertise in the field of children's rights protection as well as the content and the volume this expertise shall be determined by the Cabinet.

Although health care professionals are not listed in the Protection of the Rights of the Child Law Section 5¹, materials and the opportunity within professional associations to acquire children's rights issues are available for health care professionals. Training for recognition of violence including sexual violence and for work with victims is available to health care professionals, in addition, if necessary, additional training can be provided by supplementing the student's curriculum or using structural funds.

The Ministry of Health in collaboration with the World Health Organization European Regional Office has developed recommendations for the reproductive health professionals on a patient's examination and assistance - "Domestic violence against a woman" - and an in-depth education course

of violence and injury prevention - "practice, training and further cooperation in the field of health for violence and injury reduction" (TEACH VIP). Also, in collaboration with Helsinki University Continuing Education Centre in Palmenia, within the Leonardo da Vinci project, a methodical material for health care professionals - "Social and health care teachers against violence, HEVI 2008-2010" have been developed. The above informative materials also include children's rights matters.

In 2012, with the funding provided by the Ministry of Health, educational activities cycle on matters regarding sexual and reproductive health was implemented for educatees of secondary school 10th-12th graders and for 1st-2nd year educatees of vocational educational establishments, including topics of awareness of human sexuality as a natural and essential personality component for responsible and safe sexual relationships (including information on contraceptive methods available in Latvia and possible risks of infection with sexually transmitted infections, HIV/AIDS, hepatitis B and C) during sexual relationships. Sixty three (63) events were organised (31 event for the 1st-2nd year students of vocational education establishments, 32 events for 10th and 12th grade students of secondary schools) during the cycle, with participation a total of 1403 young people. An informative material for class members were developed including information and tasks about sexuality, safe and unsafe sex, contraception, and sexually transmitted infections.

Protection of the Rights of the Child Law Section 19. Information regarding Rights and Duties of the Child

(2) The State shall inform the public about the provisions of this Law and other laws and regulatory enactments adopted in the area of the protection of the rights of the child and about the principles of international law in this area.

Protection of the Rights of the Child Law Section 64. Competence of the Ministry of the Interior

The Ministry of the Interior shall:

3) ensure special training for police officers for work with law-breakers who are minors and minors who are victims of criminal offences, and with their families;

Protection of the Rights of the Child Law Section 64¹. Competence of the Ministry of Justice

(1) The Ministry of Justice shall organise the training of judges with respect to issues regarding the rights of the child.

Protection of the Rights of the Child Law Section 64³. Competence of the Office of the Prosecutor General

The Office of the Prosecutor General shall organise training for prosecutors with respect to issues regarding the rights of the child and shall ensure that the rights of the child are observed during pre-trial investigations.

Also, Section 15 Clause 15 of the Education Law also determines the responsibility of the Ministry of Education and Science to organise teacher training and professional skill improvement work and to coordinate the research and methodology work. Chapter VI of the Education Law determines qualification requirements for teacher training, rights and obligations of pedagogues. The Cabinet Regulations No 1338 of 24 November, 2009. "Procedures for providing safety of educatees at educational institutions and at events organized by them" Article 3 Clause 4 determines the competence a head of an educational institution by providing functions to plan and to organise events on students' safety, including in violence and injury prevention matters. These provisions determine action of a head of an institution in such cases, as well as determine the need to provide an educational institution with internal order regulations for situations of violence.

Section 5 Clause 4 of the Youth Law states that the youth specialists need training to work with children and young people. The procedure of the training is prescribed by the Cabinet Regulations No 1047 of 16 December 2008 "Youth Affairs Training Procedure."

The Cabinet Regulations No 981 of 1 September 2009 "Order of Organisation and Operation of Children's Camp" defines level of training of an organiser of a children's camp and the level of security of the organisation.

In compliance with the Guidelines for Developed of Social Services for 2014-2020 elaborated by the Ministry of Welfare, a range of specialist educational activities is provided:

- 1) for the Ministry of Welfare in collaboration with the Ministry of Health, local governments and non-governmental organisations to implement the training of specialists working with victims of domestic violence (2014-2020);
- 2) for the Ministry of Welfare in collaboration with local governments and non-governmental organisations to develop information materials for local government social services and social services for victims of trafficking providers in ensuring the successful reintegration of victims of trafficking after receipt of social services (2017-2020);
- 3) for the Ministry of Welfare in collaboration with non-governmental organisations and the Ministry of Interior to develop reintegration guidelines for victims of trafficking (2017);
- 4) for the Ministry of Welfare in collaboration with the Ministry of Interior, the Ministry of Justice, local governments and non-governmental organisations to develop guidance materials for the field professionals (social workers, labour inspectors) on human trafficking, specifics, as well as the matters that needs to be taken into account for individuals not to become victims of human trafficking, the rights of victims of human trafficking, support and assistance available to victims of human trafficking (2017);
- 5) for the Ministry of Welfare in collaboration with social services providers and the Latvian Association of Local and Regional Governments to identify training requirements for social services providing agencies (2015), etc. measures.

- ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (**Article 5, para. 2**).

Experts referred to in the Protection of the Rights of the Child Law Section 5.¹ (see question above) may not work with children, if not acquired the special knowledge in the field of children's rights protection indicated in this Section, including the matter of sexual violence. The order by which an expertise in the field of children's rights protection as well as the content and the volume this expertise shall be determined by the Cabinet.

- b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (**Article 8, para. 1**);

Protection of the Rights of the Child Law Section 19. Information regarding Rights and Duties of the Child

(2) The State shall inform the public about the provisions of this Law and other laws and regulatory enactments adopted in the area of the protection of the rights of the child and about the principles of international law in this area.

Protection of the Rights of the Child Law Section 65². Competence of the Ombudsman Bureau

The Ombudsman Bureau shall:

- 1) *inform the public regarding rights of the child;*

Protection of the Rights of the Child Law Section 66. Competence of Local Governments in Regard to Protection of the Rights of the Child

(2) In conformity with the law, the local government shall:

5) organise parental education;

8) carry out other measures ensuring the rights of the child.

(5) The local government shall involve the public in ensuring the rights of the child and shall coordinate the activities of public organisations.

Protection of the Rights of the Child Law Section 67¹. Statistical Information regarding the Status of the Rights of the Child

The Ministry of the Interior, the Ministry of Education and Science, the Ministry of Welfare, the Ministry of Environmental Protection and Regional Development, the Ministry of Justice, the Ministry of Health, State Inspectorate for Protection of Children's Rights and local governments shall, within the scope of their competence, provide statistical information regarding protection of the rights of the child in the State, regarding [...] and regarding children who have become victims of violence and street-children, as well as shall submit an appropriate summary report to the Central Statistics Bureau. The Central Statistics Bureau shall annually compile the information referred to and submit it to the Ministry of Welfare and the Ombudsman Bureau.

Protection of the Rights of the Child Law Section 66. Competence of Local Governments in Regard to Protection of the Rights of the Child

(2) In conformity with the law, the local government shall:

5) organise parental education;

8) carry out other measures ensuring the rights of the child.

(5) The local government shall involve the public in ensuring the rights of the child and shall coordinate the activities of public organisations.

In 2010, the State Inspectorate for Protection of Children's Rights held a total of 40 focus group discussions with employees of local government institutions, providing an information including about the violence. In 2011, 17 creative workshops, including about the violence, were conducted for employees of 287 educational institutions, foster care institutions and other specialists, 5 seminars "Violence: Types, Signs and Assistance" were held for 95 teachers and employees of care facilities. In 2012, the Inspectorate organised 9 covisions in foster care institutions on a variety of children's rights-related cases. The covisions were participated by professionals of a total of 87 institutions. In the first half a year of the 2013, 3 covisions in foster care institutions on a variety of children's rights-related cases were organised. In order to improve a child's and a family's situation in 2013, the project "Assessment of sexual violence risks and development of recommendations for prevention of sexual violence in institutions for children with mental disabilities" was implemented.

In 2013, the State Inspectorate for Protection of Children's Rights organised the campaign of the children's and adolescents' hotline 116111 "Violence is not a little secret! Talk about it!", during which children, teenagers and adults were asked to report the sexual abuse cases in families, educational and care facilities, etc., as well as to receive psychological assistance and support, by calling to the hotline. The campaign took place from 22 to 28 April and from 6 to 12 May. The total of **3098** phone calls was handled and **710** psychological counsellings were provided. In **149** cases, psychological counselling dealt with cases of violence. Of these cases - in 91 case there was provided an assistance and support in emotional abuse, in 19 case of sexual abuse and in 26 cases of physical abuse. In 7 cases the received information about domestic violence and abuse at school was forwarded to children's rights protection inspectors, social service or orphan's court. The campaign is planned to be continued in 2014.

Since 10 December 2012, Latvia implements by the program of the European Commission (EC) "Prevention of and Fight against Crime" the project "A Safety Compass - signposting ways to escape trafficking" implemented by the Resource Centre for Women "Marta" (non-governmental organisation) from 10 December 2012 to 9 December 2015.

Under the agreement HOME/2011/ISEC/THB/4000002172 concluded between the European Commission and the Resource Centre for Women "Marta" on December 10, 2012, the project partners are the Ministry of the Interior, the State Inspectorate for of Children's Rights and the "Youth with a mission ". The project foresees the cooperation and exchange of experiences with the Estonian and the UK experts. The project's main objectives: to identify recruitment trends of trafficking victims and risks in the Internet environment and social media; to reduce possibility of human trafficking by promoting cross-institutional co-operation between the private, public and non-profit organisations; to establish an international human trafficking victim support mechanisms between Latvia, Estonia and the United Kingdom.

Under the co-operation agreement concluded on 7 February 2013 between the Inspectorate and the Resource Centre "Marta" HOME/2011/ISEC/THB/4000002172, the Inspectorate, within the framework of the project, implements a number of activities whose primary purpose is to participate in the development of an international action plan providing an operative help via hotlines for human trafficking victims.

While, in 2012-2014 the non-governmental organisation - Society "Shelter "The Safe House""", has carried out the following education activities for children and youth:

From August 2012 to February 2013, the campaign against human trafficking "Sold freedom" took place in Latvia. Within it framework with a support of the co-operation partners - Philip Morris International and EuroAWK, people in five largest cities of Latvia - Riga, Valmiera, Liepaja, Rezekne and Daugavpils were approached through outdoor advertisements. The purpose was to reduce the ever-increasing human trafficking and to provide advice for citizens on the risks of human trafficking involving the five municipalities in the dealing with the issue.

In 2013, from 6 to 14 April the Society volunteers within the framework of the project "Choose Your Freedom" organised in Sigulda a training on human trafficking for 30 young people from 6 European countries - Greece, Slovenia, Hungary, Czech Republic, Sweden and Latvia. Participants learned about human trafficking and prevention, got acquainted with cultures of different countries and arranged a creative exhibition in the Riga Food Producers Secondary School. The purpose of the exhibition was to familiarise Riga pupils with opportunities offered by the "Youth in Action", as well as to inform about the risks of human trafficking.

In May through June of the 2013, the project "Preventive measures for decrease of human trafficking" supported by the Riga City Council public order maintenance fund in collaboration with the Riga City Council Department of Welfare. A total of 81 specialists were trained within the framework of seminars - Riga municipal police officers (20), social workers, school social pedagogues and other employees of the local government (61).

From 5 August 2013 through 24 January 2014, the young people of the society "Shelter "The Safe House "" are implementing the project "Choose Your Freedom 2". Its main activity - training course - took place from 5 5 to 13 October 2013. The training course was attended by 30 young people from 6 European countries - Latvia, Croatia, Cyprus, Italy, Portugal and Romania. Chiefs and leaders of youth organisations through informal learning methods commonly studied manifestations of the phenomenon of human trafficking today and searched for ways to fight it in the individual and non-government organisation levels.

During the project the subject was discussed extensively and in depth enough for the young people to continue peer education, to arrange social campaign, etc. by themselves both in Latvia and beyond. The great emphasis during the training course on the role of modern technologies in the process of human trafficking, resulted in two social advertisement clips, which have already earned praise among human trafficking experts, media and representatives of state institutions both in Latvia and beyond. From June through December of the 2013 the project "Sold Freedom II", funded by Philip Morris International was implemented. A number of activities has taken place over the course of the project. From 18 September to 18 October 2013 , the preventive campaign "Be knowledgeable - prevent human trafficking" was implemented. The informative trailer of the Society visited 9 cities and municipalities of Latvia - in Riga, Liepaja, Eleja, Gulbene Viesite, Daugavpils, Dagda, Ludza and

Salacgriva, covering a total of more than 3 000 km. More than 1000 residents of Latvia, including primary and secondary school pupils were familiarised with the information disposed in the trailer.

- c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (**Article 8, para. 2, Explanatory Report, para. 66**).

The following activities are prohibited and, where appropriate, may be even treated as a joint participation in the offence:

The Criminal Law Section 20. Joint Participation

(3) A person who has induced another person to commit a criminal offence shall be considered to be an instigator.

(4) A person who knowingly has promoted the commission of a criminal offence, providing advice, direction, or means, or removing impediments for the commission of such, as well as a person who has previously promised to conceal the perpetrator or joint participant, the instruments or means for committing the criminal offence, evidence of the criminal offence or the objects acquired by criminal means or has previously promised to acquire or to sell these objects shall be considered to be an accessory.

(5) A joint participant shall be held liable in accordance with the same Section of this Law as that in which the liability of the perpetrator is set out.

Electronic Communications Law Section 19. Duties of Electronic Communications Merchants

(1) Electronic communications merchants have the following duties, to:

17) inform the user regarding the possibility of installing a content filter, which restricts access of such material, in which cruel behaviour, violence, erotica and pornography is propagandised and which creates a threat to the mental development of children, as well as to ensure the free of charge installation of content filters if the subscriber demands it from the electronic communications merchant;

The Electronic Communications Law Section 26. Program production limitations

The electronic mass media programs and broadcasts may not include:

- 1) The scenes highlighting violence;*
- 2) materials of apornographic nature;*

Advertising Law Section 4

(1) Violence and war propaganda shall not be permitted in advertising.

Latvian Administrative Violations Code Section 166¹³, Violation of the Advertising and Commercial Practices Regulations

In the case of the provision or distribution of an advertisement not conforming to the requirements of regulatory enactments – a fine shall be imposed on natural persons in an amount up to LVL 500, but for legal persons – up to LVL 10 000.

Law On the Press and Other Mass Media Sections 7 Information not for Publication

It is prohibited to publish information which is an official secret or other secret especially protected by law that promotes violence and the overthrow of the prevailing order, advocates war, cruelty, racial, national or religious superiority and intolerance, and incites to the commission of some other crime.

It is prohibited to publish children pornography and materials demonstrating violence against the child.

Law on Pornography Restrictions Section 4. General Restrictions

- (1) Child pornography shall be prohibited in the circulation of material of a pornographic nature, as well as the circulation of material of such pornographic nature, in which sexual activities of people with animals, necrophilia or the sexual acts of gratification in a violent way are described or depicted.
- (2) It shall be prohibited to involve a child in the circulation of material of a pornographic nature, including the ensuring of access to material of a pornographic nature or child pornography to a child, as well as to allow the specified material to be accessible to a child.
- (3) The circulation of material of a pornographic nature acquired against the will of a person shall be prohibited.

The Criminal Law Section 166. Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials

- (2) For a person who commits the importation, production, public demonstration, advertising or other distribution of such pornographic or erotic materials as relate or portray the sexual abuse of children, bestiality, necrophilia or violence of a pornographic nature, or the keeping of such materials for similar purposes, the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding fifty times the minimum monthly wage, with or without confiscation of property.
- (3) For a person who commits procurement or utilisation of minors in the production (manufacturing) of pornographic or erotic materials, the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding eighty times the minimum monthly wage, with or without confiscation of property.
- (4) For a person who commits procurement or utilisation of juveniles in the production (manufacturing) of pornographic or erotic materials, the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property.
- (5) For the activities provided by Articles 3 and 4 of this Section, if committed by an organized group, - the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding fifteen years, with confiscation of property and probation supervision for a term not exceeding three years.

Protection of the Rights of the Child Law Section 50. The Child and Games, Films and Mass Media

- (1) It is prohibited to show, sell, give as a gift, rent or promote to a child toys and video recordings, computer games, newspapers, magazines and other types of publications, in which cruel behaviour, violence, erotica and pornography are promoted and which pose a threat to the psychological development of a child.
- (2) Materials, which promote cruel behaviour, violence, erotica and pornography and which pose a threat to the psychological development of a child may not be accessible to a child, irrespective of the form of expression, devices for showing and location thereof.
- (3) Restrictions on radio and television programmes for the purposes of protection of the rights of the child shall be as determined by the Electronic Mass Media Law.
- (4) It is prohibited for a child to be located in places where materials of an erotic and pornographic nature are manufactured or shown.
- (5) It is prohibited to involve a child in the manufacture, distribution and showings of materials of erotic and pornographic nature.
- (6) Issues related to the prohibition of the circulation of child pornography shall be regulated by the Law On Pornography Restrictions.
- (10) For violation of the prohibitions and restrictions referred to in this Section, the persons at fault shall be held liable as prescribed by law.

Question 9: Recruitment and screening

- a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (**Article 5, para. 3**). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

Protection of the Rights of the Child Law Section 72. Liability of Employees of Child Institutions and Event Organisers

(3) Persons shall not work as managers or employees of childcare, educational, health care, and other such institutions as children are found, who:

4) have been convicted of criminal offences against morals and sexual inviolability – irrespective of whether or not the conviction is extinguished or set aside;

5) the court has applied the compulsory measures of a medical nature specified in The Criminal Law for criminal offences provided for in The Criminal Law committed while being in a state of incapacity.

(4) In hiring persons for work as managers or employees of childcare, educational, health care, and other such institutions as children are found, information regarding their previous activity, competence and experience shall be requested.

(5) In hiring the persons referred to in Paragraph four of this Section, an employer has a mandatory duty to request from the Register of Convictions regarding the convictions of such persons, as well as regarding whether the person has been applied administrative punishment for the administrative violation [...].

This is a general prohibition that is not terminated and shall be valid regardless of cancellation or removal of a criminal record.

- b. Does the screening of candidates apply to voluntary activities (**Explanatory Report, para. 57**)?

At present, the prohibition does not apply to volunteer work, however, to transpose the European Parliament and the Council Directive 2011/93/EU of sexual abuse, sexual exploitation of children and child pornography, and replacing the Council Framework Decision 2004/68/TI containing the following requirement, the particular rule of the Protection of the Rights of the Child Law has been reviewed and the Saeima (parliament) is currently viewing a draft bill providing to extend the prohibition not only to volunteering activities, but also to different service providers who enter into agreements for providing services to an institution for children.

Question 10: Preventive intervention programmes or measures

- a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (**Article 7, Explanatory Report, para. 64**);

Latvia until now had no services or programs which could be offered by the State or local government authorities to people who are seeking help because they fear that they could commit a sex crime against a child. In view of the above, now we are working on providing, if necessary, psychotherapeutic help for such persons. Namely, it is planned that such persons will initially be forwarded to a psychiatrist, who will decide whether and what kind of help a person needs. Following the psychotherapist's conclusion, if it is necessary and possible in the particular event, a person will be referred to psychotherapy (cognitive - behavioural therapy or psychodynamic therapy).

Until now, the state was unable to provide accessibility of psychotherapeutic support services as psychotherapy was not regulated by the law. Only in April 2013, psychotherapy technologies were

confirmed in Latvia, and on 31 December 2013 the Cabinet Regulations entered into force establishing that the costs of the above mentioned services shall be covered by the state budget:

The Cabinet Regulations No 1529 of 17 December 2013 "Health Care Organization and Funding"

11 The state budget shall not cover the expenses for the following health care services:

11.13. psychotherapeutic and psychological assistance, except in the events:

11.13.5.when the need for such an assistance is prescribed by a psychiatrist in order to prevent a criminal offence against a child and sexual immunity;

Given the fact that persons who have committed offences against morality and sexual immunity or who could commit a sex crime against a child, first of all has to turn to a psychiatrist, who is entitled to decide the further treatment plan, involving, if necessary, other specialists (including a psychotherapist), provisions of the the Sub-clause 2.1. of the Annex 15 of the Cabinet Regulations Nr 1529 of 17 December 2013 "Health Care Organisation and Funding", applicable from January 1 2014, state that the fixed yearly amount of the payment for the operation of a psychiatric unit in the outpatient health care is EUR 2 583.92 per 1 workload. Within the financing of the Psychiatrist's Cabinet of the State limited liability company "Riga Centre Psychiatry and Addiction Medicine", individuals are ensured with necessary assistance to prevent commitment of criminal offences against children and sexual immunity.

