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## **LANZAROTE CONVENTION**

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

**Replies to the thematic questionnaire**

**LATVIA**

**2<sup>nd</sup> thematic monitoring round**

**“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”**

Replies registered by the Secretariat on 25 October 2017

## Prevention

### Question 1 Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
- self-generated sexually explicit images and/or videos?
  - self-generated sexual content?

In reply to questions 1.1.a. and 1.1.b., we inform that, there are several awareness-raising and educational activities, tools and materials addressed to children, about the risk they face when they produce and share self-generated sexually explicit images, videos sexual content in general. The State Police organizes informative lectures for children in schools about the Internet safety. Lectures cover topics on potential risks on the Internet, e.g. exposing personal information, communication with strangers, sending private photos or videos or sexting. In 2016, inspectors of juvenile cases provided in total 178 lectures, informing approximately 3600 children about the Internet safety. In the first half of 2017, inspectors of juvenile cases have conducted 126 lectures, informing approximately 2500 children about the Internet safety. Also special worksheets (<http://www.vp.gov.lv/?id=531&topid=531&said=139>) and a workbook ([http://www.vp.gov.lv/faili/resources/pasaka\\_krasojama\\_gramta.pdf](http://www.vp.gov.lv/faili/resources/pasaka_krasojama_gramta.pdf) (pages 11, 12, 13)) targeting 5-8 year old children and informing them and their parents on different safety issues were developed and published. One of the issues addressed is the Internet safety – posting private information online, communication with strangers or sending semi-nude or nude pictures to strangers or posting them online.

In addition, Latvian Safer Internet Centre ([www.drossinternets.lv](http://www.drossinternets.lv) – coordinated by Latvian Internet Association) since Year 2006 is organizing activities and developing educational materials to raise awareness of children related to all online safety aspects. Over past 3 years two video clips have been developed to help children understand the risks of sexting: “[To send? Sent...](#)” (4 episodes with EN subtitles), and “[Internet does not forgive mistakes](#)”. In the meantime, visits to schools and lectures/ workshops for children are organized to draw attention to children and youngsters about sexting problems and encourage discussions to help better understand the risks. Latvian Safer Internet Centre works in close cooperation with Latvia’s Family Planning and Sexual Health association “*Papardes Zieds*” to develop materials and organize educational activities.

In 2015, the State Inspectorate for Protection of Children’s Rights has developed a number of social advertising spots and informative video films within the framework of SIC Latvia Net-Safe project, which tells about the threats in the Internet environment:

- Informative video about the Internet threat "Rape"

Full version (short film): <https://www.youtube.com/watch?v=s-WedRyhCEw>

Short version (social advertising): <https://www.youtube.com/watch?v=eb9A7-OG5PU>

- Informative video on Internet threats "Blow out"

Full version (short film): <https://www.youtube.com/watch?v=MjEo4UhuLtg>

Short version (social advertising): <https://www.youtube.com/watch?v=BeRP5znLmSw>

- Informative video about the threat of "Stealing" on the Internet

Full version (short film): <https://www.youtube.com/watch?v=WXl1zst9mGE&t=49s>

Short version (social advertising): <https://www.youtube.com/watch?v=UHQ2ClnrXzo>

In addition, The State Inspectorate for Protection of Children’s Rights within the framework of the SIC Latvia Net-Safe funding project in 2016 created a video campaign "It’s not funny if it hurts another":

Full version (short film): <https://www.youtube.com/watch?v=s-WedRyhCEw>

Short version (social advertising): <https://www.youtube.com/watch?v=eb9A7-OG5PU>

In the fall of 2016 the NGO "Centrs Dardedze" organized a campaign named "I only forwarded it" aimed to raise awareness among young people about sharing nude pictures on their mobile devices. Children, their parents and teachers were educated on the risks and consequences of sexting. The campaign was organized in cooperation with State Inspectorate for Protection of Children's Rights and "Latvian Safer Internet Centre".