The Cabinet Regulations No 1529 of 17 December 2013 "Health Care Organization and Funding" Annex 15

The calculation of fixed monthly payment (premium) of medical specialists' offices and units

2 The yearly amount of financing necessary for provision of fixed payments for the work of specialists and functioning of medical institution units in the outpatient health care:

O r d e r N o	N a m e o f S p e c i a l i t y o r S t r u c t u r a l U n i t	E u r p e r 1 w o r k l o a d	E u r p e r 0.25 w o r k l o a d	E u r p e r 0.5 w o r k l o a d	E u r p e r 0.75 w o r k l o a d	E u r p e r 1.25 w o r k l o a d	E u r p e r 1.5 w o r k l o a d	E u r p e r 2.0 w o r k l o a d	E u r p e r 3.00 w o r k l o a d	E u r p e r 4.50 w o r k l o a d s (p r o v i d i n g 24 / 7 a c c e s s i b i l i t y)
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>
2.1.	Psychiatrist*	2,583.92	645.98	1,291.96	1,937.94	3,229.90	3,875.88	–	–	7,550.12

Also in the future it is planned to offer social rehabilitation services for persons who have committed violence:

Law On Social Services and Social Assistance Section 13. Duties of the State in the Provision of Social Services

(1) The State shall ensure the following according to the funds granted in the annual State Budget Law:

11) social rehabilitation services for persons who have committed violence. The type, amount and content of social rehabilitation services, the conditions for the receipt and granting of services shall be determined by the Cabinet.

In line with the Social Services and Social Assistance Law transitional provisions referred to in the Clause 17¹, the social rehabilitation services for persons who have committed acts of violence shall be financed from the state budget from 1 January 2015. The Ministry of Welfare is currently developing procedures for the receipt of the service.

- b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (**Articles 15 to 17**). Please indicate in particular:
- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
 - how the appropriate programme or measure is determined for each person;
 - whether there are specific programmes for young offenders;
 - whether persons have a right to refuse the proposed programme/measures?

Currently special programs for sex offenders in Latvia are exercised by the State Probation Service. However, the programs implemented by the State Probation Service are developed and can be applied only to persons who are already convicted, therefore individuals who have not committed a sex crime or who have not yet been convicted of the offence or against whom criminal proceedings have not been terminated, can not be engaged in the programs.

In line with the State Probation Service Law Section 3 "Principles of Probation", the work of the State Probation Service shall be organised based on the following principles - co-operation, optimisation, social integration. The principle of co-operation determines that the basis of probation work is the organisation and promotion of co-operation between institutions for the purpose of optimally and in conformity to a common policy to involve and utilise the resources of the State, local governments and public organisations for the implementation of probation.

State Probation Service Law Section 3. Principles of Probation

The work of the State Probation Service shall be organised based on the following principles:

- 1) the principle of co-operation – the basis of probation work is the organisation and promotion of co-operation between institutions for the purpose of optimally and in conformity to a common policy to involve and utilise the resources of the State, local governments and public organisations for the implementation of probation;*
- 2) the principle of optimisation – probation work shall be organised in such a way that it rationally utilises the functions of probation, delegating them to the relevant local governments and public organisations and reserving the right to determine the criteria for the performance of such functions and to control the performance of these functions;*
- 3) the principle of social integration – performing the supervision of probation clients and the correction of their social behaviour, shall ensure the integration into society of such clients.*

Launching the supervision of persons for any offence established in this Convention, the State Probation Service carries out assessment of risks and needs. A person's recurrence risk and criminogenic needs are determined. The level of risk determines the intensity with which a person should be supervised, but the criminogenic needs point to the areas where therapies, or programs and activities should be targeted. Levels of risks and needs are determined only in adult males using STATIC-99R, STABLE-2007-2007 ACUTE assessment tools.

In events referred to in the Convention Article 16 Clause 1 assessment of risks and needs is also carried out with the above assessment tools, if an assessment report is requested for a person against whom criminal proceedings were initiated in connection with any offence defined in this Convention. Based on the risk and needs assessment, the State Probation Service may recommend to the court with its decision to impose an obligation to participate in probation programs.

The State Probation Services implements licensed probation programs. In line with the Cabinet Regulations No 105 of 18 February 2008 "Procedure for licensing and implementation of probation programs" Probation Program Licensing Commission shall evaluate the programs submitted for licensing and decide on issuing of the license. The license is valid for three years.

The State Probation Service implements programs for sex offenders:

1) in society - an official supervision of probation clients (with the judgement entered into force) and of those who are obligated by the decision of the court of prosecutor to participate in the probation program under the State Probation Service's instructions.

2) in prison establishments - for persons convicted of an offence stated in the Convention and voluntarily applied for participation in the program.

The State Probation Service implements a program for persons who have been convicted of offences provided for in the Convention, including minors - both probation clients and students of the Cesis Correctional Institution. The programs in hand of the Service are not designed and tailored to children who have committed sexual offences.

With regard to the measures taken by the State Probation Service, persons who are released from a prison on probation or persons who are freed from criminal liability, please be informed within the programming framework, that based on the Cabinet Regulations No 804 of 27 November 2007 "Order of supervision of persons sentenced on probation, released from the prison before the term of his or her sentence and conditionally freed from criminal liability", the State Probation Service's official draws up a supervision plan for the person conditionally sentenced or conditionally liberated from sentencing of his or her penalty. The supervision plan shall include information on:

1. supervision objectives;

2. measures that are needed to be taken to achieve the objectives of supervision.

The person who is conditionally sentenced or conditionally liberated from sentencing his or her penalty shall be introduced with the prepared plan, and the plan shall be signed by the person.

The Service officer at least once every six months reviews the supervision plan. If the supervision plan is amended, the person conditionally sentenced or conditionally liberated from sentencing of his her penalty shall be acquainted to those amendments. A person with his or her signature shall confirm that he or she has been acquainted with the amendments.

The Cabinet Regulations No 562 of 16 August 2012, "Order by which the State Probation Service secures execution of the additional sentence - probation supervision" provides a similar procedure for drawing up of the supervision plan, with the difference that the official itself may prescribe duties and their content for the client during the probation supervision.

The probation clients and prisoners in the establishments of detention who are involved in probation programs are fully informed of the reasons for their enrolment in the program. Consent for participation in the program from the part of the participant is a factor for consideration in two cases: 1) when participation in the program applied for by the convict serving a sentence in prison (in this case, participation in the program is possible only with the consent of the convict), 2) when the participation in the program applied for by a probation client without inflicted by the court's or the prosecutor's decision obligation to participate in the probation program. Consent of a probation customer whose enrolment in the probation program is determined by a court's/prosecutor's decision, is not necessary for his or her enrolment in the program. All probation clients who are obliged to participate in probation programs, are aware possible consequences if they opt to refuse to participate in the program.

The Criminal Law Section 61 Clause 4 clearly provides that the court releasing the convict conditionally prior to completion the sentence may, for the period of the unserved sentence, impose on him or her the obligations set out in Section 55 of this Law. Person of full age who has been convicted of a serious or especially serious crime, if the crime involves violence or is directed against sexual immunity or morals, it is required to impose an obligation to participate in the probation program under instructions of the State Probation Service.

As regards to information of persons convicted about the possible consequences of refusing, essential nuance must emphasized, namely, the State Probation Service following the request of the liberty deprivation establishment's administration shall provide an evaluation report on the convicted person, who has submitted an application requesting the penitentiary administrative commission to consider the possibility of sending application to a court about his or her conditional release prior the

completion of his or her sentence. In the process of evaluation report function, within the description of the conversation, the convict shall be informed about the participation in the probation program and the possible consequences if the conditionally early released person fails to fulfil obligations imposed to him or her by the court.

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

- a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (**Article 9, para. 2, Explanatory Report, paras. 68-73**);

With regard to the Article 9 Clause 2 of the Convention, please be informed, that there are no laws and regulations that directly support of the conformity of Latvia to requirements specified in the Convention, as well as in implementation of the Tourism Development Policy, the Ministry of Economy has not yet implement any adequate activities.

However, development of laws regulating tourism and policy programming documents in Latvia is based on values included in the World Tourism Code of Ethics (hereinafter - the Code), which state that the use of people in all its forms, including sexual abuse, especially when it concerns children, is contrary to tourism fundamental objectives and is a denial of tourism. Therefore, in accordance with the international law, it should be harshly combated in cooperation with all the countries involved. Although the application of the provisions of the Code is based on voluntary and consensus, observation of the included contains is fundamental to the sustainable development of the tourism industry. Taking into account the above mentioned, the national tourism policy is formulated and implemented in a way that Latvia would be positioned as a safe and reliable tourism destination.

At present, the Ministry of Economy implements certain measures to control operations and quality of travel companies and asks consumers to evaluate the wide offer and to choose from quality and safe tourism products, such as before purchasing complex tourism service, customers are encouraged to learn whether the selected service provider is registered in the Travel agents and tour operator's database maintained by the Ministry of Economy as well as to make sure about the existence of the security deposit guarantees.

Also, the representative delegated by Ministry of Economy shall regularly participate in Working Group organised by the Ministry of the Interior on Human Trafficking Prevention Programme for 2009 - 2013 where measures to prevent and to combat human trafficking, which is largely attributable also to the protection of children against sexual exploitation and abuse, are discussed.

In addition we would like to inform that the participation of the private sector in protecting children's rights and cooperation with public institutions is governed by the following provisions:

Protection of the Rights of the Child Law Section 5. Persons and Institutions Protecting the Rights of the Child

(1) The protection of the rights of the child in the State shall be ensured by:

- 1) the parents (adopters), foster family and guardians of a child;*
- 2) educational, cultural, health care and child care institutions;*
- 3) State and local government institutions;*
- 4) public organisations and other natural or legal persons whose activities are associated with the provision of support and assistance to children;*
- 5) employers.*

Protection of the Rights of the Child Law Section 66 . Competence of Local Governments in Regard to Protection of the Rights of the Child

(5) *The local government shall involve the public in ensuring the rights of the child and shall co-ordinate the activities of public organisations.*

Protection of the Rights of the Child Law Section 69. Participation of Social and Religious Organisations in Ensuring the Rights of the Child

(1) *Social and religious organisations shall realise their programmes for parent and child education, strengthening of the family, organisation of recreation and in regard to other issues as provided for in their articles of association, shall organise public support for protection of the rights of the child, and shall realise public monitoring of protection of the rights of the child in general or in regard to specific fields of protection of the rights of the child in accordance with the procedures prescribed by law.*

(3) *Within budget limits, the State and local governments shall provide financial support to public organisations for the realisation of programmes devoted to the interests of the family and children.*

b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (**Article 9, para. 3, Explanatory Report, para. 74**);

Electronic Communications Law

Section 71 Public Procurement

(1) *Public procurement is a set of measures aimed to:*

2) *to promote exercising of human rights and fundamental rights;*

14) *to ensure information, education, cultural and recreational resources appropriate to children and youth audiences;*

20) *to provide to a wide audience direct coverage of major events (political, social, cultural, sports, etc.);*

The National Electronic Mass Media Council is an independent lawful autonomous institution which, in accordance to its competence, represents public interest in the field of electronic media. The Council monitors the observation of the Constitution of the Republic of Latvia, the Electronic Media Law and other laws and regulations in their operations.

The execution of the functions of the National Electronic Mass Media Council, including the ensuring of public procurement, is funded from the state budget.

c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (**Article 9, para. 4, Explanatory Report, para. 75**). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (**Article 27, para. 5, Explanatory Report, para. 193**).

As to the financing of the projects, please be informed that the support for non-governmental organisations is promoted clearly prescribing such an activity by the law:

Protection of the Rights of the Child Law Section 69. Participation of Social and Religious Organisations in Ensuring the Rights of the Child

(3) *Within budget limits, the State and local governments shall provide financial support to public organisations for the realisation of programmes devoted to the interests of the family and children.*

While as regards to funding of the projects from illegally obtained funds, please be informed that the Criminal Procedure Law provides confiscation of property obtained by crime. Funds collected in the result of confiscation are transferred to the State budget, and subsequently used for the purposes for which required. There are no barriers due to which they could not be used for funding of a variety of projects and programs.

The Criminal Procedure Law Section 240. Definitive Action with Material Evidence and Documents

(1) A judgment or decision on the termination of criminal proceedings shall indicate what shall be done with material evidence and documents, that is:

- 1) property and documents shall be returned to the owners or lawful possessors thereof;*
- 2) the instrumentalities of a criminal offence owned by a suspect or accused shall be confiscated, but if they do not have any value – destroyed;*
- 3) criminally obtained property and documents shall be confiscated;*
- 4) objects the circulation of which is prohibited shall be transferred to the relevant institutions or destroyed;*
- 5) objects that do not have any value shall be issued to interested persons upon their request, or destroyed;*
- 6) objects which were intended or had been used for commission of a criminal offence shall be confiscated, but if they do not have any value – destroyed.*
- 7) animals which belong to a person who has been found guilty of cruelty to animals under the procedure of this Law - confiscated.*

The Criminal Procedure Law Section 355. Criminally Acquired Property

(1) Property shall be recognised as criminally acquired, if such property directly or indirectly has come into the property or possession of a person as a result of a criminal offence.

(2) If the opposite has not been proven, property, including financial resources, shall be recognised as criminally acquired if such property or resources belong to a person who:

- 1) is a member of an organised criminal group, or supports such group;*
- 3) has him or herself engaged in the trafficking of human beings, or maintains permanent relations with a person who is engaged in the trafficking of human beings;*
- 7) has him or herself engaged in criminal activities in relation to child pornography or sexual abuse of children, or maintains constant relations with a person who is involved in such activities.*

The Criminal Procedure Law Section 358. Confiscation of Criminally Acquired Property

(1) Criminally acquired property shall be confiscated with a court decision, if the further storage of such property is not necessary for the achievement of the purpose of criminal proceedings and if such property does not need to be returned to the owner of lawful possessor, and acquired financial resources shall be included in the State budget.

(4) The following shall be included in the State budget:

- 1) resources that have been acquired in realising confiscated property or property, in accordance with the procedures specified in regulatory enactments, the ownership of which has not been ascertained or the owner of which does not have lawful right to such property, or the owner or lawful possessor of which has refused such property;*
- 2) resources that a person has acquired from the realisation of property, knowing the criminal origins of such property;*
- 3) yield acquired as a result of the use of criminally acquired property;*
- 4) confiscated financial resources;*
- 5) financial benefits, or material benefits of another nature, that a State official has accepted as a bribe.*

Question 12: Effectiveness of preventive measures and programmes

- a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;

No regular evaluation of the effectiveness of preventive measures are carried out.

- b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

- a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (**Article 12, para. 1, Explanatory report, para. 89**);

In line with the Protection of the Rights of the Child Law, reporting of crimes against children in Latvia is defined as a duty for every person. Confidentiality is not an obstacle to fulfil this obligation. Besides, failure to report a serious or especially serious crime, which is the largest part of the Convention on the offences referred to, is a criminal offence in Latvia.

Protection of the Rights of the Child Law Section 51. Protection of the Child from Illegal Activities
(3) *Every person has the duty to inform the police or another competent institution regarding violence or any other criminal offence directed against a child. For failing to inform, the persons at fault shall be held to liability as prescribed by law.*

Protection of the Rights of the Child Law Section 70. Persons and Institutions Responsible for the Protection of the Rights of the Child

(2) *A child himself or herself and other persons have the right to apply for assistance to institutions for the protection of the rights of the child and to other State and local government institutions carrying out activities provided for by law, if the father, mother or other legal representative of the child, or a child care or educational institution employee violates the rights of the child, treats the child cruelly or in some other way fails to observe the rights of the child.*

Protection of the Rights of the Child Law Section 73. Duties of Residents in Protection of the Rights of the Child

(1) *All inhabitants have a duty to safeguard the safety of their own and other children and to inform not later than the same day the police, the Orphan's court or other institution for the protection of the rights of the child in regard to any abuse of a child, violation of the rights of the child or other threat to a child, as well as when if the person has suspicions that the child has articles, substances or materials, which may be a threat to the life or health of the child himself or herself or of another person.*

Health care, pedagogical, social field or police employees, and elected State and Local Government Officials, who have received information Regarding Violations of rights of the child and who have failed to inform the Institutions Referred to in Regard to Such, Shall be Held liable as Prescribed by law for failure to Such information.

Medical Treatment Law Section 56¹

(1) *If a health care facility is providing assistance to a patient and there is reason to believe that the patient is a victim of abuse, the health care facility immediately, but not later than within 12 hours inform the State Police about the finding.*

(2) If a health care facility is providing assistance to a patient and there is reason to believe that the patient is a victim of lack of sufficient care or violation of other children's rights, the health care facility immediately, but not later than within 12 hours inform the State Police about the finding.

Law On Social Services and Social Assistance Section 12. Duties and Rights of Local Government Social Service Offices

(2¹) If the municipal social services has grounds to believe that a child is a victim of abuse resulting from abuse of rights of a parent, guardian or foster families, due to lack of proper care and supervision or violation of other children's rights, it immediately, but no later than the next working day shall inform the Orphan's Court and the State Police about the fact.

The Criminal Law Section 315. Failing to Inform of Crimes

For a person who commits failing to inform, where it is known with certainty that preparation for or commission of a serious or especially serious crime is taking place, the applicable sentence is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine.

- b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (**Article 12, para. 2, Explanatory Report, para. 91**). Please provide examples of good practice.

See the answer to the questionnaire question 13a.

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (**Article 13, Explanatory Report, para. 92**).

Bylaws of the State Inspectorate for Protection of Children's Rights

2 The inspection has the following functions:

2.4. provide operation of hotlines in the fields of protection of children's rights;

The support of the operation of the hotline 116 111, providing opportunities for children to report violations on the Internet and receiving psychological support, now is and until 31 October 2014 will be carried out performed by the Latvian Internet Association *Net-Safe Latvia* within the framework of the Centre for Safer Internet in cooperation with the State Inspectorate for Protection of Children's Rights. After that period, to ensure continuation of activities for protection of children on the Internet, we will have to provide appropriate funding, as well as to develop a unified model further institutional co-operation and to establish division of institutional competences.

From 1 February 2006, a free of charge *Helpline* for children is operating within the Inspectorate whose aim is to help children who are in difficult life situations. The primary task of the helpline is to provide psychological assistance and to support children in crisis situations. Secondary the *Helpline* is an effective way to allow not only for children but also for other people promptly notify the alleged violations of children's rights. Suchan information is immediately transferred by the Helpline operational staff to the child's rights protection inspectors, responsible municipal authorities or law enforcement bodies for handling.

In 2009, the Inspectorate in collaboration with the Special Assignments Minister for Electronic Government Affairs launched the project Net-Safe Latvia. Since September of the 2006, Latvia implements the European Community's *Safer Internet Plus* Project Net-Safe and since July of the 2007

- the Project *Hotline*. Since January 2009, within the project Net-Safe Latvia, and until 31 October 2014 an operation of *Helpline* is ensured providing children with an opportunity to call the confidential hotline number 116111 in order to inform about potential violations on the Internet and to receive psychological help in crisis situations.

The Inspectorate in this project provides operation of the *Helpline* or hotline, providing an opportunity to advise the callers about internet safety issues as well as to inform the callers about possible infringements on the Internet.

Question 15: Assistance to victims

a. Please indicate which types of assistance described in **Article 14** are provided to victims of sexual exploitation and sexual abuse of children. (**Explanatory Report paras. 93-100**)

For services please see the information provided in the answer to question 15c.

Please specify:

- how the assistance is adapted to the victims' age and maturity;
- how due account is taken of the child's views, needs and concerns;

Protection of the Rights of the Child Law Section 13. Freedoms of the Child

(3)[...] In any other fields, which affect the interests of the child, appropriate attention, corresponding to the age and maturity of the child, shall be paid to the opinion of the child.

Law On Social Services and Social Assistance Section 24. Social Rehabilitation at the Place of Residence

In order to promote the use of resources available in the State and local government and ensure the integration into society of a person, the social service or social rehabilitation service provider shall develop and implement an individual social rehabilitation plan for each person to be socially rehabilitated.

Protection of the Rights of the Child Law Section 20. Examination of Matters Associated with the Protection of the Rights of the Child

(1) Applications and complaints relating to the child's rights protection, shall be reviewed immediately.

(2) A child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to the child, either directly or through a lawful representative of the child or through a relevant institution.

Protection of the Rights of the Child Law Section 6. Principle of Protection of the Rights of the Child

(3) Protection of the rights of the child shall be realised in collaboration with the family, State and local government institutions, public organisations and other natural and legal persons.

In addition, the Saeima (the Parliament) is currently viewing a draft bill elaborated to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/TI, and providing to supplement the Protection of the Rights of the Child Law with the following provisions:

Protection of the Rights of the Child Law Section 70. Persons and Institutions Responsible for the Protection of the Rights of the Child

(1) It is the duty of all persons and institutions responsible for protection of the rights of the child to provide assistance in every case to a child who has need thereof. If there is any doubt about a person's

minority, such a person, until clarification of his or her age, shall be considered as a minor and this person shall be ensured with appropriate assistance."

All social services, including social rehabilitation of child victims of illegal activities and human trafficking, shall be organised on the basis of a person's individual needs and assessment of resource. Developing a person's individual rehabilitation plan, rehabilitation service rate shall be planned in a way so that the included measures as much as possible would achieve the objectives of the individual rehabilitation plan.

Law On Social Security Section 2. Basic Principles of the Operation of the Social Security System

The social security system shall operate in accordance with the following basic principles:

6) an individual approach.

Law On Social Services and Social Assistance Section 4. Basic Principles for the Provision of Social Services

(1) Social services shall be provided only on the basis of an evaluation of the individual needs and resources of a person carried out by a social work specialist.

- if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.

The Cabinet Regulation No 1613 of 22 December 2009 "Order of provision of the necessary assistance to a child who is a victim of wrongful acts"

7 If, according to the conclusion of a psychologist or a social worker, it is required to accompany a child in a social rehabilitation institution by a family member or a person under whose care the child is caring, the stay of this person in the respective institution shall be financed from the state budget.