The campaign consisted of:

- a discussion with the other institutions/organizations who work on the problem (State Police, State Inspectorate for Protection of Children's Rights, "Latvian Safer Internet Centre")
- outdoor posters (for advertisement stands), posters (for information stands in schools)
- PR campaign (press releases, advice articles, comments)
- online survey for teenagers (12-17 years old), online survey for the parents of teenagers
- radio jingle for parents (on the national radio station), radio jingle and a special broadcast (on a youth radio station)
- information in the social networks

Children and their parents were encouraged to call the "Trust phone" of State Inspectorate for Protection of Children's Rights or contact "Latvian Safer Internet Centre" if a child, a parent or a teacher has any questions about the topic.

The campaign materials are available here: [www.centrsdardedze.lv/parsutiju](http://www.centrsdardedze.lv/parsutiju)

NGO "Centrs Dardedze" includes the sexting theme in "Džimba safety program" which teaches children aged 5-10 to recognize the risks and seek for help when interacting with other people. Also, the interactive lessons for children aged 11-15 (the "Courage to Be Friendly" program in schools which aims to reduce peer abuse bullying and promoting goodwill respect and tolerance) include sexting and online bullying topics.

Since 2013, the State Inspectorate for Protection of Children's Rights has been organizing an annual campaign on sexual abuse "Stop silent!", which aim is to raise awareness of the public's attention to sexual abuse. During the campaign, anyone is encouraged to call the 116111 Children Hotline of the State Inspectorate for Protection of Children's rights and report on cases of sexual abuse to children, receive psychological support and the necessary information. During the 2016 campaign, a social advertising clip was created: [https://www.youtube.com/watch?v=I1H1ENTI\\_wE](https://www.youtube.com/watch?v=I1H1ENTI_wE).

The latest information campaign on sexual abuse "Stop silence!" took place from May 23 to May 30, 2017, during which the Children Hotline 116111 of the State Inspectorate for Protection of Children's Rights provided 408 psychological counselling sessions, including on sexual abuse issues. The State Inspectorate for Protection of Children's plans to hold the next information campaign this autumn.

In March 2017, the State inspectorate for protection of children's rights announced the project for 5th-9th grade students, asking them to send their stories about various forms of violence in the internet environment and tell their own experience-based or imaginative solutions on how children could avoid and mitigate such situations.

In addition, social awareness materials on sexual abuse, as well as protection and reporting capabilities in the case of a sexual offense, are included in school textbooks, for example in the Social science's subject.

1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

In reply to questions 1.2.a. and 1.2.b. we inform that, there are many awareness-raising and educational activities, tools, materials and measures specifically targeting children as bystanders, observers of other children producing and sharing self-generated sexually explicit images, videos sexual content in general.

The State Inspectorate for Protection of Children's Rights - Partner of Latvian Safer Internet Centre which ensures the work of helpline 116111 has developed series of three videos "Get involved!" with the main message about social responsibility aimed at society, the bystanders: "Do not pretend you did not see! Get involved, help others, especially to those more vulnerable: ["Get involved 1"](#), ["Get involved 2"](#), ["Get involved 3"](#)."

In addition, the "Centrs Dardedze" campaign "I only forwarded it" was focusing mainly on the bystanders who "only forward" sexual content of their peers. The campaign materials informed young people that this kind of action is illegal and can be classified as distributing children's pornography.

The National Centre for Education (administration institution directly subordinated to the Minister of Education and Science) in cooperation with the Latvian Safer Internet Centre and the Local Governments Training centre of Latvia, has developed methodological materials for teachers and students. The methodological material has been prepared with the support of the European Commission's Directorate-General for Information Society and Media "Safer Internet" program. It is intended for use of social science teachers, social teachers, librarians, social workers and other interested parties. One of the goals of the methodological material is to educate students with problems about the irresponsible use of the Internet and how to deal with the perpetrators in the Internet environment, as well as how they can become victims of violence and how to avoid it. This material is published on the website of the Local Governments Training centre of Latvia: <http://lpmc.lv/projekti/dross-internets/aktivitates-ieprieksejos-projektos.html>.

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

In reply to questions 1.3.a. and 1.3.b., we point out that, there are several awareness-raising and educational activities, tools, materials and measures addressed to parents and persons who have regular contact with children about the risks children face when they produce and/or share specifically targeting children as bystanders, observers of other children producing and sharing self-generated sexually explicit images, videos sexual content in general.

The State Police has issued:

- Brochures for parents, teachers. These brochures are targeted for parents and distributed at summer city celebrations or other public events.

For example:

- Brochure 2014 contains facts about the Internet safety.
- Brochure 2015 contains information on social media and potential threats.
- Brochure 2016 contains a test for parents, to find out and check if they know what their child is doing on the Internet.<sup>1</sup>
- An interactive workbook (<http://www.vp.gov.lv/pasaka/>) for parents which they can use when talking to their children about certain safety topics, including the Internet safety. The workbook contains probing questions that parents can ask when talking to their children about safety issues and tips for parents they can use when teaching and explaining their children various safety issues.

In addition, A program called "A Safe school" is now being developed by the State Police of Latvia. The plan in one of the parts in the program is to inform and educate school personnel on various safety issues and topics. One of them will be "What can the personnel do if they find out that a child has been communicating with a stranger and sending sexual content".

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<sup>1</sup> All brochures are attached to this questionnaire.

On March 3, 2017, the State Inspectorate for Protection of Children's Rights held a conference "One Child in Two Worlds" for teachers of pre-school educational institutions and parents whose children visit these institutions to provide useful and practical information on risks and threats in the Internet environment and create practical guidelines to protect children's security and interests in the virtual world. Conference materials and guidelines:

<http://www.bti.gov.lv/lat/aktualitates/?doc=4692&page=2>.

In addition, Latvian Safer Internet Centre regularly develops materials for parents and teachers. Three lesson plans about producing and disseminating sexting pictures, videos and content have been developed for pedagogues to use in class - to make children think of possible risks and consequences. The lesson plans available here: "[Sexting and the main problems](#)", "[Questions to ask in the class](#)" after watching video "To send? Sent..." and lesson plan "[Sexting and relationships](#)" including case studies to discuss with students in class. And a [material for parents "Sextortion"](#) including information about the risks and how to act if a child has been involved in sextortion.

To disseminate the message of the campaign "I only forwarded it", the psychologists of "Centrs Dardedze" prepared a methodology for teachers for them to discuss sexting risks with 5<sup>th</sup>-9<sup>th</sup> grade students (using also illustrative videos made by State Inspectorate for Protection of Children's Rights). The methodology was presented to teachers and social pedagogues in educational seminars. The children's parents in turn were reached via parental meetings in schools, when the representatives of the institution invited the specialists from "Centrs Dardedze".

In addition, within the framework of the project "Responsible and Safe Use of the Internet", the Local Governments Training centre of Latvia organizes free trainings:

- 12-hour A Level curriculum for teachers "Responsible and Safe Internet Use". Target audience: social science teachers, class teachers, social pedagogues, social workers working with families and children, librarians. A broader description of the program: [http://lpmc.lv/fileadmin/user\\_upload/Drossint2016/Drossinternets.pdf](http://lpmc.lv/fileadmin/user_upload/Drossint2016/Drossinternets.pdf).
- Six-hour A Level curriculum for teachers "The World on the Web. Use of Internet for 5-9.<sup>th</sup> class pupils". Target audience: 5-9.<sup>th</sup> class teachers, class teachers, deputy directors in the field of education. A broader description of the program: [http://lpmc.lv/fileadmin/user\\_upload/Drossint2016/Timeklis.pdf](http://lpmc.lv/fileadmin/user_upload/Drossint2016/Timeklis.pdf).
- Six-hour A Level Curriculum for Pre-school Teachers "Vaifija School. Internet usage for pre-school children". Target Audience: Pre-school teachers, deputy directors in the field of education. A broader description of the program: [http://lpmc.lv/fileadmin/user\\_upload/Drossint2016/Vaify.pdf](http://lpmc.lv/fileadmin/user_upload/Drossint2016/Vaify.pdf).