12 Social Service of the Municipal Government

12.7. provides the necessary support and assistance to a child who has been the victim of abuse, and to the child's family during reception of the social rehabilitation service, as well as after it.

Law On Social Services and Social Assistance Section 9. Duties of Local Governments in the Provision of Social Services and Social Assistance

(2) If a local government has received information from natural persons or institutions regarding a person who might require a social care or social rehabilitation service or social assistance, the local government has a duty in accordance with the procedures specified in the Law On Social Security to verify the received information, to evaluate the needs of the person for social services and social assistance and to inform this person or his or her lawful representative of the rights and possibilities of receiving social services and social assistance, as well as the procedures by which social services or social assistance may be received.

(3) If a person requires social services in a night shelter or a crisis centre, he or she shall turn directly to the service provider who takes a decision on the provision of a service. If necessary, the local government, in the territory in which a person without a home is located, shall ensure the person with night shelter or shelter, information and consultations, as well as one-time material assistance.

The Cabinet Regulations No 291 of 3 July 2003 "Requirements for social services providers":

2. In order to satisfy customers' needs at the best, social services provider shall ensure:

2.10. the client's functional ability assessment by providing appropriate services to the client and, if necessary, measures to support his family or household members.

51 A specialist for mitigation of consequences of unlawful acts:

51.3. involve the child's family members or his or her legal representative in the course of social rehabilitation if the child is not a victim of unlawful activities of a family member or legal representative.

100.⁷ *Social Services (for victims of human trafficking) Provider shall ensure:*

100.⁷12. *if necessary, a total of five counselling sessions for the family members of the minor clients if they are staying in Latvia;*

100.⁷13. *if necessary, organisation reach of the place of the service is provided of a client or a potential client who is abroad, as well as of his or her minor children (if they are staying together with the client or potential client) and, if the client or the potential client is unable to travel independently, escorting him or her from a foreign country to a place of provision of services.*

b. Please specify if and to what extent internal law provides for the possibility of removing **(Article 14, para. 3, Explanatory Report, para. 99):**

- the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;

Within the framework of the criminal proceedings there is an option to evict a person who has committed a sexual offence against a child from his or her home if it is also the home to the child victim, with application of appropriate security measure:

The Criminal Procedure Law Section 243 .Security Measures

(1) The following are security measures:

2) prohibition from approaching a specific person or location;

However, the security measures are only applicable in the course of criminal proceedings, and are impossible to apply outside (after the completion of criminal proceedings) of it. In view of this, in the public, including children's interests Latvia in the near future plans to introduce personal rights protection measures. The Saeima (the Parliament) is currently viewing draft bills, providing every person's rights to ask the court to impose preventive measures for protection of their security and rights, including (1) an obligation for the defendant to leave the home of residence which is also the plaintiff, and the prohibition to return and stay there, (2) a prohibition for the defendant to come closer to the place of residence of the plaintiff, in distance less than established by the court decision for the personal rights protection purposes.

In addition, police officers will have the right, where there is immediate danger that a person in the home or nearby, could inflict damage to the person's who is permanently living in the home (in this case - the child's) life, liberty or health, based on the written application, to make a decision which requires the person who poses a threat to leave the home where the protected person resides permanently, not to return and not to stay in the house and nearby closer than the distance specified in the decision for a period of seven days from the time of the decision. The police decision on the separation also establish a ban on the person causing danger to contact the protected person.

- the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.

Firstly, a parent who has sexually exploited a child is deprived of custody rights and, if possible, the child is cared by the other parent.

The Criminal Law Section 203

Custody rights of the parent are terminated when the Orphans' Court finds that:

1) there are factual obstacles that prevent the parent to take care for the child;

2) the child is dangerous to his or her health or life circumstances due to the parent's fault (by deliberate activities of the parents or by negligence);

3) The parent is abusing his or her rights or fails to ensure the child's care and supervision;

4) The parent has consented to adopt a child, except when he, as the spouse has consented to the fact that the child is adopted by the other spouse;

5) there is identified an abuse of a parent against the child or there is a reasonable suspicion of abuse of the child by the parent.

In these cases, the care is implemented by the other parent, but if in case of any obstacle, the Orphans' Court shall arrange foster care for the child.

Terminated custody rights of the parent shall be renewed if the Orphans' Court finds that there are no conditions specified in the Clause 1 of this Section. If within the year from termination of the custody rights it is not possible to restore them, the Orphans' Court shall decide on judicial proceedings for deprivation of custody rights, except in cases where the custody rights can not be restored due to circumstances irrespective to to the parent.

An Orphan's Court has the right to decide on judicial proceedings for deprivation of custody rights before entering into force of the term established in the Clause 3 of this Section, if it is in the child's interest.

However when in that way the offender can not be isolated for the child, placement in foster care shall be ensured for the child.

Protection of the Rights of the Child Law Section 52. Child Victims of Violence or Other Illegal Acts

(4) Extra-familial care shall be provided without delay for a child who has suffered from violence (illegal act) in his or her family or for whom a real threat of violence exists, if it is not possible to isolate the persons at fault from the child.

Law On Orphan's Courts Section 22. Removal and Renewal of Child Care and Custody Rights

(3) An Orphan's court shall take a decision as regards the bringing of an action regarding the removal of custody rights in a court if:

1) the parent treats the child very badly (child abuse has been detected etc.);

(4) In preparing a case regarding renewal of child care rights or regarding the bringing of an action regarding the removal of custody rights of a parent in a court, an Orphan's court shall:

1) ascertain whether the reasons, due to which the child care rights have been removed from the parents, no longer apply;

2) request an opinion from the social service office of the place of residence of the parent regarding the possibilities for the child to return in care of the parent;

3) request information from the foster family, the guardian or the institution of long-time social care and social rehabilitation regarding the communication between the child and the parent, mental and material support in upbringing of the child during out-of-family care;

4) request other information, which is necessary in order to take a justified decision.

Protection of the Rights of the Child Law Section 27. Separation of the Child from Family

(1) A child may be separated from his or her family, if:

1) the life, health or development of the child is seriously threatened due to violence or if there are justified suspicions regarding violence against the child, as well as due to lack of care or due to the circumstances of his or her home (social environment);

Law On Orphan's Courts Section 23. Taking of an Individual Decision

(1) If during an inspection of the living conditions of a child or otherwise it is detected that the child lives in conditions that are dangerous to health or life, as well as if the subsequent living of the child in the family may endanger his or her wholesome development, the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court shall take an individual decision regarding:

1) the removal of the child care rights from the parents;

2) the taking off of the child from the family of the guardian and suspension of the guardian from fulfilment of duties;

3) the taking off of the child from the foster family.

(2) In the cases referred to in Paragraph one of this Section the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court shall take the child to a

foster family, an institution of long-term social care and social rehabilitation, a hospital or other safe conditions.

(3) An individual decision shall be taken in oral form and shall be drawn up in writing within 24 hours, and the parents, guardian or foster family of a child shall be notified of such decision as well.

(4) An individual decision shall be taken by such Chairperson of an Orphan's court, Vice-Chairperson of an Orphan's court or Member of an Orphan's court, in the territory of operation of which the conditions referred to in Paragraph one of this Section have been detected or in the territory of operation of which the child is located, if an individual decision is taken in accordance with Paragraph 1.1 of this Section. The Orphan's court of the place of residence of a child's parents, as well as the Orphan's court, which has taken the decision regarding the relevant case of guardianship or foster family or which supervises such case, shall be informed regarding such decision without delay, except for the cases referred to in Paragraph 1.1 of this Section

(5) An individual decision shall be executed without delay. Submission of an application to a court regarding the cancellation, declaration of repeal or invalidity of such decision shall not suspend the operation of the decision.

(6) If the conditions referred to in Paragraph one of this Section are detected and at the relevant moment there is no information regarding the parents, guardian or foster family of a child, an Orphan's court shall act in accordance with Paragraph two of this Section.

Law On Orphan's Courts Section 24 Duration of the Operation of an Individual Decision

(1) An Orphan's court shall convene a meeting within not more than 15 days after taking of an individual decision in order to take a decision regarding:

1) the renewal of the parents' child care rights;

2) the return of a child to the family of the guardian or dismissal of the guardian from the fulfilment of duties;

3) the return of a child to the foster family or termination of the residence in such family.

(2) If it is not possible to renew the parents' child care rights, and the return of the child to the family of the guardian or foster family is not possible as well, an Orphan's court shall take a decision regarding the provision of out-of-family care to the child in another family or at an institution of long-term social care and social rehabilitation.

c. If internal law does provide for this:

- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?

Protection of the Rights of the Child Law Section 6. Principle of Protection of the Rights of the Child

(2) In all activities in regard to a child, irrespective of whether they are carried out by State or local government institutions, public organisations or other natural persons and legal persons, as well as the courts and other law enforcement institutions, the ensuring of the rights and interests of the child shall take priority.

(3) Protection of the rights of the child shall be realised in collaboration with the family, State and local government institutions, public organisations and other natural and legal persons.

- are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (**Article 11, Explanatory Report, paras. 87-88**).

Protection of the Rights of the Child Law Section 70. Persons and Institutions Responsible for the Protection of the Rights of the Child

(1) It is the duty of all persons and institutions responsible for protection of the rights of the child to provide assistance in every case to a child who has need thereof.

(2) A child himself or herself and other persons have the right to apply for assistance to institutions for the protection of the rights of the child and to other State and local government institutions carrying

out activities provided for by law, if the father, mother or other legal representative of the child, or a child care or educational institution employee violates the rights of the child, treats the child cruelly or in some other way fails to observe the rights of the child.

Protection of the Rights of the Child Law Section 51. Protection of the Child from Illegal Activities

(2) A child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall, in accordance with procedures prescribed by the Cabinet, be provided with emergency assistance free of charge, in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's intimate secrets.

Protection of the Rights of the Child Law Section 52. Child Victims of Violence or Other Illegal Acts

(1) Special institutions or sections in general medical institutions shall be established and special resources allocated in the State budget for the medical treatment and rehabilitation of a child who has suffered as a result of violence. Expenditures for the medical treatment and rehabilitation of the child shall be covered by the State and shall be collected from the persons at fault by subrogation procedures.

(3) It is prohibited for a child who has been a victim of violence (illegal act):

1) to be left alone, except in cases when the child himself or herself so wishes and this choice is considered appropriate by a psychologist who has undergone special preparation for work with children who have suffered from violence;

2) to be left without psychological or other form of care;

(4) Extra-familial care shall be provided without delay for a child who has suffered from violence (illegal act) in his or her family or for whom a real threat of violence exists, if it is not possible to isolate the persons at fault from the child.

Law On Social Services and Social Assistance Section 13. Duties of the State in the Provision of Social Services

(1) The State shall ensure the following according to the funds granted in the annual State Budget Law:

7) the social rehabilitation of victims of the trafficking in human beings. The Cabinet shall determine the procedures for the receipt of social rehabilitation and the criteria for the recognition of a person as a victim of the trafficking in human beings;

(1²) State shall ensure social rehabilitation of child victims of violence. Until clarifying of the age of the person, social rehabilitation shall be ensured also to those victims of violence whose minority is doubtful.

The Cabinet Regulation No 1613 of 22 December 2009 "Order of provision of the necessary assistance to a child who is a victim of wrongful acts".

1. These Regulations prescribe the procedures by which the State budget funds the necessary assistance to children who are victims of illegal activities - crime, exploitation, sexual abuse, violence or any other unlawful, cruel or abusive activity - to recover his or her physical and mental health and to be able to integrate in society, including the procedure of the foundation "Latvian children's Fund" for organisation of social rehabilitation services for the state budget funds for abused children, and conditions of execution of this task delegated by the State.

2. Health care services necessary for a child who is a victim of violence, necessary, including medical rehabilitation, shall be provided in accordance with the laws and regulations of the health care organisation and financing order.

4. If the orphans' court suspects that a child has suffered from parental abuse, it shall notify the municipal social services, and then, when the child has received the necessary treatment and medical rehabilitation, to refer the child to a psychologist or social worker, who will evaluate and determine whether the child needs social rehabilitation.

5. If there is a suspicion that a child has suffered abuse at the children care institution, social

correction educational institution or prison (hereinafter - the body), the head of the body, parents, guardians or foster family shall inform the Orphans' Court, the municipal social services and require a psychologist or social worker's opinion about the child victim.

6. A psychologist or a social worker, following the request of the parent, the guardian of the child victim head of the body, foster family or Orphans' Court provides an opinion within 10 days. The opinion shall contain the following information:

6.1. whether the child has signs of psychological trauma;

6.2. necessary social rehabilitation measures;

6.3. whether social rehabilitation is desirable to be obtain at the child's place of residence (hereinafter - the place of residence) or institution, or social rehabilitation institution;

6.4. whether a child needs rehabilitation course of 30 days or a complex rehabilitation course of up to 60 days in social rehabilitation institution;

6.5. whether the child will need accompany in the social rehabilitation institution the presence of a family member or a person who, taking into account the child's psychological condition and age.

7. If, according to the conclusion of a psychologist or a social worker, it is required to accompany a child in a social rehabilitation institution by a family member or a person under whose care the child is caring, the stay of this person in the respective institution shall be financed from the state budget.

8. Social rehabilitation services at the place of residence or at the institution shall be provided in a form consultations (up to ten 45-minute consultations) or in a form of rehabilitation course in a social rehabilitation institution.

9. Following reason application of the social services provider to the Latvian Children's Fund, the rehabilitation course up to 30 days or complex rehabilitation course up to 60 days may be extended.

10. Social rehabilitation services are provided as close to the place of residence as it is possible.

12. Social Service of the Municipal Government

12.7. provides the necessary support and assistance to a child who has been the victim of abuse, and to the child's family during reception of the social rehabilitation service, as well as after it.

The Cabinet Regulations No 889 of 31 October 2006 "Regulations on the order by which the victims of human trafficking receive rehabilitation services, and criteria for the recognition of victims of human trafficking"

4. Service course for a person is up to 180 calendar days. In addition, a person can receive five service provider consultations (duration of a consultations - one hour) within two years after the end of the service, if the person does not receive support during criminal proceedings referred to in the this Clause 4.1 of these regulations.

4.¹ ***If a person within the framework of criminal procedures for human trafficking with the prosecutor's decision has been identified as the victim (hereinafter - the prosecutor's decision) or has been granted the status of a witness, if the person does not want to be found as the victim (hereinafter - the witness), and this is confirmed by law enforcement body's issued notice (hereinafter - the law enforcement body's notice), the relevant person after the end of the service course is additionally eligible for support in connection with criminal proceedings - psycho-social assistance (including an individual lawyer, social worker, psychologist consultations), interpretation, assistance for preparation of legal documents and, if necessary - representation in court (hereinafter - the support), not exceeding 150 hours per year. The person receives the support services during the course of receiving the service course. If a person receives legal assistance provided by the state in accordance with laws and regulations governing state-guaranteed legal aid cases and procedures, the respective person is entitled to, as an aid in accordance with these rules, consultations of a social worker and psychologist, as well as, if necessary, an interpreter for these consultations.***

Social rehabilitation of child victims of illegal activities may be received at the person's place of residence or at a social rehabilitation institution. In 2012, the service was received by 2316 children, of whom 1015 received rehabilitation at a social rehabilitation institution, but 1301 - at the place of residence.

In the first part of the 2013, the service was received by 1538 children, of whom 1107 received rehabilitation at a social rehabilitation institution, but 431 - at the place of residence.

No social rehabilitation services for child victims of human trafficking were provided, so far no minor victims of human trafficking has been identified. However, in the case of the need for such services for minors, it could be provided.

- d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (**Article 38, para. 2, Explanatory Report, paras. 258-259**).

Victims in Latvia may apply to the law enforcement bodies with the application that they are victims of a crime committed in another country. According to the Section 4 of the Criminal Law, jurisdiction of Latvia will be assessed over a particular offence. If the above offences are impossible to investigate in Latvia (it is not jurisdiction of Latvia) the competent authority will send the injured person's application to the Member State concerned as spontaneous information in accordance with the Convention On Assistance of the European Union Member States in criminal matters Section 7 or the of the European Council on Mutual Assistance in Criminal Matters Section 21.

The Criminal Procedure Law Section 673. Types of International Co-operation

(1) Latvia shall request international co-operation in criminal matters from a foreign state and shall ensure such co-operation:

- 1) in the extradition of a person for criminal prosecution, trial, or the execution of a judgment, or for the determination of compulsory measures of a medical nature;*
- 2) in the transfer of criminal proceedings;*
- 3) (excluded by the Law of 24 May 2012);*
- 4) in the execution of procedural actions;*
- 4¹) in the execution of the non-custodial detention;*
- 5) in the recognition and execution of a judgement;*
- 6) in other cases provided for in international treaties.*

**PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION
AND SEXUAL ABUSE OF CHILDREN**

Question 16: Criminal law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;

From the offences listed below with the individual differences mentioned in the clause b of this questionnaire's question b, all are criminalized in Latvia.

- b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;

Convention Article 18, Clause 1, sub-clause b - criminal liability in Latvia is provided for engaging in sexual activities with a child who has not attained the age of puberty (16 years). If the child is 16 or 17 years old, criminal liability is only for those cases where sexual activity is carried out through a child's state of helplessness or using violence or threats (circumstanced referred to in the Article 18, Clause 1, Sub-Clause b paragraphs 1 and 3).

In addition, please be informed that the Saeima (the Parliament) is currently viewing a draft bill providing Amendments to the Criminal Law to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child

pornography and replacing Council Framework Decision 2004/68/TI. The draft bill provides to significantly expand substances of offences determining criminal liability not only in cases when used violence, threat or taken an advantage of the state of helplessness, but also in cases where the use of trust, authority or other influence on the victim (regardless of whether the person is of legal age or minor). As soon as these amendments will enter into force the Criminal Law of Latvia will comply fully with the provisions of Article 18 of the Convention.

Article 19, Clause 1, Sub-clause c of the Convention - criminal liability in Latvia currently is provided only in cases where the child has not reached puberty (16 years) of age. In other cases, if the provision of sexual services has been voluntary and the client himself has not involved, intimidated or forced the minor into prostitution, criminal liability does not enter into force. However this aspect is also provided to be changed, namely, the Saeima (the Parliament) is currently viewing a draft bill providing Amendments to the Criminal Law to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/TI. With this draft bill the Criminal Law is being supplemented with a new substance of the crime - used of juvenile prostitution. As soon as these amendments will enter into force the Criminal Law of Latvia will comply with the provisions of Article 19 of the Convention.

Article 10 Clause 1 Sub-clause f of the Convention - criminal liability in Latvia is provided for the downloading or purchase of child pornography, does not covering those cases where pornography is accessed online, without downloading or other means of acquisition. However, the amendments to the Law On Pornography Restrictions entered into force on 29 December 2013 clarifying the definition of "movement of a pornographic material" and defining that the movement, int.al., means also access to such materials. Currently, the Saeima (the parliament) is viewing the draft bill with respective amendments to the Section 166 of the Criminal Law, in order to prescribe criminal liability for of any kind of activity, which is pornography movement under the provisions of the Law On Pornography Restrictions. The draft bill has been elaborated to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/TI, however its entering into force will secure conformity of the Criminal Law to requirements of Article 20 of the Convention.

Article 21 of the Convention - amendments to the Law On Pornography Restrictions entered into effect on 29 December 2013 and in line with the provisions of the European Parliament and Council's Directive 2011/93/EU on combating of sexual abuse against children, sexual exploitation of children and child pornography, and replacing the Council Framework Decision 2004/68/JHA introduces a new concept "pornographic performance" and respectively defines conditions to be followed in organising, advertising and demonstration of such performances. At the same time the Saeima (the parliament) is still viewing the draft bill, which requires corresponding alterations to the Section 166 of the Criminal Law, to clearly define violation of restrictions established in the Law On Pornography Restriction. Until such amendments enter into force, the criminal liability for involving, impelling and forcing of a child to participate in pornographic performances, as well as the profits from these performances or the deliberate attendance of these performances occurs only if the behaviour of the particular person may be qualified by any of substances of offences existing in the Criminal Law such as child pornography (specifically - material of a pornographic nature) or production of child pornographic material if the particular performance is recorded on video, pictures or any other format; trading in prostitution; human trafficking; impelling them to engage in sexual activities; seducing to immoral acts: rape (or participation in the rape); violent sexual gratification (or participation in such an offence); establishment, maintenance, operation and financing of a brothel; involvement or forcing of a person into prostitution.

As soon as these amendments to the Criminal Law enters into force the law will comply fully with the provisions of Article 21 of the Convention.

- c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;

Criminal liability in Latvia is provided for different sexual acts with children not related to physical contact with the child (non-contact acts). The Convention covers only those cases in which a child who has not attained the age of puberty (16 years), is made to witness sexual abuse or sexual acts, while the Section 162 of the Criminal Law provides criminal liability for any kind of immoral acts committed with a minor, if such have been committed by a person who has attained the age of majority or if they have been committed against the will of the minor. Acts that are also considered as immoral acts are such as cynical conversations with children about sexual topics or or if these talks are being held in the presence of a child, instructions for types of sexual gratification, demonstration to a child production containing immoral content, including - materials of a pornographic nature, etc..

- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

The child's age plays a role in determining the gravity of the crime. Minority (a child has not reached the age of 18) and pupilage (a child has not reached the age of 14) have been defined as qualifying elements, namely sanctions for offences against a minor's morality and sexual inviolability are provided more severe compared with analogous offences against a person of full age. While, if the crime has been committed against a preteen, the sanctions are even more severe than those prescribed for cases where the victim is 14-17 years old.