The Centre for Disease Prevention and Control has developed educational films and methodological recommendations for school teachers on the topic how to speak with pupils about reproductive health, sexual behaviour, building relationships and in particular sexual relationships. Under these discussions there are the following topics:

- everyone is responsible for his/her sexual behaviour and its consequences;
- another person's sexuality;
- sexting or sexually explicit text messages and nude photos sharing via mobile phone.

The Centre for Disease Prevention and Control in cooperation with the Ministry of Health are working on a new informative material for medical practitioners on recognising the violence against children.

The above-mentioned educational activities (using educational films and methodological recommendations made by the Centre for Disease Prevention and Control) are carried out by school teachers; materials are available on the Internet.

<https://www.spkc.gov.lv/lv/informativi-izdevumi/izglitojosas-filmas>

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

## **Question 2. Civil society involvement**

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

To reply to questions 2.1.a. and 2.1.b., we inform that, activities of Latvian Safer Internet Centre [www.drossinternets.lv](http://www.drossinternets.lv) are co-financed by the Ministry of Defence through The Institute of Mathematics and Computer Science and by The Ministry of Environmental Protection and Regional Development. We also inform that Latvian Safer Internet Centre is an NGO, and prevention activities are coordinated by Latvian Internet Association and co-financed by [European Commission CEF programme](#).

The State Inspectorate for Protection of Children's Rights has not organized prevention projects related to these issues involving civil society, however, the Inspectorate has engaged in projects organized by non-governmental organizations.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. self-generated sexual content?

To reply to questions 2.2.a. and 2.2.b., please, see the answers and information provided to question 1. about NGO "Centrs Dardedze" organized campaign named "I only forwarded it" and their "Džimba safety program", as well as about Latvian Safer Internet Centre activities.

## **Question 3. National curriculum**

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

To reply to questions 3.a. and 3.b., we inform that, our national curriculum includes several awareness-raising and educational activities about the risks of self-generated sexually explicit images, videos and sexual content in general.

For example, matters regarding children safety issues, including, the protection of children from sexual abuse, according to the Cabinet Regulations No.468 "Regulations Regarding the State Standard in Basic Education, the Subjects of Study Standards in Basic Education and Model Basic Educational Programmes", adopted on 12 August, 2014, are included in the Social sciences subject study standard for 1<sup>st</sup> to 9<sup>th</sup> grades, as well as according to Cabinet Regulations No.281 "Regarding the State General Secondary Education Standard, Subject Standards and Sample Education programmes", adopted on 21 May, 2013, these matters are included in the Health Studies as general secondary education subject standard.

In addition, the State Police has issued:

- Brochures for parents, teachers. These brochures are targeted for parents and distributed at summer city celebrations or other public events.

For example:

- Brochure 2014 contains facts about the Internet safety.
- Brochure 2015 contains information on social media and potential threats.
- Brochure 2016 contains a test for parents, to find out and check if they know what their child is doing on the Internet.<sup>2</sup>
- An interactive workbook (<http://www.vp.gov.lv/pasaka/>) for parents which they can use when talking to their children about certain safety topics, including the Internet safety. The workbook contains probing questions that parents can ask when talking to their children about safety issues and tips for parents they can use when teaching and explaining their children various safety issues.

In addition, A program called "A Safe school" is now being developed by the State Police of Latvia. The plan in one of the parts in the program is to inform and educate school personnel on various safety issues and topics. One of them will be "What can the personnel do if they find out that a child has been communicating with a stranger and sending sexual content".

#### **Question 4. Higher education curriculum and continuous training**

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

In reply to questions 4.a. and 4.b., we inform that, issues affecting the protection of children from sexual exploitation and sexual abuse facilitated through the use of information and communication technologies addressed in the following formal and non-formal education programs by the State Police College:

First level professional higher education program "Police work":

1) 6 contact hours in the study course "Criminal Law", in the topic "Qualification for crimes against the against morality and gender inviolability"

2) 10 contact hours study course "Investigation work", in the topic "Offences against the person's gender inviolability". It includes the following topics:

- Concept and types of sexual offences;
- Criminological characteristics;
- Special features of the investigation of sexual offenses;
- Special features of the investigation of certain types of sexual crimes.