In addition, please be informed that the pupilage, i.e, the fact that a child is under the age of 14, in the theory of the criminal law in Latvia has been recognized as the state of helplessness, so that sexual intercourse or other similar acts with these children in all cases to be classified as rape or forcible sexual gratification.

In addition please be informed that in the near future, alterations are planned in relation to those qualifying elements. Namely, the sanctions will be graded, dividing the children into the following age groups: 1) minors (as before - children under the age of 18) and 2) persons under the age of puberty (children under 16, i.e. the age at which engaging into sexual acts is permitted in Latvia). This means that the most severe sanctions that are currently applied in cases where the child is a preteen (has not reached the age of 14) will also apply in cases where the child is 14 or 15 years old.

Sexual Abuse (Article 18)

1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
2. Engaging in sexual activities with a child where
 - use is made of coercion, force or threats;
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Child Prostitution (Article 19)

1. Recruiting a child into prostitution or causing a child to participate in prostitution;
2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
3. Having recourse to child prostitution.

Child Pornography (Article 20)

1. Producing child pornography;
2. Offering or making available child pornography;
3. Distributing or transmitting child pornography;
4. Procuring child pornography for oneself or for another person;
5. Possessing child pornography;
6. Knowingly obtaining access, through information and communication technologies, to child pornography.

Participation of a Child in Pornographic Performances (Article 21)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

Solicitation of Children for Sexual Purposes ("grooming") (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Aiding or abetting and attempt (Article 24)

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with **Article 26**? Please specify under which conditions.

According to the regulations of the Criminal Law, legal entities are not held criminally liable. Criminal liability enters into effect to a particular person who has committed the respective crime. Yet, at the same time, legal entities are also "punishable" by applying them special coercive measures prescribed by the Criminal Law.

The Criminal Law Section 12. Liability of a Natural Person as the Representative of a Legal Person
In a proceeding against a legal person regarding a criminal offence, the natural person who has committed such offence as the representative or at the instruction of the legal person concerned, or while in the service of the legal person, as well as a joint participant of such natural person, shall be criminally liable therefor.

The Criminal Law Section 70¹ The basis for determination of compulsory measures to a legal person

Compulsory measures for criminal offences to private rights defined in the special part of this Law committed by a legal person, including state or municipal corporation, as well as a partnership, a court or a prosecutor in cases provided by law may determine compulsory means if the offence towards interests or benefit of the legal person or in the result of the lack of inadequate supervision or control by the legal persona has been committed by a natural person, acting either individually or as the party of the respective legal person's collegiate institution:

- 1) Based on the right of representation of the legal person, or acting on its behalf;*
- 2) Based on the right to make decisions on behalf of the legal person;*
- 3) In exercising control within the legal person.*

The Criminal Procedure Law Section 439. Procedures for Criminal Proceedings

(2) Proceedings for the application of coercive measures to a legal person shall take place within the framework of the criminal proceedings.

(3) when determination of a coercive measure to a legal person, a person directing proceedings, with a decision may separate a proceedings in a separate records in following cases:

- 1) the criminal proceedings against a natural person shall be terminated on the basis of non-rehabilitating conditions;*
- 2) identified conditions that prevent to ascertain whether a particular natural person is to be held criminally liable, or due to objective reasons referral of the criminal case to the Court in the near future (within a reasonable period of time) is not possible;*
- 3) to timely resolve the criminal-law relationship with a natural person who has the right to defence;*
- 4) it is requested by a representative of the legal person.*

Question 18: Sanctions and measures

- a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (**Article 27, Explanatory Report, paras. 182-193**);

Natural persons are held criminally liable of committing offences indicated in the Convention. Sanctions prescribed by the Criminal Law include the custodial sentence (up to life sentence in the most serious offences), and they are also sufficiently severe to be permitted the person's extradition to a foreign country. In most cases, mandatory or alternatively determinable is also an additional sentence - probation supervision.

The Criminal Law Section 45¹ Probation Supervision

(1) Probation supervision is an additional sentence, which a court may adjudge or a prosecutor may determine as a punishment by an injunction as a compulsory measure, in order to supervise the behaviour of the sentenced person or a person to whom the prosecutor with the injunction about the sentence has determined an additional sentence.

Although criminal liability is not provided for legal persons, coercive measures prescribed by the Criminal Law may be determined to them within the framework of the criminal proceedings:

Section 70² Types of coercive measures determinable to a legal person

(1) The following coercive means may be determined to a legal person:

- 1) dissolution;*
- 2) limitation of the rights;*
- 3) confiscation of property;*
- 4) money recovery.*

(2) One or more coercive measures provided in the Paragraph 1 of this Section may be determined to a legal person. When determining dissolution, other coercive measures shall not be determined.

Section 70⁴ Limitation of Rights

(1) Limitation of rights is deprivation of certain rights or permits or determination of such a prohibition banning a legal person to exercise certain rights, to receive support or help from the State, to participate in a government or local government procurement procedures, to carry out certain activities for a term of one year to ten years.

(2) A prosecutor in his or her order on a coercive measure may determine no more than a half of the maximum term for limitation of rights prescribed by the Paragraph 1 of this Section.

Also, confiscation of property obtained by crime and tools used in the crime is prescribed for provisions under Criminal Procedure Law:

Section 240 Definitive Action with Material Evidence and Documents

(1) A judgment or decision on the termination of criminal proceedings shall indicate what shall be done with material evidence and documents, that is:

1) property and documents shall be returned to the owners or lawful possessors thereof;

2) the instrumentalities of a criminal offence owned by a suspect or accused shall be confiscated, but if they do not have any value – destroyed;

3) criminally obtained property and documents shall be confiscated;

4) objects the circulation of which is prohibited shall be transferred to the relevant institutions or destroyed;

5) objects that do not have any value shall be issued to interested persons upon their request, or destroyed;

6) objects which were intended or had been used for commission of a criminal offence shall be confiscated, but if they do not have any value – destroyed.

7) animals which belong to a person who has been found guilty of cruelty to animals under the procedure of this Law - confiscated.

Section 355 Criminally Acquired Property

(1) Property shall be recognised as criminally acquired, if such property directly or indirectly has come into the property or possession of a person as a result of a criminal offence.

(2) If the opposite has not been proven, property, including financial resources, shall be recognised as criminally acquired if such property or resources belong to a person who:

1) is a member of an organised criminal group, or supports such group;

3) has him or herself engaged in the trafficking of human beings, or maintains permanent relations with a person who is engaged in the trafficking of human beings;

7) has him or herself engaged in criminal activities in relation to child pornography or sexual abuse of children, or maintains constant relations with a person who is involved in such activities.

Section 358 Confiscation of Criminally Acquired Property

(1) Criminally acquired property shall be confiscated with a court decision, if the further storage of such property is not necessary for the achievement of the purpose of criminal proceedings and if such property does not need to be returned to the owner of lawful possessor, and acquired financial resources shall be included in the State budget.

(4) The following shall be included in the State budget:

1) resources that have been acquired in realising confiscated property or property, in accordance with the procedures specified in regulatory enactments, the ownership of which has not been ascertained or the owner of which does not have lawful right to such property, or the owner or lawful possessor of which has refused such property;

2) resources that a person has acquired from the realisation of property, knowing the criminal origins of such property;

3) yield acquired as a result of the use of criminally acquired property;

4) confiscated financial resources;

5) financial benefits, or material benefits of another nature, that a State official has accepted as a bribe.

- b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (**Article 29, Explanatory Report, paras. 203-208**).

In line with Section 48 Paragraph 1 Clause 1 of the Criminal Law, if the offence was committed repeatedly or constitutes recidivism of criminal offences, this, et.al., may be recognized as an aggravating circumstance. This means that if a person has previously been convicted of a relevant offence (relapse), or if he or she has committed two or more independent offences or one offence which meets at least two different constituent elements of the criminal offence (community), the court may determine more severe sentence to a person as oppose to cases where the person has committed a criminal offence for the first time or has committed only one criminal offence corresponding to a particular offence.

In line with Section 24 Paragraph 2 of the Criminal Law, multiplicity of criminal offences is constituted by repetition, aggregation and recidivism of criminal offences, while multiplicity of criminal offences is constituted also by such criminal offences in respect of which a sentence adjudged in a foreign state is served in Latvia.

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (**Article 25, Explanatory Report, paras. 165-176**).

Section 2 of the Criminal Law corresponds to the sub-clause of the Clause 1 of the Article 25 of the Convention:

Section 2 Application of The Criminal Law in the Territory of Latvia

(1) The liability of a person who has committed a criminal offence in the territory of Latvia shall be determined in accordance with this Law.

(2) If a foreign diplomatic representative, or other person, who, in accordance with the laws in force or international agreements binding upon the Republic of Latvia, is not subject to the jurisdiction of the Republic of Latvia, has committed a criminal offence in the territory of Latvia, the issue of this person being held criminally liable shall be decided by diplomatic procedures or in accordance with bilateral agreements of the states."

Section 3 of the Criminal Law corresponds to the Article 25 Clause 1 Sub-clauses b and c of the Convention:

Section 3 Applicability of The Criminal Law to Aircraft, and Sea and River Vessels Outside the Territory of Latvia

A person who has committed a criminal offence outside the territory of Latvia, on an aircraft, or a sea or river vessel or other floating means of conveyance, if this means of conveyance is registered in the Republic of Latvia and if it is not provided otherwise in international agreements binding upon the Republic of Latvia, shall be held liable in accordance with this Law.

Section 4 Paragraphs 1 and 2 corresponds to requirements of Article 25 Clause 1 Sub-clauses d and Section 4 of the Convention:

Section 4 Applicability of The Criminal Law Outside the Territory of Latvia

(1) Latvian citizens and non-citizens, and aliens or stateless persons who have a permanent residence permit for the Republic of Latvia, shall be held liable in accordance with this Law for a criminal offence committed in the territory of another state.

(2) Soldiers of the Republic of Latvia who are located outside the territory of Latvia shall be held liable for criminal offences in accordance with this Law, unless it is provided otherwise in international agreements binding upon the Republic of Latvia."

The Criminal Law of Latvia does not provide jurisdictional basis prescribed by Article 25 Clause 1 Sub-clause e of the Convention. Latvian legislation and international agreements binding to Latvia does not define "permanent residence", so with regard to the provisions of this Convention, Latvia plans to take an opportunity provided by Article 25 Paragraph 3 of the Convention, namely, not to apply this rule.

The Criminal Law of Latvia does not provide jurisdictional basis mentioned in Article 25 Clause 2 of the Convention however, Paragraphs 3 and 4 of Section 4 of the Criminal Law provides a sufficiently wide regulation to cover also the following cases, if needed:

The Criminal Law Section 4. Applicability of The Criminal Law Outside the Territory of Latvia

(3) Aliens and stateless persons who do not have permanent residence permits for the Republic of Latvia and who have committed especially serious crimes in the territory of another state which have been directed against the Republic of Latvia or against the interests of its inhabitants, shall be held criminally liable in accordance with this Law irrespective of the laws of the state in which the crime has been committed, if they have not been held criminally liable or committed to stand trial in accordance with the laws of the state where the crime was committed.

(4) Aliens or stateless persons who do not have a permanent residence permit for the Republic of Latvia and who have committed a criminal offence in the territory of another state, in the cases provided for in international agreements binding upon the Republic of Latvia, irrespective of the laws of the state in which the offence has been committed, shall be held liable in accordance with this Law in cases prescribed by international agreements binding to the Republic of Latvia, if they have not been held criminally liable for such offence or committed to stand trial in the territory of another state.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in **Article 28**, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (**Explanatory Report, paras. 194-202**).

Circumstances specified in Article 28 Clauses a, b, c, e, f and g of the Convention are regarded as liability aggravating circumstances in Latvia:

- Aggravating circumstances specified by the Criminal Law Section 48 Paragraphs 4 and 8 correspond to Sub-clauses a and b - the criminal offence has caused serious consequences or the criminal offence was committed especially cruelly or with humiliation of the victim.

In line with Section 24 of the "Coming into Force of the Criminal Law", serious consequences shall apply if the criminal offence has resulted in death of a person, or serious bodily injuries or psychological trauma to at least one person, moderate bodily harm to a number of persons or financial loss on a large scale have been inflicted, or other serious harm has been caused to the interests protected by law;

Aggravating circumstance provided for in the Criminal Law Section 48 Paragraph 1 Clause 6, corresponds to the Sub-clause c - the criminal offence was committed against a person who has not attained fifteen years of age or against a person taking advantage of his or her helpless condition or of infirmity due to old-age;

Liability aggravating circumstance provided for in the Criminal Law Section 48 Paragraph 1 Clause 2, corresponds to the Sub-clauses e and f - the criminal offence was committed while in a group of persons;

Liability aggravating circumstance provided for in the Criminal Law Section 48 Paragraph 1 Clause 1, corresponds to the Sub-clause g - the criminal offence was committed repeatedly or constitutes recidivism of criminal offences.

Liability aggravating circumstance provided for in the Criminal Law Section 48 Paragraph 1 Clauses 7 and 15 also correspond to the Sub-clause d. In line with the Criminal Law Section 48 Paragraph 1 Clause 7, the following circumstance can also be recognized as liability aggravating circumstance: the criminal offence was committed against a person taking advantage of his or her official, financial or other dependence on the offender. While in line with the Clause 15 of the Paragraph 1 of the same Section of the Criminal Law, the liability aggravating circumstance is also if the offence which is connected with violence or threat of violence against a person with whom the offender is a first or second degree of kinship, or a spouse or former spouse, or a person with whom the offender is or has been in non-registered spouse relationship, or against a person with whom the offender has joint (undivided) household.

Given that not all offences against morality and sexual violence inviolability are related to violence or a threat of violence, this provision is provided to be extended application to all offences against morality and sexual inviolability. Such alterations are intended to the draft bill "Amendments to the Criminal Law" that currently is viewed by the Saeima (the Parliament) to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/TI. As soon as these amendments enters into force, the Criminal Law of Latvia will fully comply with the provisions of Article 28 of the Convention.

Question 21: Measures of protection for the child victim

- a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (**Article 31, para. 1, letter (a) and para. 2**). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;

The victim in the criminal proceedings after the completion of the pre-trial investigation are entitled to receive those copies of the criminal case materials to be transferred to court, that are directly relevant to the offence by which he/she has been harmed. These materials also include a decision on the particular person's calling to justice and information on evidence obtained during the pre-trial process.

In line with the Criminal Procedure Law

Section 39 Duties and Rights of a Public Prosecutor – Person Directing the Proceedings

(1) A public prosecutor has the following duties as a person directing the proceedings:

5) issue to a victim copies of materials provided for in the Law;

Section 49 Judge as a Person Directing the Proceedings after the Adjudication of a Case and the Acceptance of an Adjudication

After the adjudication of a case and the acceptance of an adjudication, and until the transferral of such adjudication for execution or the sending thereof to a court of the next instance, a judge shall:

1) ensure the availability on the specified day of the minutes of the court sitting and the adjudication to all persons provided for in the Law;

Section 96 Recognition as a Victim

(2) A person directing the proceedings shall inform a person in a timely manner regarding the rights thereof to be recognised as a victim in criminal proceedings.

(3) A person may be recognised as a victim only with the written consent of such person or the representative thereof. A person who does not want to be a victim shall obtain the status of a witness.

Section 98 Rights of a Victim in Pre-trial Criminal Proceedings

(1) A victim has the following rights in pre-trial criminal proceedings:

- 1) to familiarise him or herself with the Criminal Proceedings Register, and to submit a recusation to officials entered therein;*
 - 4) to familiarise him or herself with a decision on the determination of an expert-examination before the transferral thereof for execution, and to submit an application regarding the amendment thereof, if the expert-examination is conducted on the basis of his or her own application;*
 - 8) after the completion of pre-trial criminal proceedings, to receive copies of the materials of the criminal case to be transferred to a court that directly apply to the criminal offence with which harm has been caused to him or her, if such materials have not been issued earlier, or with the consent of a public prosecutor to become acquainted with these materials of a criminal case;*
 - 10) to submit a request to the investigating judge that he or she be acquainted with the materials of special investigative actions that are not appended to the criminal case (primary documents);*
- (2) In questioning and interrogation, a victim also has all the rights and duties of a witness.*

Section 99 Rights of a Victim in a Court of First Instance

A victim has the following rights in a court of first instance:

- 1) to find out the place and time of the trial in a timely manner;*
- 8) to familiarise him or herself with a court adjudication and the minutes of a court session;*

Section 100 Rights of a Victim in a Court of Appeals

(1) If an adjudication of a court of first instance is appealed in the part regarding a criminal offence with which harm was caused to a victim, a person directing the proceedings shall send copies of received appellate complaints to the victim, and a court of appeals shall notify regarding the time, place, and procedures for the examination of the complaints.

(3) A victim has the right to receive an adjudication of a court of appeals on the day specified by the court, and to submit a cassation complaint.

Section 101 Rights of a Victim in a Court of Cassation

(1) If an adjudication of a court of appeals is appealed in the part regarding a criminal offence with which harm was caused to a victim, a person directing the proceedings shall send copies of received cassation complaints to the victim, and a court of cassation shall notify regarding the time, place, and procedures for the examination of the complaints.

Section 104 Persons who may be the Representative of a Victim – Natural Person

(4) In the cases referred to in Paragraphs two and three of this Section, all the rights of a victim belong completely to his or her representative, and the victim may not independently implement such rights, except for the rights of a minor to provide testimony and express his or her view.

(5) 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 substantiated request, a person directing the proceedings shall take a decision on the retaining of an advocate as the representative of a minor victim. In exceptional cases, the person directing the proceedings shall take a decision on the retaining of the representative – advocate of a victim – poor or low-income person of legal age, if it is otherwise not possible to ensure the protection of the rights and interests of the person in criminal proceedings. In such cases, the Cabinet shall determine the amount of payment for the provision of legal assistance ensured by the State and reimbursable expenses related to the provision of legal assistance ensured by the State, the amount thereof and procedures for payment.

Section 110 Rights of a Witness

(2) Before an inquiry and interrogation, a witness has the right to receive information from an executor of a procedural action regarding his or her rights, duties, and liability, the mode of the recording of information, as well as regarding the right to provide testimony in a language that he or she knows well, using the services of an interpreter, if necessary.

(3) A witness has the right:

5) to retain an advocate for the receipt of legal assistance.

Section 139 General Provisions for the Performance of Investigative Actions

(2) At the beginning of an investigative action, the performer thereof shall inform a person involved in the concrete proceedings regarding the rights and duties thereof, and shall notify regarding liability for the non-execution of the duties thereof. A person whose procedural duties are also simultaneously the professional work duties thereof shall not be informed and notified.

Section 321 Familiarisation with an Adjudication or Issue of a Copy

(1) A person who is involved in criminal proceedings and whose rights and interests have been affected by a taken adjudication, the representative thereof, and the defence counsel thereof, as well as the person on the basis of the submission, application, or request of whom the adjudication has been taken shall be familiarised with the adjudication before the commencement of the execution thereof, if the execution takes place with the participation of the relevant person.

The Social Services and Social Assistance Law provides for also the following rule:

Section 12 Duties and Rights of Local Government Social Service Offices

(1) A local government social service office shall have the following duties:

1) to provide persons with information regarding the right to receive social services and social assistance as well as the procedures for the provision thereof;

This information is provided to individuals free of charge, as it also should be noted that such counsellings are available to all persons, without exception, that is, also to persons who are not covered by the Section 3 of the Social Services and Social Assistance Law.

The Cabinet Regulations No 291 of 3 July 2003 "Requirements for social services providers" Section 7³:

Information on social services and social assistance provided by a local government and binding rules of the local government on social services and social assistance shall be available in clients' reception place of each municipal social service. Social Service's website shall place information on social services, services provided, information on opening hours and admission procedures, as well as information or a link to the homepage, where binding rules of the local government on social services and social assistance are available.

At the same time, it should be noted that the Criminal Procedure Law currently does not impose an obligation of a person directing the proceedings to provide general information to the victim about the progress of investigations and prosecutions, as well as to inform the victim of his/her right to seek compensation for damages inflicted or to receive the State compensation. In view of the above, the Ministry of Justice will submitted to the Saeima (parliament) proposals for the addition new rules to the Criminal Law that will determine that the victim has the right:

1) to submit a request to a person directing the proceedings to inform him/her about the progress of the criminal proceedings in part for the offence with which he/she has been harmed;

2) to receive timely information from the person directing the proceedings about his/her right to file an application for compensation for damages inflicted and the right to receive the State compensation in cases and order specified by the law "Law on State Compensation to Victims".

However, in relation to the form of presentation and language of the information, please be informed that the Criminal Procedure Law Section 11 specifies rights of a victim and his/her representative, as well as of a witnesses in cases where they do not speak the official language, to use, during procedural activities, the language that these persons speak, and to use free of charge services of an interpreter, whose participation in the process is ensured by the person directing the proceedings. During the pre-trial investigation, in deciding on matters within the competence of an investigating judge or court, the participation of an interpreter shall be ensured by the investigating judge or the court. Similarly, the above-mentioned persons are entitled to a translation when they are receiving procedural documents,

as well as they have the right to learn court decisions, through an interpreter. Such rights (to receive information in an understandable language or form) have also persons who have hearing, speech and visual disturbances.