3) 3 contact hours in the study course "Protection of the rights of the child" in the topic "Legal status of a minor and special features of legal liability in criminal proceedings". It includes the following sub themes:

- child as a victim of a criminal offense;
- involvement of a minor in procedural activities;
- in the same course, "Violence against the child", risk factors, including threats and violence against children on the Internet (emotional violence and threats, pornography and sexual harassment, child abuse, legal consequences of Internet violence) are being considered.

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<sup>2</sup> All brochures are attached to this questionnaire.

## Question 5. Research

- 5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:
- self-generated sexually explicit images and/or videos?
  - self-generated sexual content?

In reply to questions 5.1.a. and 5.1.b, we inform, that Latvian Safer Internet Centre in Year 2014 before launching a campaign to raise awareness about sexting risks organized a survey among 13 - 18 year old youngsters to find out if they have sent, received and/ or disseminated sexually explicit images or content produced by themselves or their peers. More than 1000 respondents participated in the survey and summary of results is published here: <https://drossinternets.lv/page/339>.

In Year 2014 University of Latvia took part in a European wide research [EU Kids online](#) where questions about sexting were included. Full report with findings about situation in Latvia is published [here](#).

In the "Centrs Dardedze" campaign "I only forwarded it" there were organized 2 online surveys:

- main questions to the teenagers (12-17 years old) were: do they know any peers who have sent to someone sexually explicit image of themselves (64% of the respondents know one or more youngsters who have); have they ever received sexually explicit image of a peer on their mobile phone (42% have and 9% have forwarded it to others). Other questions were about receiving information about the risks of sexting and what would youngsters do in a situation when they lose control over their sexually explicit picture.
- parents of teenagers were asked if they have spoken to their children about the risks of sexting and about their actions in case if the child sent a sexually explicit picture and got in trouble. Survey showed that the parents feel they have talked to children about risks more often than the teenagers confirm in their respective survey.

The results on the online survey were communicated in the PR campaign.

- 5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:
- self-generated sexually explicit images and/or videos as children have been shared online?
  - self-generated sexual content as children has been shared online?

We inform, that such research has not been conducted or supported by public authorities or other bodies.

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.



## Protection

### Question 6. Assistance to victims

- 6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:
- self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
  - self-generated sexual content are provided with the necessary support, assistance and psychological help?

In reply to question 6.1.a. and 6.2.b., we point out, that several victim reporting mechanisms have been introduced in Latvia:

Victims can report about violations and receive psychological support by calling the State's Inspectorate for Protection of Children's Rights Free Children hotline 116111, as well as writing e-counselling. When receiving information about possible violations of children's rights in relation to child sexually explicit images/videos or self-generated sexual content of the child, the information is evaluated and, if necessary, it's handed over to the State police or to the State Inspectorate for Protection of Children's Rights or to the Latvian Safer Internet Centre or local government institutions – to the Social service office and to the Orphan's and Custody Court.

Latvian Internet Association is coordinating the work of Latvian Safer Internet Centre which is running a hotline to ensure possibility for public to report illegal content and receive support in problematic situations they have faced online. The hotline receives reports via online reporting form at [www.drossinternets.lv](http://www.drossinternets.lv) and through email [zinojumi@drossinternets.lv](mailto:zinojumi@drossinternets.lv). Reports are made by members of the public and INHOPE member countries and then assessed by hotline analysts. In addition to combatting online child sexual abuse material, the hotline also receives reports about racism/hate speech, adult pornography, bullying, fraud, and extreme violence/threats. When Drossinternets.lv receives a report, analysts review the reported material and attempt to identify a geographic hosting location for the material. If the material is hosted in Latvia, the report is forwarded to law enforcement and the appropriate hosting provider is notified to remove the content. If the content is hosted internationally, the report is inserted in database and forwarded via International INHOPE Association to the appropriate member country's hotline.

Main tasks of Latvian Safer Internet Centre Hotline are:

- to provide and ensure a mechanism for public to report suspected illegal content
- cooperate with law enforcement in the process of fighting against illegal internet content
- forward the report to the appropriate body for action (law enforcement, correspondent INHOPE hotline)
- inform internet users about the hotline and how to contact it
- deal rapidly with complaints received
- provide complying persons with guidance for further actions to stop violations.