In line with Section 12 Paragraph 2 of the Social Services and Social Assistance Law, social service office of a local government have a duty to provide information and consultations in a manner comprehensible to the person.

In addition, we draw your attention to the fact that for reasons of a child's rights protection, taking into account the fact that a child due to his/her age, is unable to fully understand and effectively protect his/her rights, the Criminal Procedure Law determines that a minor victim of his or her own, without a representative, can not exercise his/her rights in criminal proceedings, except for his/her right to give evidence and to express his/her view. Also in line with the provisions of the Section 153 of the Criminal Procedure Law:

1) if the interrogated person is under the age of 14, a psychologist, subject to certain conditions, shall explain to the minor the need of the ongoing activities and importance of the information provided by him/her, ascertain the person's data, ask questions of the person directing the proceedings in a manner appropriate to the minor's psyche; if necessary – informs about a break in and resumption of investigative activities.

2) if the person to be interrogated has reached the age of 14, a person directing the proceedings through a psychologist shall inform the minor of the ongoing investigation's nature, ascertain his or her personal data, explain his/her rights and duties, as well as warn him/her liability in case of failure to fulfil his/her duties, ask questions of the person directing proceedings in a manner appropriate to the minor's psyche; if necessary – informs about a break in and resumption of investigative activities.

In addition, we draw your attention to the fact that in the nearest future to be amended the Criminal Procedure Law to provide that the provision of legal assistance to a minor victim and to the minor victim's representative is mandatory in criminal proceedings for an offence associated with violence caused by a person from whom the minor victim is materially or otherwise dependant or for an offence against morality or sexual inviolability. Such alterations are intended in the draft bill that the Saeima (the Parliament) is currently viewing to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/TI.

b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (**Article 31, para. 1, letter (c)**);

The child's right to express his/her views and to be heard is clearly defined by laws and regulations:

Protection of the Rights of the Child Law Section 20. Examination of Matters Associated with the Protection of the Rights of the Child

(2) A child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to the child, either directly or through a lawful representative of the child or through a relevant institution.

The Criminal Procedure Law Section 99. Rights of a Victim in a Court of First Instance

A victim has the following rights in a court of first instance:

- 4) to express his or her view regarding every matter to be discussed;*
- 7) to speak in court debates;*

The Criminal Procedure Law Section 100. Rights of a Victim in a Court of Appeals

(2) In a court session, a victim has the same rights as in a court of first instance, as well as the right to maintain and justify his or her complaint, or withdraw such complaint.

The Criminal Procedure Law Section 101. Rights of a Victim in a Court of Cassation

(3) In examining a case in a court session in proceedings taking place orally, a victim has the right to submit recusations, maintain or withdraw his or her complaint, and to express a view regarding other complaints that have been the grounds for his or her participation in a court of cassation.

The Criminal Procedure Law Section 104. Persons who may be the Representative of a Victim – Natural Person

(4) In the cases referred to in Paragraphs two and three of this Section, all the rights of a victim belong completely to his or her representative, and the victim may not independently implement such rights, except for the rights of a minor to provide testimony and express his or her view.

- c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (**Article 31, para. 1, letter (d)**);

As to information of the victim about his/her rights see the response to the question 21. a of the questionnaire.

In addition, the minor victim has also a representative with whose intermediation his/her rights are being exercised:

The Criminal Procedure Law Section 104. Persons who may be the Representative of a Victim – Natural Person

(2) If harm has been caused to a minor person, the victim shall be represented 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 kinsperson 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.

(4) In the cases referred to in Paragraphs two and three of this Section, all the rights of a victim belong completely to his or her representative, and the victim may not independently implement such rights, except for the rights of a minor to provide testimony and express his or her view.

(5) 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 substantiated request, a person directing the proceedings shall take a decision on the retaining of an advocate as the representative of a minor victim. In exceptional cases, the person directing the proceedings shall take a decision on the retaining of the representative – advocate of a victim – poor or low-income person of legal age, if it is otherwise not possible to ensure the protection of the rights and interests of the person in criminal proceedings. In such cases, the Cabinet shall determine the amount of payment for the provision of legal assistance ensured by the State and reimbursable expenses related to the provision of legal assistance ensured by the State, the amount thereof and procedures for payment.

(9) In deciding a matter regarding permission to participate in criminal proceedings regarding a representative of a minor victim or a victim not having the capacity to act, the person directing the proceedings shall observe the sequence specified in Paragraph two of this Section, and the possibilities and desire of the concrete persons to truly protect the interests of the victim.

The Criminal Procedure Law Section 107. Rights of the Representative of a Victim

(1) If a victim implements his or her interests with the intermediation of a representative, the representative has all the rights of the victim.

(2) 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.

Similarly, the victim and his/her representative have the right to legal assistance of a lawyer:

The Criminal Procedure Law Section 108. Provision of Legal Assistance to a Victim

(1) A victim or the representative thereof may retain an advocate for the provision of legal assistance in order to completely implement the rights of such victim.

(2) An advocate who participates as the representative of a victim does not have the rights referred to in Paragraph one of this Section.

(3) A provider of legal assistance has the right to participate in all procedural actions that take place with the participation of a victim, and to completely or partially use the rights of the victim on the basis of a request of such victim.

State Ensured Legal Aid Law Section 18. Types of Legal Aid in Criminal Matters

The State shall ensure the following in criminal matters:

2) the drawing up of procedural documents in criminal proceedings;

3) defence or representation in a criminal proceeding.

State Ensured Legal Aid Law Section 20. Provision of Representation

(1) A State-ensured advocate for the representation of a person in criminal proceedings shall be invited in the cases and according to the procedures specified in the Criminal Procedure Law.

At the same time please be informed that the Saeima (the parliament) is currently viewing alterations to Section 108 of the Criminal Procedure Law. The draft bill has been elaborated to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/TI, and providing to supplement the Protection of the Rights of the Child Law with the following provisions:

The Criminal Procedure Law Section 108. Provision of Legal Assistance to a Victim

(5) Provision of legal assistance to a minor victim and to the minor victim's representative is mandatory in criminal proceedings for an offence associated with violence caused by a person from whom the minor victim is materially or otherwise dependant or for an offence against morality or sexual inviolability.

(6) If a minor victim or his/her representative has failed to enter into an agreement with an attorney for legal assistance, in the event specified by the paragraph 5 of this Section a person directing the proceedings shall decide on inviting of an attorney as a provider of legal assistance under order prescribed by Section 104 Paragraph 6 of this Law. In this case, the state attorney's fees for the provision of legal assistance and reimbursable expenses associated with the provision of the legal assistance shall be covered under the Cabinet Regulations regulations issued on the basis of Section 104 Paragraph 5 of he Law.

d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (**Article 31, para. 1, letter (e)**);

Our legislation clearly defines limitations to protection of children's privacy, identity and image:

Protection of the Rights of the Child Law Section 71. Prohibition from Disseminating Information Regarding the Child

(1) Information regarding a child obtained by an employee of a child care, educational, social assistance or other institution or by an employee of a State or local government institution, in 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 may not be divulged.

(2) It is prohibited to disseminate personally obtained information regarding a child who has become a victim, a witness or has committed a violation of the law, as well as such information as could harm the child now or in the future.

(4) It is prohibited to interview a child and disseminate to the press and other mass media information in regard to the child who has become a victim or a witness of an illegal activity or has committed a violation of the law, except in cases where the child him or herself expresses the desire to openly disclose what was experienced and the parents or other lawful representatives of the child consent to it. If criminal procedure has been commenced, the permission of the person directing the proceedings is also necessary.

Protection of the Rights of the Child Law Section 51. Protection of the Child from Illegal Activities

(2) A child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall, in accordance with procedures prescribed by the Cabinet, be provided with emergency assistance free of charge, in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's intimate secrets.

The Criminal Procedure Law Section 12. Guaranteeing of Civil Rights

(4) An official, who performs the criminal proceedings, has a duty to protect the confidentiality of the private life of a person and the commercial confidentiality of a person. Information regarding such confidentiality shall be obtained and used only in the case where such information is necessary in order to clarify conditions that are to be proven.

(5) A natural person has the right to request that a criminal case does not include information regarding the private life, commercial activities, and financial situation of such person or the betrothed, spouse, parents, grandparents, children grandchildren, brothers or sisters of such person, as well as of the person with whom the relevant natural person is living together and with whom he or she has a common (joint) household (hereinafter – the immediate family), if such information is not necessary for the fair regulation of criminal legal relations.

The Criminal Procedure Law Section 97. General Principles of the Rights of a Victim

(9) 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.

Paragraph 8 "Information not for Publication" of Section 7. of the "Law On the Press and Other Mass Media:

It is prohibited, to publish information Is prohibited, without consent of persons and authorities specified in the Protection of the Rights of the Child Law, to publish:

- 1) such an information that may lead to putting in danger of interests (privacy, identity) of a child who has suffered in the result of illegal actions;*
- 2) an image of a child who has suffered in the result of illegal actions;*
- 3) such an information that allows identification of a juvenile offender or a juvenile witness.*

Information relating to closed court sittings see in the response to the question 23.c of the questionnaire.

- e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (**Article 31, para. 1, letter (f)**);

Protection of the Rights of the Child Law Section 52. Child Victims of Violence or Other Illegal Acts

(3) It is prohibited for a child who has been a victim of violence (illegal act):

- 3) to be confronted by the possible perpetrator of the violence (illegal act) while the child is not sufficiently psychologically prepared for such a confrontation;*

(4) Extra-familial care shall be provided without delay for a child who has suffered from violence (illegal act) in his or her family or for whom a real threat of violence exists, if it is not possible to isolate the persons at fault from the child.

The Criminal Procedure Law Section 24. Defence of a Person and Property in the Case of a Threat

(1) A person who is threatened in connection to the execution of the criminal procedural duty thereof has the right to request that a person directing the proceedings carry out the measures provided for by law for the defence of such person and the property thereof.

(2) In receiving the information referred to in Paragraph one of this Section, a person directing the proceedings shall, depending on the concrete circumstances, decide on the necessity to perform one or more of the following measures:

1) the commencement of another criminal proceedings for the investigation of the threat;

2) the selection of a corresponding security measure for the persons in the interest of whom the threat has taken place;

3) the institution of the determination of special procedural protection for the person who has been threatened;

4) the assigning of law enforcement institutions the task of performing protection of the person or the property thereof.

(3) If the measures referred to in Paragraph two of this Section are not able to prevent an actual threat to the life of a person, a person directing the proceedings shall refuse the use of the evidence that is the case of the threat.

The Criminal Procedure Law Section 299. Content of Special Procedural Protection

Special procedural action is the protection of the life, health, and other lawful interests of a victim, witness, and other persons who testify or have testified in criminal proceedings regarding serious or especially serious crimes, as well as of a minor who testifies regarding the crimes provided for in Sections 161, 162, and 174 of the Criminal Law, and of a person the threat to whom may influence the referred to persons (hereinafter in this Chapter – threatened person).

The Criminal Procedure Law Section 300. Reason and Grounds for Special Procedural Protection

(1) The basis for special procedural protection shall be a real threat to the life, health or property of a person, expressed real threats, or information that provides a person directing the proceedings with a sufficient basis for believing that a threat may be real in connection with the testimony provided by such person.

(2) A written submission of a threatened person, or the representative or defence counsel thereof, if a threatened person agrees to it and a proposal of a person directing the proceedings shall be the basis for the determination of special procedural protection.

Special Protection of Persons Law Section 4. Rights to Special Protection

(1) The following persons testifying in criminal proceedings (hereinafter – person testifying in criminal proceedings) have the right to special protection:

1) a victim, witness or another person who is testifying or has testified regarding a serious or especially serious crime;

2) a minor who is testifying regarding the crimes provided for in Sections 161, 162 and 174 of the Criminal Law;

3) a person the danger to whom may influence the person testifying in criminal proceedings.

(2) A person who is not testifying in criminal proceedings, but participates in the uncovering, investigation or adjudication of a serious or especially serious crime, as well as a person who is in danger due to the activities of the referred to persons (hereinafter – another person to be protected), has the right to special protection.

Special Protection of Persons Law Section 16. Special Protection Measures

(1) Special protection of a person shall be ensured by utilising the investigatory operations activities specified in the Investigatory Operations Law, as well as the following special protection measures:

1) a security guard for the person to be protected;

- 2) the securing against unsanctioned wiretapping of the conversations of the person to be protected, the securing against unsanctioned control of his or her correspondence;
- 3) the movement of the person to be protected to other unknown (confidential) residential premises;
- 4) the issuance of a passport and other documents with different personal identity data;
- 5) the change of the permanent residence and place of work of the person to be protected;
- 6) the protection and non-issuance from State information systems of the data of the person to be protected;
- 7) the transfer of the person to be protected to another state in accordance with entered into international agreements or an agreement with such state;
- 8) if necessary, insurance of the property of the person to be protected;
- 9) escorting of the detained and convicted persons to be protected separately from other prisoners.
- 10) identity change of the protected person.

f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (**Article 31, para. 1, letter (b)**);

Given that such information itself does not ensure greater security for the victim and his/her family, information of persons currently takes place in Latvia in those cases where the offender after his/her release from a prison has selected such a place of residence where children (including children who previously have not suffered from his/her criminal activities) are residing, if there is no other way avert danger to the child's safety:

Law On Orphan's Courts Section 44¹ Informing a Parent, Guardian, Foster Family or Host Family Regarding the Possible Threat to a Child and the Fact of the Criminal Record of a Person

(1) An Orphan's court shall immediately inform the parent, guardian, foster family or host family of a child regarding the criminal record of a person with whom he or she is in a single household, if the person returns from a deprivation of liberty institution after serving a punishment for a criminal offence referred to in Sections 159, 160, 161, 162, 162.1, 164, 165 and 166 of the Criminal Law, in which the victim has been a minor.

(2) An Orphan's court, based on the information acquired regarding the possible threat to the health, life or wholesome development of a child shall immediately invite the parent, guardian, foster family or host family of the child to attend the Orphan's court or visit them in person and inform the parent, guardian, foster family or host family of the child about the possible threat to the child and regarding the criminal record of the person who is posing this threat, as well as provide information regarding the recommended action and the opportunities for receiving support services.

(3) A communication protocol shall be drawn up regarding the informing of the parent, guardian, foster family or host family. A parent, guardian, foster family or host family shall be warned of the liability in connection with the disclosure of the information referred to in this Section to third persons.

(4) The person regarding whose fact of criminal record a parent, guardian, foster family or host family is informed shall not be notified thereof.

At the same time we would like to inform you that alterations are planned in the nearest future with regard to information of victims about the progress of the criminal proceedings. For more details, please see the answer to the questionnaire's question 21a.

In addition it should be noted that the release of a person who has been convicted of an offence against sexual inviolability and morals, competent authorities are already being informed due to public security protection reasons. In addition, after the release the person may also be subject to probation supervision:

The Sentence Execution Code of Latvia 112². Sending Information to the Orphan's Court
Prison administration before the release of the convicted person after full servicing of the sentence proscribed by the court judgement sends information to the orphan's court about the convict who is

...serving his or her sentences for intentional violent crimes or offences against sexual inviolability and morals. This information shall be sent no later than 15 working days before the release of the convict prison, but for the convicts who are released under amnesty or pardon, the information shall be sent immediately after the act of amnesty or pardon is received.

The information to be sent to the Orphan's Court shall contain the name, surname ID number of the convicted person, section of the Criminal Law, after which he was convicted, term of the sentence imposed and the scheduled release date, as well as the chosen place of residence.

Information specified in this Section shall be sent to the Orphan's Court pursuant to to the address of the previous place of residence of the convicted person. If a convicted person has no declared place of residence, information shall be sent to the Orphans' court in whose territory the convict has decided to live upon release. If the convicted person has a declared place of residence, but he or she has indicated another address of his/her designated place of residence, the information shall be sent to the Orphan's Court corresponding to the address of the previous place of residence and orphan's court in whose territory the convict has decided to live upon release.

Information specified by this Section is an information of limited availability.

The Sentence Execution Code of Latvia Section 49.² The right of the convict to temporarily leave the custodial institution.

Administration of the custodial institution shall send an information about the convict, who may temporarily leave the prison territory, to the territorial unit of the State Police, in whose territory the convict has decided to stay. This information shall be sent immediately after the authorization, but before the convict has temporarily left the custodial institution.

The Sentence Execution Code of Latvia Section 68 Incentives Applicable to Persons Sentenced with Deprivation of Liberty

Administration of the custodial institution shall send an information about the convict, who may temporarily leave the prison territory, to the territorial unit of the State Police, in whose territory the convict has decided to stay. This information shall be sent no later than five working days before the convict has temporarily left the custodial institution.

The Sentence Execution Code of Latvia Section 112¹ Sending of information to the territorial unit of the State Police.

Administration of the custodial institution before the release of the convict after a fully served term of penalty sentence determined by the court judgement shall send information about the convict to the territorial unit of the State Police. This information shall be sent no later than 15 working days before the release of the convict prison, but for the convicts who are released under amnesty or pardon, the information shall be sent immediately after the act of amnesty or pardon is received.

The information specified by the paragraph 1 of this Section shall be sent to the territorial unit of the State Police in accordance with the address of the former declared place of residence of the convict. If a convicted person has no declared place of residence, information shall be sent to the territorial unit of the State Police where the convict has decided to live upon release. If the convicted person has a declared place of residence, but he or she has indicated another address of his/her designated place of residence, the information shall be sent to the territorial unit of the State Police corresponding to the address of the previous place of residence where the convict has decided to live upon release.

The information specified by this Section shall contain the name, surname, ID number of the convicted person, section of the Criminal Law, after which he was convicted, term of the sentence imposed, scheduled release date, as well as the chosen place of residence.

Information specified by this Section is an information of limited availability.

State Probation Service Law Section 18¹ Sending Information to the Orphan's Court:

(1) The State Probation Service no later than within three working days from the date of registration of the probation client shall send information to an Orphans' court about the probation client, who is under supervision of the State Probation Service and is convicted of intentional offences or offences against sexual inviolability and morals.

(2) If the probation client specified by the paragraph 1 of this Section fails to arrive for registration at the State Probation Service during the time specified by the Sentence Execution Code, the State Probation Service shall immediately send the information to the Orphan's Court corresponding to the last declared place of residence of the probation client.

(3) The information specified by paragraphs 1 and 2 of this Section shall specify therein the probation client's name, surname, ID number, section of the Criminal Law, after which he was convicted, term of the sentence imposed, planned duration of the surveillance, obligations imposed by court, as well as the address of the place of residence. If the declared place of residence does not coincide with the actual place of residence, both the declared and the actual address shall be indicated.

(4) The State Probation Service immediately sends information to the orphans' court about the probation client, who is under supervision of the State Probation Service supervision, if the information obtained during supervision of that client causes suspicion of risks to the child's health, life and wholesome development and the probation client resides or intends to reside in the family with children.

(5) The information specified by paragraphs 4 of this Section shall specify therein the probation client's name, surname, ID number, section of the Criminal Law, after which he was convicted, term of the sentence imposed, planned duration of the surveillance, information which indicates a potential risk to a child and the address of the declared place of residence. If the declared place of residence does not coincide with the actual place of residence, both the declared and the actual address shall be indicated.

(6) information specified by this Section shall be sent to the Orphan's Court, in the operation territory of which resides the probation client and the child at a potential risk.

(7) Information specified by this Section is an information of limited availability.

In line with Section 45.¹ of the Criminal Law, a court of a prosecutor with an injunction about the sentence - a prosecutor may determine an additional sentence - probation supervision - a coercive measure to supervise the behaviour of the sentenced person or a person to whom the prosecutor with the injunction about the sentence has determined an additional sentence for promotion of re-socialisation of this person or prevention of commitment of new criminal offences. During the probation supervision the convict or the person to whom an additional sentence has been imposed by the prosecutor's injunction, fulfils obligations set by the State Probation Service. One of the obligations which can be set by the State Probation Service a person to whom an additional sentence of probation supervision has been imposed under the Sentence Execution Code of Latvia Section 138.6 Paragraph 3 is prohibition to contact certain people. Basically, those people are victims in the criminal proceedings, including children. Until January 2015, only sex offenders will be sentenced with an additional probation supervision, as in line with Section 14 of the Transitional Provisions to the Criminal Law, additional sentence - probation supervision - from October 1, 2011, shall be imposed to persons who have committed offences under Sections 159, 160, 161, 162, 162¹, 164, 165 and 166 of the Criminal Law (offences against sexual inviolability and morals), but from January 1, 2015, also to persons who have committed other offences under the section of the special part of the Criminal Law.

As to early release, please be informed that before deciding whether or not a person can be released before his/her term, an evaluation report is being requested. Provision of Evaluation Report is one of the functions of the State Probation Service:

State Probation Service Law Section 15 Evaluation Report

(1) The State Probation Service following the court's or the prosecutor's request shall provide an Evaluation Report on the accused person in the criminal proceedings.

(2) The State Probation Service following the request of the liberty deprivation establishment's administration shall provide an evaluation report on the convicted person, who has submitted an application requesting the administrative commission of the prison to consider the possibility of sending application to a court about his or her conditional pre-term release.

(3) Purpose of the Evaluation Report is:

1) to provide a comprehensive, objective information on which will be based an issue about sanction to be determined to the probation client or his or her obligations within the supervisory framework, taking into account his or her way of thinking, behaviour, attitudes and social circumstances stimulating commitment of the crime;

2) to provide information on rehabilitation or possibilities to rehabilitate the injured rights or legitimate interests of the victim.

In order to obtain information about rehabilitation or possibilities to rehabilitate the injured rights or legal interests of the victim, the State Probation Service Officer who draws up an evaluation report about the probation client, contacts the person who has been identified as the victim in the particular criminal case, provided his/her contact information is known.

Taking into account information obtained during preparation of the the evaluation report, and is in most cases also concerns expressed by victims about the potential danger from the part of the accused or convicted person, the evaluation report include a number of specific obligations, including the restriction - to prohibit any kind of contacts with the victim, which are requested to determine to a probation client by court in the event of conditional sentencing or conditional pre-term release.

g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (**Article 31, para. 1, letter (g)**);

Protection of the Rights of the Child Law Section 52. Child Victims of Violence or Other Illegal Acts

(3) *It is prohibited for a child who has been a victim of violence (illegal act):*

3) to be confronted by the possible perpetrator of the violence (illegal act) while the child is not sufficiently psychologically prepared for such a confrontation;

The Criminal Procedure Law Section 152. Special Features of an Interrogation of a Minor

(2) *[...] One of the lawful representatives of the minor, a kinsperson of the minor, or a trustee has the right to participate in an interrogation, if he or she is not the person against whom the criminal proceedings have been initiated, a detained person, a suspect, or an accused, and if the minor does not object to such participation.*

The Criminal Procedure Law Section 153. Interrogation of a Minor Person with the Intermediation of a Psychologist

(1) *If a psychologist considers that the psyche of a person who has not reached 14 years of age, the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of a minor who has been recognised as a victim of sexual abuse, may be harmed by a direct interrogation, such direct interrogation shall be performed with the intermediation of technical means and a psychologist. If an investigator or public 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.*

(2) *A 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.*

- h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (**Article 31, para. 3**).

Currently, the state guaranteed legal assistance is provided free of charge only in cases where a child has no representative or the existing representative for some reasons is unable to provide protection of the minor's rights and interests:

The Criminal Procedure Law Section 104. Persons who may be the Representative of a Victim – Natural Person

(5) 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 substantiated request, a person directing the proceedings shall take a decision on the retaining of an advocate as the representative of a minor victim. In exceptional cases, the person directing the proceedings shall take a decision on the retaining of the representative – advocate of a victim – poor or low-income person of legal age, if it is otherwise not possible to ensure the protection of the rights and interests of the person in criminal proceedings. In such cases, the Cabinet shall determine the amount of payment for the provision of legal assistance ensured by the State and reimbursable expenses related to the provision of legal assistance ensured by the State, the amount thereof and procedures for payment.

State Ensured Legal Aid Law Section 18. Types of Legal Aid in Criminal Matters

The State shall ensure the following in criminal matters:

- 2) the drawing up of procedural documents in criminal proceedings;
- 3) defence or representation in a criminal proceeding.

State Ensured Legal Aid Law Section 20. Provision of Representation

(1) A State-ensured advocate for the representation of a person in criminal proceedings shall be invited in the cases and according to the procedures specified in the Criminal Procedure Law.

At the same time we would like to draw your attention that the Saeima (the parliament) is currently viewing alterations to Section 108 of the Criminal Procedure Law. The draft bill has been elaborated to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/TI, and providing to supplement the Protection of the Rights of the Child Law with the following provisions:

The Criminal Procedure Law Section 108. Provision of Legal Assistance to a Victim

(5) Provision of legal assistance to a minor victim and to the minor victim's representative is mandatory in criminal proceedings for an offence associated with violence caused by a person from whom the minor victim is materially or otherwise dependant or for an offence against morality or sexual inviolability.

(6) If a minor victim or his/her representative has failed to enter into an agreement with an attorney for legal assistance, in the event specified by the paragraph 5 of this Section a person directing the proceedings shall decide on inviting of an attorney as a provider of legal assistance under order prescribed by Section 104 Paragraph 6 of this Law. In this case, the state attorney's fees for the provision of legal assistance and reimbursable expenses associated with the provision of the legal assistance shall be covered under the Cabinet Regulations regulations issued on the basis of Section 104 Paragraph 5 of the Law.

Question 22: Investigations and criminal measures to protect the child victim

- a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (**Article 30, para. 2, Explanatory Report, paras. 211-215**);

Protection of the Rights of the Child Law Section 6. Principle of Protection of the Rights of the Child

- (1) In lawful relations that affect a child, the rights and best interests of the child shall take priority.
- (2) In all activities in regard to a child, irrespective of whether they are carried out by State or local government institutions, public organisations or other natural persons and legal persons, as well as the courts and other law enforcement institutions, the ensuring of the rights and interests of the child shall take priority.

Protection of the Rights of the Child Law Section 51. Protection of the Child from Illegal Activities

(2) A child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall, in accordance with procedures prescribed by the Cabinet, be provided with emergency assistance free of charge, in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's intimate secrets.

Protection of the Rights of the Child Law Section 52. Child Victims of Violence or Other Illegal Acts

- (3) It is prohibited for a child who has been a victim of violence (illegal act):
- 1) to be left alone, except in cases when the child himself or herself so wishes and this choice is considered appropriate by a psychologist who has undergone special preparation for work with children who have suffered from violence;
 - 2) to be left without psychological or other form of care;
 - 3) to be confronted by the possible perpetrator of the violence (illegal act) while the child is not sufficiently psychologically prepared for such a confrontation;
 - 4) to be subjected to the use of any compulsory measures in order to obtain information or for any other purpose.

Law On Forensic Experts Section 9. Duties of Forensic Experts

- (2) A forensic expert has an obligation:
- 7) to ensure that participation of a child in forensic expert-examination would not adversely affect his or her psyche and, where appropriate, to request that the person who ordered the expert-examination requests the presence of a psychologist;

In addition see the responses provided to questions 21.d, e, f and g, as well as 22. d and 23 of the questionnaire.

- b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (**Article 32, Explanatory Report, para. 230**);

The Criminal Procedure Law provides that, with some exceptions, criminal proceedings are executed in the interest of the public, regardless to the will of a person who has suffered damage:

The Criminal Procedure Law Section 7. Prosecution in Criminal Proceedings

- (1) Criminal proceedings shall be performed in the interests of society regardless of the will of the person to whom the harm was inflicted, if this Law does not specify otherwise. The prosecution function in criminal proceedings on behalf of the State shall be implemented by a public prosecutor.
- (2) Criminal proceedings shall be initiated for the offences provided for in Sections 90, 130, 131, 132, 136, 157, Section 159, Paragraph one, Section 160, Paragraph one, Sections 168, 169, 180, Section 185, Paragraph one, Section 197, Section 200, Paragraph one and Section 260, Paragraph one of the Criminal Law, if a request has been received from the person to whom harm has been inflicted.

Criminal proceedings may also be initiated without the receipt of a request from the person to whom harm has been inflicted, if such person is not able to implement his or her rights himself or herself due to a physical or mental deficiency.

Criminal offences against a child specified by the Chapter XVI of the Criminal Law "Criminal Offences against Morals, and Sexual Inviolability" do not part the category of offences referred to in Section 7 Paragraph 2 of the Criminal Procedure Law. Therefore, in order to commence criminal proceedings for any of the crimes listed in the Convention, no application from a victim is needed in Latvia. Similarly, the course of criminal proceedings does not depend on the child's wish to continue the criminal proceedings and to engage in it.

- c. Which legislative or other measures measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with **Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b**, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (**Article 33, Explanatory Report, paras. 231-232**);

The Criminal Law Section 56. Criminal Liability Limitation Period

(1) A person may not be held criminally liable if from the day when he or she committed the criminal offence, the following time period has elapsed:

6) twenty years from the day of commitment of a serious or especially serious crime, if the crime was directed against a minor and sexual inviolability, except for an offence for which, under the law, life sentence may be imposed.

All offences mentioned in the Convention other than those referred to in Article 22 (in relation to children who are at the age of 14) and Article 23, in Latvia are being classified as a serious offences for which the statutory limitation period falls only twenty years after the day of crime:

The Criminal Law Section 7. Classification of Criminal Offences

(4) A serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding three years but not exceeding eight years, as well as an offence committed out of negligence, for which this law provides for imprisonment for a term exceeding eight years.

The offence indicated in the Article 22 of the Convention (in relation to children who are at the age of 14), is less serious crime in Latvia, therefore the limitation period provided for is five years from the day of the crime. But the offence indicated in the Article 23 is considered as a criminal offence in Latvia, therefore the limitation period for criminal liability is shorter - two years:

The Criminal Law Section 56. Criminal Liability Limitation Period

(1) A person may not be held criminally liable if from the day when he or she committed the criminal offence, the following time period has elapsed:

2) two years after the day of commission of such criminal violation;

3) five years after the day of commission of a less serious crime;

(2) The limitation period shall be calculated from the day when the criminal offence has been committed until when charges are brought or when the accused person is notified of the official request for extradition , if the accused person is staying in another country or his or her search has been announced.

(3) The running of the limitation period is interrupted if, before the date of termination of the period prescribed in Paragraph one of this Section, the person who has committed the criminal offence commits a new criminal offence. In such case, the limitation period provided for the more serious of the committed criminal offences shall be calculated from the time of the commission of the new criminal offence.

- d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (**Article 31, para. 4**). Please also describe under which conditions it is possible;

The Criminal Procedure Law Section 104. Persons who may be the Representative of a Victim – Natural Person

(2) If harm has been caused to a minor person, the victim shall be represented 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 kinsperson 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.

(4) In the cases referred to in Paragraphs two and three of this Section, all the rights of a victim belong completely to his or her representative, and the victim may not independently implement such rights, except for the rights of a minor to provide testimony and express his or her view.

(5) 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 substantiated request, a person directing the proceedings shall take a decision on the retaining of an advocate as the representative of a minor victim. In exceptional cases, the person directing the proceedings shall take a decision on the retaining of the representative – advocate of a victim – poor or low-income person of legal age, if it is otherwise not possible to ensure the protection of the rights and interests of the person in criminal proceedings. In such cases, the Cabinet shall determine the amount of payment for the provision of legal assistance ensured by the State and reimbursable expenses related to the provision of legal assistance ensured by the State, the amount thereof and procedures for payment.

(9) In deciding a matter regarding permission to participate in criminal proceedings regarding a representative of a minor victim or a victim not having the capacity to act, the person directing the proceedings shall observe the sequence specified in Paragraph two of this Section, and the possibilities and desire of the concrete persons to truly protect the interests of the victim.

The Criminal Procedure Law Section 106. Persons who may not be the Representative of a Victim

(1) An official who has been entered into the Criminal Proceedings Register may not be the representative of the victim.

(2) 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.

The Criminal Procedure Law Section 107. Rights of the Representative of a Victim

(1) If a victim implements his or her interests with the intermediation of a representative, the representative has all the rights of the victim.

(2) 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.

- e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (**Article 31, para. 5**). Please specify under which conditions, if so required;

In line with provisions of the Criminal Procedure Law a governmental or non-governmental organization engaged in child protection may be a child's representative, if for some reason the child cannot be represented by his/her mother, father or any other child's kinsperson specified by the Criminal Procedure Law:

The Criminal Procedure Law Section 104. Persons who may be the Representative of a Victim – Natural Person

(2) *If harm has been caused to a minor person, the victim shall be represented 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 kinsperson 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 such cases, representative of the respective institution or organisation is entitled to participate in any proceedings in which participate the child represented by the institution or organisation. All the rights of a victim belong completely to his or her representative, and the victim may not independently implement such rights, except for the rights of a minor to provide testimony and express his or her view.

Non-governmental organizations, foundations, associations, etc. also can help the child by providing legal assistance:

The Criminal Procedure Law Section 108. Provision of Legal Assistance to a Victim

(1) *A victim or the representative thereof may retain an advocate for the provision of legal assistance in order to completely implement the rights of such victim.*

(3) *A provider of legal assistance has the right to participate in all procedural actions that take place with the participation of a victim, and to completely or partially use the rights of the victim on the basis of a request of such victim.*

Organisations, foundations, associations, etc. entities are also entitled to provide other kind of assistance, and to cooperate with other children's rights protecting entities, if it is in the interests of the child:

Protection of the Rights of the Child Law Section 6. Principle of Protection of the Rights of the Child

(3) *Protection of the rights of the child shall be realised in collaboration with the family, State and local government institutions, public organisations and other natural and legal persons.*

f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (**Article 30, para. 5**);

The Criminal Procedure Law Section 210. Provisions for Performing Special Investigative Actions

(1) *The special investigative actions provided for in this Chapter shall be performed if, in order to ascertain conditions to be proven in criminal proceedings, the acquisition of information regarding facts is necessary without informing the person involved in the criminal proceedings and the persons who could provide such information.*

(2) *Persons directing the proceedings, or the institutions and persons under the assignment thereof, shall perform special investigative actions based on a decision of an investigating judge. If the use of the means and methods of an investigative action are necessary for the actualisation of such action, the performance of such operation shall be assigned only to State institutions specially authorised by law (hereinafter in this Chapter – specialised State institution).*

(3) *The performance of a special investigative action shall be permitted only in investigating less serious, serious or particularly serious crimes.*

The Criminal Procedure Law Section 215. Types of Special Investigative Actions

(1) *The following special investigative actions shall be performed in accordance with the provisions of this Chapter:*

- 1) control of legal correspondence;
 - 2) control of means of communication;
 - 3) control of data in an automated data processing system;
 - 4) control of the content of transmitted data;
 - 5) audio-control of a site or a person;
 - 6) video-control of a site;
 - 7) surveillance and tracking of a person;
 - 8) surveillance of an object;
 - 9) a special investigative experiment;
 - 10) the acquisition in a special manner of the samples necessary for a comparative study;
 - 11) control of a criminal activity;
- (2) In order to perform the investigative actions provided for in Paragraph one of this Section, or to arrange the technical means necessary for the ensuring thereof, the entering of publicly inaccessible places shall be permitted if an investigating judge has permitted such entering with a decision thereof.

Secret investigative measures are also possible within the framework of operational activities:

The Criminal Procedure Law Section 127. Evidence

- (3) Information regarding facts acquired in investigative action measures, and information that has been recorded with the assistance of technical means, shall be used as evidence only if it is possible to examine such information in accordance with the procedures specified in this Law.
- (4) If the information referred to in Paragraph three of this Section is used as evidence in criminal proceedings, a reference shall be appended thereto regarding which institution, when and for what time period has accepted the performance of investigative action measures. A reference shall be issued to the person directing the proceedings by the head of the institution which has accepted the performance of the investigative action measure or an official authorised by him or her.

Investigatory Operations Law Section 2. Tasks of Investigatory Operations

- (1) The tasks of investigatory operations are:
- 1) the protecting of persons against criminal threats;
 - 2) preventing, deterring and detecting of criminal offences, and the determining of persons committing criminal offences and the sources of evidence;

Investigatory Operations Law Section 4. Principles of Investigatory Operations

- (3) Investigatory operations measures, and the manner, scope and intensity of the conducting thereof, shall be commensurate to the form and danger level of the threat. Investigatory tasks shall be conducted so as to interfere as little as possible in the sphere of human rights.

Investigatory Operations Law Section 6. Substance of Investigatory Operations

- (1) The substance of investigatory operations is investigatory measures and the methods of their realisation. Investigatory measures are:
- 1) investigatory inquiring;
 - 2) investigatory observation (shadowing);
 - 3) investigatory inspection;
 - 4) investigatory acquisition of samples and investigatory research;
 - 5) investigatory examination of a person;
 - 6) investigatory entry;
 - 7) investigatory experiment;
 - 71) controlled delivery;
 - 8) investigatory detective work;
 - 9) investigatory monitoring of correspondence;
 - 10) investigatory acquisition of information expressed or stored by a person through technical means;
 - 11) investigatory wiretapping of conversations.
 - 12) investigatory video surveillance of a publicly inaccessible place.

(3) In the course of investigatory operations measures, recordings may be made with video and audio, cinematography and photography equipment, and various information systems and technical, chemical and biological means may be utilised. Such means shall be utilised so as to not cause harm to the health of the population or the environment. The procedures for utilising such means shall be determined by the body performing investigatory operations.

g. Please also describe what techniques have been developed for examining material containing pornographic images of children (**Article 30, para. 5**).

Any investigative activities mentioned in the Criminal Procedure Law can be used in investigation of these offences, including special investigative activities listed in response to the questionnaire's question 23f. The use of scientific and technological resources necessary to the particular case is permitted during the investigation.

The Criminal Procedure Law Section 138. Investigative Actions

(1) Investigative actions are procedural actions that are directed toward the acquisition of information or the examination of already acquired information in concrete criminal proceedings.

The Criminal Procedure Law Section 144. Use of Scientific-technical Means in Investigative Actions

(1) Scientific-technical means may be used in investigative actions.

(2) The use of scientific-technical means in investigative actions is prohibited, if such use endangers the life and health of persons who participate in the investigative action.

Apart to these special investigative activities the Criminal Procedure Law also provides for the following activities: expertise, storage of data in the electronic information system, disclosure and issue of data stored in the electronic information system, search, inspection, examination, presentation for identification, seizure, investigative experiment, interrogation (including - interrogation of an expert or an auditor) survey, confrontation, field verification of evidence.

Question 23: Child friendly interviewing and proceedings

a. Please describe how interviews (**Article 35**) with child victims are carried out, indicating in particular whether:

- they take place without unjustified delay after the facts have been reported to the competent authorities;

The Criminal Procedure Law does not provide for time-lines for interrogation. Person's rights to the completion of criminal proceedings (in general) in a reasonable term is one of the basic principles defined in the Section 14 of the Criminal Procedure Law.

In addition, please be informed that the Saeima (the Parliament) is currently viewing a draft bill "Amendments to the Criminal Procedure Law" elaborated to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/TI. This draft bill provides for the supplementation of the Criminal Procedure Law with a provision that the minor victim's interrogation is carried out as soon as possible.

The Criminal Procedure Law Section 152. Special Features of an Interrogation of a Minor

(1) The length of an interrogation of a minor shall be carried out as soon as possible. Interrogation, if possible, is carried out by the same investigator. The duration of the minor's interrogation in one day, without his or her consent may not exceed six hours, including breaks.

- they take place, where necessary, in premises designed or adapted for this purpose;

In Latvia, if necessary, there are possibilities to interrogate the child victims in specially adapted rooms. In addition, Section 153 of the Criminal Procedure Law stipulates the cases in which it must be done mandatory, unless the investigating judge or the court decides otherwise. As stated by Section 153 of the Criminal Procedure Law, in cases where a psychologist considers that the psyche of a person who has not reached 14 years of age, the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of a minor who has been recognised as a victim of sexual abuse, may be harmed by a direct interrogation, such direct interrogation shall be performed with the intermediation of technical means and a psychologist. This means that the child together with the psychologist are located 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. But the person directing the proceedings and another person invited by him or her are located in another room where technical means shall ensure that the person to be interrogated and the psychologist may be seen and heard.

- they are carried out by professionals trained for this purpose;

A general provision for training of specialists is included in the Protection of the Rights of the Child Law. Pursuant to the Section 5¹ of the Law judges, prosecutors, as well as officials of the State Police and municipal police officers who work with children and families have to acquire expertise in the field of children's rights protection. At the same time it must be noted that the law currently does not require training of these professionals specifically for contacts with children during criminal proceedings. In light of the above, in order to protect the rights and interests of the child, Section 152 of the Criminal Procedure Law provides that a minor who has not reached the age of 14, or, at the discretion of the performer of investigation, any minor must be interrogated in the presence of a teacher or a specialist who is trained for a psychologist's work with children in criminal proceedings.

This arrangement in the near future is expected to change. The Saeima (the Parliament) is currently viewing a draft bill "Amendments to the Criminal Procedure Law" elaborated to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/TI. This bill provides for alterations to the Criminal Procedure Law in relation to interrogation of children, stating that any interrogation of a minor shall be carried out by the same investigator, unless he/she has a special knowledge of communication with a minor in criminal proceedings. Such training is planned to organize centrally from 2015. Therefore, after the investigators themselves will be trained in communication with a minor, involvement of a psychologist or a teacher in the interrogation will be required only in certain cases, when the interrogator finds it necessary.

- the same persons are, if possible and where appropriate, conducting all interviews with the child;

Currently, no such a provision is provided in the Criminal Procedure Law. However, alterations that are intended to the bill "Amendments to the Criminal Law" that is currently viewed by the Saeima (the Parliament) to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/TI provide to supplement the Criminal Procedure Law with a provision that interrogation, if possible, shall be carried out by the same interrogator.

- the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;

As stated by Section 152 of the Criminal Procedure Law, in cases where a psychologist considers that the psyche of a person who has not reached 14 years of age, the psyche of a minor who has

been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of a minor who has been recognised as a victim of sexual abuse or human trafficking, may be harmed by a direct interrogation, such direct interrogation shall be performed only with permission of the investigation judge, but in court - with the court's decision.

- the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

Pursuant to the Section 152 Paragraph 2 of the Criminal Procedure Law, one of the lawful representatives of the minor, a kinsperson of the minor, or a trustee has the right to participate in an interrogation, if he or she is not the person against whom the criminal proceedings have been initiated, a detained person, a suspect, or an accused, and if the minor does not object to such participation. The above mentioned person, with the permission of the interrogator can ask questions to the interrogated.

- b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

It is permitted in Latvia to record the course of interrogation using technical means. Pursuant to the Section 137 of the Criminal Procedure Law, knowledge of the facts, which are fixed in the investigation protocols or fixed in other forms specified by the Law, may act as evidence in criminal proceedings. As it is clearly stated by the Section 143 of the Criminal Procedure Law, an investigator may record the course of investigation (including interrogations) by the use of sound and picture recording, notifying persons who participate in the investigative action regarding such recording before the commencement of the investigative action.

- c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (**Article 36**).

Section 450 Paragraph 3 of the Criminal Procedure Law provides cases when a judge with a reasoned decision may opt for a closed court sitting. Criminal offences against morality and sexual inviolability are named as one of the categories of criminal cases to be heard in that manner. Thus, judge is the one who decides whether a particular criminal case is to be heard in a closed court sitting, taking into account the circumstances of each particular criminal and the victim's interests.

At the same time please be informed that alterations in this regard are intended to the draft bill "Amendments to the Criminal Law" that currently is viewed by the Saeima (the Parliament) to transpose the Directive 2011/93/EU of the European Parliament and Council on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/TI. In particular, the draft law provides that any criminal proceedings for an offence against a minor's morality and sexual are to be mandatory heard in a closed court sitting.

As to interrogation of a child at the hearing in his absence with intermediation of appropriate communication technologies, please be informed that it is possible under Section 153 of the Criminal Procedure Law. As indicated above, in cases where a psychologist considers that the psyche of a person who has not reached 14 years of age, the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of a minor who has been recognised as a victim of sexual abuse, may be harmed by a direct interrogation, such direct interrogation shall be

performed with the intermediation of technical means and a psychologist. If an investigator or public 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.



T-ES(2014)ADD-LV

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

**Addendum to the Replies to the
General Overview Questionnaire**

LATVIA

Registered by the Secretariat on 19 December 2014

Question 1: Definition of “child”

b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with Article 11, para. 2?

On March 6, 2014 the Saeima, by implementing regulations prescribed for in the Directive 2011/93/EU of the European Parliament and of the Council of December 13, 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/TI, issued amendments to the Law on Protection of the Rights of the Child, including general principle therein which prescribes that in situations, when the age of the potential child is unknown, he or she shall receive all the assistance provided for the children (not only social rehabilitation). The aforementioned condition is included in Paragraph 1 of Section 70 of the law:

“It is duty of each subject responsible for protection of the rights of the child to provide, in any situation, assistance to the child who has need thereof, evaluating necessities of the child and conditions of the situation. In case of any doubts regarding minority of the person, the person, until age thereof is ascertained, shall be deemed as a minor and appropriate assistance shall be provided to the aforementioned person.”

c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

In accordance with Section 161 of the Criminal Law, in Latvia, a person who commits a sexual act with a child who has not attained the age of sixteen years shall be held criminally liable. Thereby in Latvia child must attain the age of sixteen years before he or she may engage in sexual acts.

On May 15, 2014 the Saeima, by implementing regulations prescribed for in the Directive 2011/93/EU of the European Parliament and of the Council of December 13, 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/TI, issued amendments to the Criminal Law, expressing Section 161 in the following new wording:

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

For engaging in sexual intercourse or performing anal or oral act or for performing unnatural sexual act of gratification, or for performing other acts of sexual nature in physical connection with the body of victim, if the said has been performed with a person who has not attained the age of sixteen years and if it has been committed by a person who has attained the age of majority, — the applicable

punishment is deprivation of liberty for a term not exceeding five years or temporary deprivation of liberty, or compulsory labor, or a fine and with or without probationary supervision for a term not exceeding three years.

Question 3: Overview of the implementation

Please indicate (without entering into details):

b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

On August 21, 2013 Latvia adopted the Guidelines for children crime prevention and protection of children against criminal offenses 2013-2019 which include section on Protection of Children Against Criminal Offences Against Morals and Sexual Inviolability.

Question 4: Child participation

b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (Article 14, para. 1).

On March 6, 2014 the Saeima, by implementing regulations prescribed for in the Directive 2011/93/EU of the European Parliament and of the Council of December 13, 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/TI, issued amendments to the Law on Protection of the Rights of the Child, including the principle of “the best interests of a child” therein, which is expressed in Paragraph 1 of Section 70 of the law:

*“(1) It is duty of each subject responsible for protection of the rights of the child to provide, in any situation, assistance to the child who has need thereof, **evaluating necessities of the child and conditions of the situation**. In case of any doubts regarding minority of the person, the person, until age thereof is ascertained, shall be deemed as a minor and appropriate assistance shall be provided to the aforementioned person.”*

Question 5: Specialised bodies/mechanisms

b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (Article 10, para. 2, letter (b));

The Ministry of Welfare each year gathers data concerning children who have been subjected to unlawful actions and have received rehabilitation financed by the State, municipality, or other organization. Data is being gathered regarding children subjected to various types of violence (physical, sexual, emotional, neglect), including those subjected to sexual violence. Information is being gathered and broken down according to the age and gender of the child victim and his or her relationships with the abuser. The information is available on the homepage of the Ministry of Welfare. The draft amendments of the Cabinet of Ministers Regulations No. 338 "Regulations on National Statistical Accounts in the Fields of Social Services and Social Assistance" of April 6, 2010 have been developed in order to improve gathering of the aforementioned data so that henceforth there would be detailed data available also with regard to cases when a child has been subjected to several types of violence at the same time, including sexual violence.

PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

a. Which legislative or other measures have been taken to:

- encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (Article 5, para. 1);

On March 6, 2014 the Saeima, by implementing regulations prescribed for in the Directive 2011/93/EU of the European Parliament and of the Council of December 13, 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/TI, issued amendments to Section 5¹ of the Law on Protection of the Rights of the Child, including advocate in the list of subjects requiring special knowledge in the field of protection of the rights of the child and specifically determining that employees of a place of imprisonment, public prosecutors, judges, officials of the State Police and advocates who work with minors are required to acquire special knowledge, including on communication, while working with minor during the criminal proceedings, organized by the State Inspectorate for Protection of Children's Rights (see the underlined text of amendments):

Section 5.¹ Subjects Requiring Special Knowledge in the Field of Protection of the Rights of the Child

(1) The following persons shall require special knowledge in the field of protection of the rights of the child:

- 1) the manager of out-of-family care institutions, social worker, and social rehabilitator;

- 2) the chairperson of the Orphan's court, the deputy chairperson of the Orphan's court, and a member of the Orphan's court;
- 3) the head of an educational institution and the deputy head in educational work;
- 4) a specialist of the Education Quality State Service;
- 5) a specialist in youth matters;
- 6) an employee of a place of imprisonment who works with minors;
- 7) the head of the local government administrative committee or the head of the sub-committee in child matters of the local government administrative committee;
- 8) the head of the pedagogical medical commission of the local government;
- 9) an employee of the municipal police who works with children and families;
- 10) a social worker of the local government social service office who works with children and families;
- 11) a public prosecutor;
- 12) a social pedagogue and a psychologist who works with children;
- 13) the manager of the social service office;
- 14) a judge;
- 15) an inspector of the State protection of the children's rights;
- 16) the head of the State Pedagogical and Medical Commission;
- 17) an official of the State Police who works with children;
- 18) a pedagogue of general education, vocational education, and interest education;
- 19) an employee of the State Probation Service;
- 19¹)an advocate.
- 20) any other person if the rights and legal interests of a child are or may be affected by an administrative decision (particularly administrative act) taken thereby, actual action or performance of work or service duties of another kind.

(1¹) The State Inspectorate for Protection of Children's Rights shall organize training in accordance with the funds allocated for the current year pursuant to the Law on State Budget so that persons mentioned in Articles 6, 11, 14, 17 and 19¹ of Paragraph 1 of this Section could acquire special knowledge in the field of protection of the rights of the children.

(2) The procedures by which special knowledge in the field of the protection of the rights of the child shall be acquired, as well as the content and extent of such knowledge shall be stipulated by the Cabinet of Ministers.

In accordance with the Law on Protection of the Rights of the Child, education of the specialists in special knowledge in the field of protection of the rights of the children shall be regulated by the Cabinet of Ministers Regulations No.173 “Regulations on Procedure by which Special Knowledge in the Field of Protection of the Rights of the Child is Acquired, as well as on Content and Extent of Such Knowledge” of April 1, 2014 and by Cabinet of Ministers Regulations “Regulations on Education and Professional Qualification Necessary for the Educators and Procedure for Improvement of Professional Competence of the Educators” (approved during session of the Cabinet of Ministers on 28.10.2014). Both regulatory enactments prescribe that specialists shall acquire knowledge on child abuse and violence in the family of a child, with particular attention to the recognition of violence, as well as on inter-institutional co-operation in cases of child abuse. Furthermore, programme models for the specialists of different fields have been developed, with detailed review of the topics and the recommended number of hours depending on the field of the specialist: <http://www.lm.gov.lv/text/1106>.

Moreover, on August 12, 2014 Cabinet of Ministers Regulations No.468 “Regulations on State Primary Education Standard, Standards of Primary Education Subjects of Study, and Education Programme Models” were approved (previously Cabinet of Ministers Regulations No. 281 “Regulations on State General Secondary Education Standard, Standards of Subjects of Study, and Education Programme Models” were enforced). However, enforcement of the aforementioned regulations did not change the content of standards of subjects of study on the merits.

Furthermore, *Safer Internet* programme is being implemented in Latvia: “With regard to the risks, especially those in the use of information and communication technologies, the Latvian Internet Association *Net-Safe Latvia*, within operations of the Safer Internet Centre, in cooperation with its partners and upon receiving 75% co-financing from the European Union *Safer Internet* programme, since 2009 performs educational work in the field safety of the Internet content. The *Safer Internet* programme was closed in October, 2014, but in 2015 a new project will be initiated within the framework of the European Union *Connecting Europe Facility 2014-2020* programme providing for 50% State co-financing and 50% European Commission co-financing, so that it would be possible to continue to implement activities related to a safer Internet in Latvia.”

b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (Article 8, para. 1);

Within the framework of State programme for improvement of the conditions of a child and family 2013-2014, several public education campaigns were implemented but currently accurate results regarding campaigns implemented in 2014

are not available.

Since February 1, 2006 there is free Helpline for children and youth (116111) (hereinafter referred to as – the Helpline) in the State Inspectorate for Protection of Children's Rights (hereinafter referred to as – the Inspectorate), which aims at helping children who face difficult life situations. Thus anybody can additionally inform the employees of the Inspectorate about threats to the rights and interests of the children, who, upon evaluation of the information, transfer it to the competent authorities. Moreover, people can provide information about potential violations of the rights of the children via e-consultations on the homepage of the Inspectorate: http://www.bti.gov.lv/lat/lietotaju_ertibam/uzdod_jautajumu and http://www.bti.gov.lv/lat/lietotaju_ertibam/eiesniegums/.

In 2013 and 2014, the Helpline implemented series of campaign “Violence is not a small secret! Talk about IT!” http://www.bti.gov.lv/lat/uzticibas_talrunis/pretvardarbibas_kampana/.

During the campaign the following activities were performed:

In 2013, 10,000 handouts “Violence is not a small secret! Talk about IT!” were produced. The campaign took place from April 22 to 28 and from May 6 to 12. During the campaign the callers had a chance to receive psychological help and support, and adults were asked to report violence cases in the families and in the educational and care facilities, etc. Overall 3098 calls were received and 710 psychological consultations were provided. In 149 cases psychological consultations were provided to those who have been subjected to violence. In 91 of these cases assistance and support was provided to person subjected to emotional violence, in 19 cases – sexual violence, and in 26 cases – physical violence. In 7 cases information received on violence in the family and school was transferred to the inspectors of protection of the children’s rights, social services, or orphan’s court.

In 2014, the first stage of the campaign took place from May 25 to June 1. Overall during the first week of the campaign 750 calls were received. In 244 cases psychological help was provided. In 50 cases callers applied for help due to the emotional violence, in 23 cases – physical violence, in 5 cases – sexual violence. In 6 cases assistance was sought by those who had witnessed violence. In 3 cases information regarding potential violence and inability to provide the child with appropriate care was transferred to the social services. The final stage of the campaign will run from November 3 to 16 (2 weeks).

Question 9: Recruitment and screening

b. Does the screening of candidates apply to voluntary activities (Explanatory Report, para. 57)?

On March 6, 2014 the Saeima, by implementing regulations prescribed for in the Directive 2011/93/EU of the European Parliament and of the Council of December 13, 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/TI, issued amendments to the Law on Protection of the Rights of the Child, providing limitations also with regard to the providers of volunteer activities and several services, who may come into contact with the children, including the aforementioned limitation in Section 72 of the law:

Section 72. Liability of Employees of Child Institutions and Event Organizers

(1) Managers and employees of childcare, educational, health care, and other such institutions as children are found, and organizers of events for children and such events in which children take part, and persons who volunteer in the aforementioned institutions and events or, according to the agreement entered into with these institutions, provide service, shall be liable for the protection of the health and life of the child, that the child be safe, that he or she is provided with qualified services and that his or her other rights are observed.

(2) For violations committed, the persons referred to in Paragraph 1 of this Section shall be held disciplinarily or otherwise liable as prescribed by law.

(3) In hiring persons for work as managers or employees of childcare, educational, health care, and other such institutions as children are found, it is duty of the employer to request information regarding their previous activity, competence, and experience.

(4) It is duty of managers and employers of childcare, educational, health care, and other such institutions as children are found, as well as of organizers of events, individual merchants, managers of commercial associations, and organizers of volunteering to ensure that persons who take part in organizing the event and perform duties in the institution meet the requirements prescribed for in this Section. For the person to be able to perform duties in the institution or to take part in organizing the event, it is duty of the organizer of the event or manager of the institution to request information from the Register of Convictions in order to ascertain whether the person meets the requirements prescribed for in Paragraphs 5 and 6 of this Section, and to recheck this information at least once a year. The employer shall request the aforementioned information regarding manager of the institution.

(5) **The following persons shall not work and volunteer in, and according to the agreement entered into provide services (excluding persons who provide one-time or temporary services, as well as such services which are provided while the children are not present)** for the childcare, educational, health care, and other such institutions as children are found, events for children and such events in which

children take part:

- 1) have been convicted of criminal offences that are associated with violence or threats of violence – irrespective of whether or not the conviction is extinguished or set aside;
- 2) have been convicted of criminal offences against morals and sexual inviolability – irrespective of whether or not the conviction is extinguished or set aside;
- 3) the court has applied the compulsory measures of a medical nature specified in the Criminal Law.

(6) If the punishment has been applied to the person mentioned in Paragraph 5 of this Section for administrative violation referred to in Paragraphs 3 and 4 of Section 155, Sections 167², 172, 172¹, 172², 172³, 172⁴, 172⁵ and 173 of the Latvian Administrative Violations Code, or for intentional criminal offence which is not referred to in Articles 1 and 2 of Paragraph 5 of this Section, it is duty of the manager of the institution, employer (with regard to the manager of the institution), or the organizer of the event to evaluate **whether the person endangers safety, health, or life of a child. If the person does not endanger safety, health, or life of a child, the manager of the institution, the employer (with regard to the manager of the institution), or the organizer of the event shall allow the person to work, to volunteer and, according to the agreement entered into with these institutions or organizers of the events, to provide services.**

(7) If there are justified suspicions or the manager of the institution, employer, or organizer 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 regarding a criminal offence referred to in Paragraphs 5 and 6 of this Section has been initiated against them, or administrative violation record-keeping regarding administrative violations referred to in Paragraph 6 of this Section has been initiated, the manager of the institution, employer, or organizer of the event shall suspend the relevant employees from his or her position (from fulfilling duties) until the ascertaining and evaluating of the circumstances of the matter or until taking of the final adjudication in the criminal proceedings.

(8) The State Inspectorate for Protection of Children's Rights is entitled to request the suspension of persons referred to in Paragraph 5 of this Section, if the Inspectorate has justified suspicions regarding potential violations of the rights of a child. The request of the State Inspectorate for Protection of Children's Rights shall not be subject to contesting and appeal, it shall be executed without delay.

(9) Disputes regarding suspending persons referred to in Paragraph 5 of this Section shall be reviewed in accordance with the procedure laid down in the Civil Procedure Law. The court, upon reviewing the aforementioned issue, may evaluate the validity of the request of the State Inspectorate for Protection of Children's Rights.

Question 10: Preventive intervention programmes or measures

b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures?

Please specify under which conditions, if required (Articles 15 to 17). Please indicate in particular:

- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);***
- how the appropriate programme or measure is determined for each person;***
- whether there are specific programmes for young offenders;***
- whether persons have a right to refuse the proposed programme/measures?***

At present, in conformity with Decree No.232 “On the Conception of Coercive Preventive measures” passed by the Cabinet of Ministers on June 04, 2013, there is the Law of Coercive Preventive Measures elaborated with the aim to prevent, at the very beginning (in the situations of insignificant incidents), to prevent potential violence in future and the threat to a person’s life, health, sexual inviolability, morals and freedom by applying to a person, who has committed a non-criminal act of violence, the most appropriate coercive measure, for example, psychological assistance.

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (Article 9, para. 2, Explanatory Report, paras. 68-73);

In relation to Part 2 of Article 9 of the Convention, we inform that there are no regulatory enactments, which would directly substantiate the compliance of Latvia with the provisions of the Convention, as well as, while implementing the national policy for the development of tourism, the Ministry of Economics has not carried out the activities of corresponding nature yet.

However, the development of laws and regulations regarding tourism and the elaboration of policy planning documents in Latvia is based on the values comprised by the Global Code of Ethics for Tourism (hereinafter – Code), which provide that the

exploitation of people in any way, including sexual abuse, especially if it is related to children, contradicts with the main aims of tourism and is the denial of tourism. Therefore, in conformity with the international law, it shall be combated by the cooperation of all involved States. Although the applying of the norms of Code is based on voluntary participation and unanimity, the observation of principles comprised by it is important for the sustainable development of tourism industry. Taking into consideration the above mentioned, the national tourism policy is developed and implemented in a way that Latvia would be positioned as a safe and trustworthy destination for tourists.

At present the Ministry of Economics take individual measures for the control of the activities of tourism merchants and quality, as well as asks the consumers to evaluate the wide range of supply and to choose qualitative and safe tourism products, for example, before purchasing the combined tourism service to find out, whether the chosen provider of services had been registered in the Database of Tourism Agents and Operators maintained by the Ministry of Economics, as well as to verify the existence of safety guarantees regarding money paid by the customer.

The representative delegated by the Ministry of Economics regularly took part in the working group organized by the Ministry of the Interior for coordinating of the implementation of Program for the Prevention of Human Trafficking 2009-2013. Similar work will be continued also for coordinating the new guidelines "On the Guidelines for the Prevention of Human Trafficking 2014-2020", which were approved by Decree No.29 passed by the Cabinet of Ministers on January 21, 2014; within this framework there are measures discussed regarding prevention and combating of human trafficking, which, to great extent, are related also to the protection of children from sexual abuse and violence.

Question 12: Effectiveness of preventive measures and programmes

b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

We would like to inform that, when the information is received on the possible sexual violence against a child, the Inspectorate, in compliance with the area of authority, forwards such information to the State Police. In addition there is performed the supervision of the observation of laws and regulations and the control in the field of the protection of child rights and the activities of Orphan's Courts; the employees of Inspectorate regularly perform inspections at the institutions, where there are children, and, when the information is received on the possible offences, inform the law enforcement bodies.

At the same time the Inspectorate has taken different measures for the identification and prevention of sexual violence.

In 2014 the Inspectorate, in compliance with the State Program for the Improvement of the Situation of a Child and a Family 2014 plans **to educate the specialists of out-of-family care institutions and boarding-schools regarding the assessment of sexual violence risks**. In addition, in 2014 the Inspectorate carries out the informative campaign for informing the society regarding the prevention of sexual violence.

In 2013 the Inspectorate performed the following activities:

- the Inspectorate developed the informative material "Some Advice how not to Make a Mistake, while Communicating in the Internet" (available at: http://www.bti.gov.lv/lat/informativie_materiali/bukleti/?doc=3125&page=) on the opportunities to avoid abuse and criminal offence in the Internet and how to retain personal safety, while corresponding in the Internet.

- the employees of Inspectorate performed the studies of Sexual Violence Risk at 5 specialized boarding-schools. In cooperation with the association "Center Dardedze" there had been prepared a method for the assessment of sexual violence risks at the specialized boarding-schools. On December 13, 2013 the Inspectorate organized a seminar for the principals of boarding-schools and specialized boarding-schools; the seminar was attended by 57 participants. At the seminar the representative of foundation "Center Dardedze" informed on the assessment of sexual violence risks at the specialized boarding-schools. At the same time the Inspectorate organized a seminar for the directors of institutions for the out-of-family care for children; at the seminar there was also information provided on the sexual violence against children. The seminar was attended by 43 representatives of institutions.

- From December 24 till December 26, 2013 the Inspectorate organized Christmas campaign "Trust... You will be heard and understood". In December 2013 the Hotline also worked twenty-four hours per day, and it was possible to receive free of charge psychological support and assistance.

- In order to identify the problems of human trafficking in Latvia, since December 10, 2012 there has been the project "A Safety Compass - Signposting Ways to Escape Trafficking" within the European Commission (EC) program "Prevention of and Fight against Crime" in Latvia; the project is being implemented by the Resource Centre for Women "Marta", the period of implementation – from December 10, 2012 till December 09, 2015.

In compliance with the Agreement HOME/2011/ISEC/THB/4000002172, concluded between the European Commission and the Resource Centre for Women "Marta", the collaboration partners within the project are the Ministry of the Interior, the Inspectorate and "Youth with a Mission". The project envisages the cooperation and exchange of experience with the specialists from Estonia and Great Britain.

The main aims of the project are to:

- 1) identify the tendencies and risks for the recruiting of the victims of human trafficking in the Internet and social media;

2) eliminate the possibility of human trafficking by facilitating the inter-institutional cooperation between the private, public and non-profit organizations;

3) establish the international support mechanism between Latvia, Estonia and Great Britain for the support of the victims of human trafficking.

In compliance with the Cooperation Agreement HOME/2011/ISEC/THB/4000002172 concluded on February 07, 2013 between the Inspectorate and the Resource Centre for Women "Marta", the Inspectorate, within the framework of project implements several activities with the aim to take part in the development of international action plan in order, by using phones, the victims of human trafficking could receive assistance immediately.

- the Inspectorate takes part in the implementation of management partnership project, which had been signed by the Ministry of Foreign Affairs and the European Commission, and in 2013 implemented the European Union (EU) communication project, which is related to the safe travelling of the EU citizens and the possible risks (human trafficking – fake marriage, the victims of involuntary employment, drug couriers). The target audience, chosen for the implementation of the project, is the youth at schools and orphanages.

Since the very beginning of the project, the representative of the Inspectorate – a psychologist has participated in two working groups, where there were issues discussed in relation to the preparation of informative and educational video materials, regarding the development of a mobile application on the safe travelling, the educational communication campaign on the issues related to safe travelling, as well as the possible series of seminars at schools and orphanages.

- In the 4th quarter of 2013 there were seminars organized for the improvement of skills of the chairpersons of Orphan's Courts during which the officials of Orphan's Courts, in cooperation with the NGO "Shelter "Safe House"", there was information provided on the theme "Inter-Institutional Cooperation for the Elimination and Prevention of Human Trafficking".

Question 15: Assistance to victims

b. Please specify if and to what extent internal law provides for the possibility of removing (Article 14, para. 3, Explanatory Report, para. 99):

Since March 31, 2014 there have been civil procedural means of temporary protection introduced in Latvia. We would like to pay draw attention that, in order to introduce the regulation on the temporary protection against the violence, there were amendments made also to the Law on Orphan's Courts by supplementing it with Section 19.¹ and granting the Orphan's Courts the rights to submit an application to a court in the interests of a child on the temporary protection against violence:

“Section 19¹. Application on the Temporary Protection against the Violence

(1) If a child’s parent or guardian, due to objective reasons, has not submitted in the interests of the child an application to a court on the temporary protection against the violence, the Orphan’s Court submits such application to the court in the interests of the child, if:

- 1) there is physical, sexual or psychological violence committed or the violent control carried out against the child;
- 2) there has been information received on the possible physical, sexual or psychological violence committed or the violent control carried out against the child;
- 3) against the person who permanently resides together with the child there has been any type of physical, sexual, psychological or economical violence;
- 4) there is information received on the possible physical, sexual or psychological or economical violence committed against the person permanently residing together with the child.”

Thus there is a situation created that in the cases, when the child suffers from domestic violence, the removal of the child from the family is not the only possible solution, and primary there is assessed the possibility to deny the violent person to reside together with the child or to meet the child.

PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

In order to facilitate the cooperation of involved institutions regarding the exchange of information, actions in relation to the isolation of an oppressor, on February 27, 2014 the Saeima supplemented Section 51 of Protection of the Rights of the Child Law with a new part – Part 4:

(4) The police has the duty to inform the Orphan’s Court, according to the child’s place of residence, on the decision taken by the police on the isolation, if the decision had been taken in relation to the threats to the liberty, life or health of the child or the person who resides permanently together with the child.

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

While introducing the provisions of **Directive 2011/92/EU of the European Parliament and of the Council of December 13, 2011 on combating the sexual abuse**

and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, the Saeima adopted the amendments to Sections 159, 160, 161, 162, 162¹, 164, 165 and 166 of the Criminal Law (see the underlined text):

Section 159. Rape

(1) For committing an act of sexual intercourse, taking advantage of the state of helplessness of a victim or committing an act of sexual intercourse against the victim's will, by means of violence, threats or taking advantage of trust, authority or other type of influence on the victim (rape), - the applicable punishment is deprivation of liberty for a term from four to ten years, with probationary supervision for a term up to three years.

(2) For committing rape, if it is done by a group of persons, or for committing rape of a minor — the applicable punishment is life imprisonment or deprivation of liberty for a term from five to twenty years and, with probationary supervision for a term up to three years.

(3) For committing rape, if serious consequences have been caused thereby, or committing rape of a person who has not attained sixteen years of age, - the applicable punishment is life imprisonment or deprivation of liberty for a term from ten years to twenty years, with probationary supervision for a term up to three years.

Section 160. Forcible Sexual Assault

(1) For committing an act of sexual intercourse in order to satisfy one's sexual desire by touching physically the victim's body, if it is committed, taking advantage of the state of helplessness of a victim or committing such act against the victim's will, by means of violence, threats or taking advantage of trust, authority or other type of influence on the victim, - the applicable punishment is deprivation of liberty from four to ten years, with probationary supervision for a term up to three years.

(2) For committing anal or oral sexual intercourse or satisfying one's sexual desire in unnatural way, which is related to the vaginal, anal or oral getting into the victim's body, if it is committed, taking advantage of the state of helplessness of a victim or committing such act against the victim's will, by means of violence, threats or taking advantage of trust, authority or other type of influence on the victim, - the applicable punishment is deprivation of liberty for a term from four to ten years, with probationary supervision for a term up to three years.

(3) For committing offence provided for in Part one of this Section, if it is done by a group of persons, or it has been done to a minor a person, — the applicable punishment is deprivation of liberty for a term from three to twelve years, with probationary supervision for a term up to three years.

(4) For committing offence provided for in Part one of this Section, if serious consequences have been caused thereby or it has been done to a person who has not attained sixteen years of age, - the applicable punishment is deprivation of liberty for a term from five to fifteen years, with probationary supervision for a term up to three years.

(5) For committing offence provided for in Part two of this Section, if it is done by a group of persons, or it has been done to a minor a person, — the applicable punishment is a life imprisonment or deprivation of liberty for a term from five to twenty years, with probationary supervision for a term up to three years.

(6) For committing offence provided for in Part two of this Section, if serious consequences have been caused thereby or it has been done to a person who has not attained sixteen years of age, - the applicable punishment is a life imprisonment or deprivation of liberty for a term from ten to twenty years, with probationary supervision for a term up to three years.

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

For engaging in sexual intercourse or performing anal or oral act or for performing unnatural sexual act of gratification, or for performing other acts of sexual nature in physical connection with the body of victim, if the said has been performed with a person who has not attained the age of sixteen years and if it has been committed by a person who has attained the age of majority, — the applicable punishment is deprivation of liberty for a term not exceeding five years or temporary deprivation of liberty, or compulsory labor, or a fine and with or without probationary supervision for a term not exceeding three years.

Section 162. Leading to Depravity

(1) For leading to depravity of a person who has not attained the age of sixteen years or who is in the state of helplessness, i.e. for committing an act of sexual intercourse without touching physically the victim's body in order to satisfy one's sexual desire or to provoke the sexual instinct in the victim, if it is committed by a person who has attained the age of majority or if it is committed, taking advantage of the state of helplessness of a victim or against the victim's will, by means of violence, threats or taking advantage of trust, authority or other type of influence on the victim, — the applicable punishment is deprivation of liberty for a term up to three years or temporary deprivation of liberty, or community service or a fine, with or without probationary supervision for a term up to three years.

(2) For the criminal offence specified in Part one of this Section, if serious consequences have been caused thereby, — the applicable punishment is deprivation of liberty for a term up to seven years, with probationary supervision for a term up to three years.

Section 162.¹ Encouraging to Involve in Sexual Acts

For encouraging a person who has not attained the age of sixteen to involve in sexual acts or encouraging such person to meet with the aim to commit sexual acts or enter into a sexual relationship, using information or communication technologies or other types of communication, if such have been committed by a person who has attained the age of majority, — the applicable punishment is temporary deprivation of liberty

for a term up to one year or community service, or a fine, with or without probationary supervision for a term up to three years.

Section 164. Involvement of a Person in Prostitution and Compelling Engaging in Prostitution

(1) For a person who commits involvement of a person in prostitution, — the applicable punishment is deprivation of liberty for a term up to three years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property.

(2) For a person who commits compelling to engage in prostitution or involvement of a person in prostitution, using their trust in bad faith, or by deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or for the deliberate use of a victim of human trafficking in prostitution, — the applicable punishment is deprivation of liberty for a term up to five years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property and with or without probationary supervision for a term up to three years.

(3) For committing acts provided for in Parts one and two of this Section, if such acts have been committed by a group of persons, or for committing or inducing, involving or compelling a minor to engage in prostitution, or for providing premises to minors for purposes of prostitution, — the applicable punishment is deprivation of liberty for a term from three to eight years, with or without confiscation of property and with or without probationary supervision for a term up to three years.

(3¹) For the use of the prostitution of a minor person, — the applicable punishment is deprivation of liberty for a term from three to five years or temporary deprivation of liberty, or community service, or a fine.

(4) For encouraging, involving or compelling an underaged person to engage in prostitution, — the applicable punishment is deprivation of liberty for a term from five to twelve years, with or without confiscation of property and with probationary supervision for a term up to three years.

(5) For committing the acts provided for in this Section, if they have been committed by an organised group, — the applicable punishment is deprivation of liberty for a term from five years to fifteen years, with or without confiscation of property and with probationary supervision for a term up to three years.

Section 165. Living on the Avails of Prostitution

(1) For a person who commits taking advantage, for purposes of enrichment, of a person who is engaged in prostitution, — the applicable punishment is deprivation of liberty for a term up to five years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property and with or without probationary supervision for a term up to three years.

(2) For a person who commits the same acts if they have been committed by a group of persons, or with respect to minors, — the applicable punishment is deprivation of liberty for a term up to eight years, with or without confiscation of property and with probationary supervision for a term up to three years.

(3) For a person who commits the same acts if they have been committed by an organised group or if they have been committed with respect to a person who has not attained sixteen years of age, — the applicable punishment is deprivation of liberty for a term from five to fifteen years, with or without confiscation of property and with probationary supervision for a term up to three years.

Section 166. Demonstration of pornographic performance, violation of intimate nature entertainment restrictions and circulation of pornographic materials

(1) For the violation of provisions regarding demonstration of pornographic performance or restrictions related to intimate entertainment, or the circulation of pornographic materials, if substantial harm has been caused by commission thereof, — the applicable punishment is deprivation of liberty for a term up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For attending or demonstration of pornographic performance or for the circulation of pornographic materials, which contain the pornography of children, sexual activities of people with animals, necrophilia or satisfying of sexual desire in a violent way, — the applicable punishment is deprivation of liberty for a term up to three years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property and with probationary supervision for a term up to three years.

(3) For encouraging, involvement, compulsion to take part in or for utilisation of a minor person in the pornographic performance or production of pornographic materials, — the applicable punishment is deprivation of liberty for a term up to six years, with or without confiscation of property and with probationary supervision for a term up to three years.

(4) For encouraging, involvement, compulsion to take part in or for utilisation of a person who has not attained the age of sixteen years in the pornographic performance or production of pornographic materials, — the applicable punishment is deprivation of liberty for a term from three years to twelve years, with or without confiscation of property and with probationary supervision for a term up to three years.

(5) For committing the acts specified in Part three or four of this Section, if they have been committed by an organised group or if they have been committed using violence, — the applicable punishment is deprivation of liberty for a term from five years up to fifteen years, with confiscation of property and with probationary supervision for a term up to three years.

In addition, we would like to inform that at present the Ministry of the Interior is elaborating the new “Regulations Regarding Restriction of Prostitution” providing the prohibition for the persons who have not attained the age of 21 to engage in prostitution.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in Article 28, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (Explanatory Report, paras. 194-202).

On May 15, 2014, while introducing the provisions of **Directive 2011/92/EU of the European Parliament and of the Council of December 13, 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA**, the Saeima adopted the amendments to Paragraphs one, six and fifteen of Part one of Section 48 of Criminal Law:

Section 48. Aggravating Circumstances

(1) The following may be considered to be aggravating circumstances:

- 1) the criminal offence **constitutes the recidivism of criminal offences**;
- 2) the criminal offence was committed while in a group of persons;
- 3) the criminal offence was committed, taking advantage in bad faith of an official position or the trust of another person;
- 4) the criminal offence has caused serious consequences;
- 5) the criminal offence was committed against a woman, knowing her to be pregnant;

- 6) the criminal offence was **committed against a person who has not attained sixteen years of age** or against a person taking advantage of his or her helpless condition or of infirmity due to old-age;
- 7) the criminal offence was committed against a person taking advantage of his or her official, financial or other dependence on the offender;
- 8) the criminal offence was committed with particular cruelty or with humiliation of the victim;
- 9) the criminal offence was committed taking advantage of the circumstances of a public disaster;
- 10) the criminal offence was committed employing weapons or explosives, or in some other generally dangerous way;
- 11) the criminal offence was committed out of a desire to acquire property;
- 12) the criminal offence was committed under the influence of alcohol, narcotic, psychotropic, toxic or other intoxicating substances;
- 13) the person committing the criminal offence, for purposes of having his or her punishment reduced, has knowingly provided false information regarding a criminal offence committed by another person;
- 14) the criminal offence was committed due to racist motives;
- 15) the criminal offence related to violence or threats of violence **or criminal offence against morals and sexual inviolability** was committed against a person to whom the perpetrator is related in the first or the second degree of kinship, or against the spouse or former spouse, or against a person with whom the perpetrator is or has been in unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household.

(2) Taking into account the character of the criminal offence, may decide not to consider any of the circumstances mentioned in Part one of this Section as aggravating.

(3) In determining punishment, such circumstances may not be considered as aggravating which are not set out in this Law.

(4) A circumstance which is provided for in this Law as a constituent element of a criminal offence shall not be considered an aggravating circumstance.

Question 21: Measures of protection for the child victim

On May 29, 2014, while introducing the provisions of **Directive 2011/92/EU of the European Parliament and of the Council of December 13, 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA**, the Saeima adopted the amendments to Section 98 of Criminal Procedure Law by supplementing it with a new part – Part 1¹ – which provides that, in the criminal proceedings regarding the criminal

offence related to the violence or committed against the sexual inviolability or morals, the victim has the right to submit an application to the person directing the proceedings pleading to inform him or her on the directing of the criminal proceedings, including investigation and criminal prosecution, in relation to the part regarding the criminal offence by which there had been harm caused to the victim:

Section 98. Rights of a Victim in Pre-trial Criminal Proceedings

A victim has the following rights in pre-trial criminal proceedings:

- 1) to familiarise him or herself with the Criminal Proceedings Register, and to submit a recusation to officials entered therein;
- 2) *(excluded by law of March 12, 2009);*
- 3) to submit applications regarding the performance of investigative and other operations;
- 4) to familiarise him or herself with a decision on determination of an expert-examination before the transferral thereof for execution, and to submit an application regarding the amendment thereof, if the expert-examination is conducted on the basis of his or her own application;
- 5) *(excluded by law of January 19, 2006);*
- 6) to submit complaints, in accordance with the procedures specified by law, regarding the actions of an official authorised for the performance of criminal proceedings;
- 7) to appeal procedural decisions in pre-trial criminal proceedings in accordance with the cases, term, and procedures specified by law;
- 8) after the completion of pre-trial criminal proceedings, to receive copies of the materials of the criminal case to be transferred to a court that directly apply to the criminal offence with which harm has been caused to him or her, if such materials have not been issued earlier, or with the consent of a public prosecutor to become acquainted with these materials of a criminal case;
- 9) *(excluded by law of January 19, 2006);*
- 10) to submit a request to the investigating judge that he or she be acquainted with the materials of special investigative actions that are not appended to the criminal case (primary documents);

(1¹) In the criminal proceedings regarding the criminal offence related to the violence or committed against the sexual inviolability or morals, the victim has the right to submit an application to the person directing the proceedings pleading to inform him or her on the directing of the criminal proceedings in relation to the part regarding the criminal offence by which there had been harm caused to the victim.

(2) In questioning and interrogation, a victim also has all the rights and duties of a witness.

The above mentioned amendments had been also made to Part five of Section 108 of Criminal Procedure Law providing that there shall be obligatory legal assistance provided for the victim or the representative of a minor victim in the criminal proceedings regarding the criminal offence related the violence committed by a parson on whom the minor person depends materially or in any other way, or regarding the criminal offence committed against morals or sexual inviolability:

Section 108. Provision of Legal Assistance to a Victim

(1) A victim or the representative thereof may retain an advocate for the provision of legal assistance in order to completely implement their rights.

(2) An advocate who participates as the representative of a victim does not have the rights referred to in Part one of this Section.

(3) A provider of legal assistance has the right to participate in all procedural actions that take place with the participation of a victim, and to completely or partially use the rights of the victim on the basis of a request of such victim.

(4) The rights of an advocate to participate in the criminal proceedings as a provider of legal assistance shall be attested by an order.

(5) The provision of legal assistance to a minor victim and the representative thereof is obligatory in the criminal proceedings regarding the criminal offence, which is related to the violence committed by a person on whom the minor victim depends materially or in any other way, or regarding the criminal offence against the morals or sexual inviolability.

(6) If a minor victim or the representative thereof has not concluded an agreement with an advocate on the provision of legal assistance, in the case provided by Part five of this Section, the person directing the proceedings takes a decision for inviting an advocate as a provider of legal assistance in compliance with procedure provided by Part six of Section 104 of the Law. In this case, the remuneration of the advocate for the provision of State ensured legal assistance and the expenses to be paid in this relation shall be covered in compliance with the Regulation adopted by the Cabinet of Ministers regulating the payment for the provision of State ensured legal assistance.

Question 23: Child friendly interviewing and proceedings

a. Please describe how interviews (Article 35) with child victims are carried out, indicating in particular whether:

- they take place without unjustified delay after the facts have been reported to the competent authorities;

On May 29, 2014, while introducing the provisions of **Directive 2011/92/EU of the European Parliament and of the Council of December 13, 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and**

replacing Council Framework Decision 2004/68/JHA, the Saeima adopted the amendments to Part one of Section 152 of Criminal Procedure Law (see the underlined text), providing for the implementation of a requirement to perform the interrogation as soon as possible:

Section 152. Special Features of an Interrogation of a Minor

(1) The interrogation of a minor victim shall be performed as soon as possible. The interrogation, if possible, is performed by one and the same performer of an investigation action. The length of an interrogation of a minor shall not exceed six hours, including an interruption, during a twenty-four-hour term without the consent of such minor.

- they are carried out by professionals trained for this purpose;

The amendments made to Part two of Section 152 of Criminal Procedure Law also provide for the changes regarding the interrogation of children, providing that any minor person, not only a minor person who has not attained the age of 14, shall be interrogated by the performer of an investigation action, if he has special knowledge of communication with a minor person during criminal proceedings. Such training is planned to be organized on a centralized basis starting from 2015. Thus, when the performers of investigation actions would be educated regarding the communication with a minor person, it will be necessary to involve a psychologist or a pedagogue in the interrogative process only in some cases, when the performer of an investigation action would find it necessary. Until the performer of an investigation action has not acquired the necessary special knowledge of communication, he interrogates a minor person in the presence of a pedagogue or a psychologist.

Part two of Section 152 of Criminal Procedure Law with the underlined amendments:

(2) A minor shall be interrogated by the performer of an investigation action having special knowledge of communication with a minor during criminal proceedings. If the performer of an investigation action has not acquired special knowledge of communication with a minor during criminal proceedings or, if the performer of an investigation action finds it necessary, the minor shall be interrogated in the presence of a pedagogue or a psychologist. One of the lawful representatives of the minor, a kinsperson of the minor, or a trustee has the right to participate in an interrogation, if he or she is not the person against whom the criminal proceedings have been initiated, a detained person, a suspect, or an accused, and if the minor does not object to such participation. The referred to person may ask the person being interrogated questions, with the permission of the performer of the investigative action.

- the same persons are, if possible and where appropriate, conducting all interviews with the child;

The specified amendments to Part one of Section 152 of Criminal Procedure Law now provide for the interrogation to be performed by one and the same person, if possible (see the underlined text):

Section 152. Special Features of an Interrogation of a Minor

(1) The interrogation of a minor victim shall be performed as soon as possible. The interrogation, if possible, is performed by one and the same performer of an investigation action. The length of an interrogation of a minor shall not exceed six hours, including an interruption, during a twenty-four-hour term without the consent of such minor.

c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (Article 36).

While adopting the specified amendments, the legislator supplemented the list of categories indicated in Part two of Section 450 of Criminal Procedure Law with the cases that shall be tried in a closed court session by including also the cases regarding a criminal offence against morals and sexual inviolability of a minor person (see the underlined text of amendments made):

Section 450. Openness of the Trial of a Criminal Case

(2) A criminal case shall be tried in a closed court session in a criminal case regarding a criminal offence against morals and sexual inviolability of a minor person, as well as in a criminal case, if the protection of a state or adoption secret is necessary.