On 1st of January 2016 entered into force the amendments in the Cabinet Regulations No. 869 "Regulations of the Legal Aid Administration", adopted on 15 November 2005, and accordingly to the delegation in the above Cabinet Regulations the association "Skalbes" on a basis of concluded a delegation agreement with Legal Aid Administration opened for operation the telephone number 116006 "Helpdesk for Victims of Crime", which provides victims of crime with emotional and psychological support and information on the victims' procedural rights and access to relevant organizations and information. An informational helpline is free of charge and is set up for anyone who is involved in a crime personally, in a family or in a circle of friends. It is a permanent phone line which operates every day from 7:00 until 22:00. The association website [www.skalbes.lv](http://www.skalbes.lv).

The victim support website [www.cietusajiem.lv](http://www.cietusajiem.lv) is designed to provide everyone with information about the institutions and organizations in which the victim, relative or witness can receive support, regardless of the type of offence time and time when it occurred and whether the crime has been reported or not. Website [www.cietusajiem.lv](http://www.cietusajiem.lv) was set up in 2012. The activities of website and its translation into Russian and English are provided by the association "Skalbes". The website provides general information on procedural rights of victims (for example, on the victims' procedural rights, the right to compensation for damage, state compensation, etc.) and information on existing victim support services.

In addition, Legal Aid Administration according to the law "On state compensation on victims" performing its main function helps people who are recognized as victims of the crime according the above-mentioned law. Every person can visit Legal Aid Administration website following this link <http://www.jpa.gov.lv/viegli-lasit-eng> and obtain free of charge information concerning victims of the crime. Furthermore, there is state guaranteed legal aid and free helpline for victims of crime at +371 80001801 that provides informational support. Victims of the crime can visit Legal Aid Administration to get some necessary information and receive the counselling free of charge sessions.

In addition, The Cabinet Regulation No. 24 "The Procedure for Ensuring the Safety of Students in Educational Institutions and Measures Organized by them", adopted on 24 November 2009, provides for the functions of the direction of educational institution, as well as to plan and organize educational activities on the safety of educatee, including on issues of violence. Whereas, the rules of the internal regulations of the educational institution determine the actions of the director and teachers if physical or emotional violence against the educatee is detected.

According to the Medical treatment law, if a medical treatment institution provides assistance to an under aged patient and there are grounds for considering that the patient has suffered from the lack of sufficient care and supervision or other violation of the rights of the child, the medical treatment institution shall notify the State Police thereof without delay but not later than within 12 hours.

The Cabinet Regulations No 1613 "Procedures describing the order in which the necessary assistance is provided to a child who has suffered from illegal activities" determine if a medical treatment institution provides assistance to the child to whom consequences of probable violence have been detected, the medical treatment institution shall notify the police and the self-government social service without delay.

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

In reply to question 6.2.a. and 6.2.b., in addition to information provided for question 6.1., we inform that Law On Social Services and Social Assistance and the Law on the Protection of the Children's Rights provides for that children who are victims of violence are provided with social rehabilitation. The social rehabilitation is obligatory. The victims of violence include: victims of criminal offences, exploitation, sexual abuse or any other illegal or cruel acts as well as acts that offend the child's dignity. The provision of services is organized by the nongovernmental organization "Latvian Children's Fund" (Latvijas Bērnu fonds). Since 2000 the fund is working on the development of a joint system of the rehabilitation of child victims of violence for Riga and the regions. The rehabilitation centres established by the fund are providing timely and quality rehabilitation and medical services for children victims of violence and their families, by providing support and practical assistance. In addition seminars, lectures, trainings and other informative and

educational activities are being organized for professionals and general public about matters related to violence.

In the reference period no changes have taken place in the substance of the service or in the procedure on the acquisition of the service for children victims of violence established by the Cabinet Regulations No 1613 "Procedures for providing the necessary assistance to a child who has suffered from Illegal activities", adopted on 22 December 2009.

A child who has suffered from violence shall be provided the necessary health care services, including medical rehabilitation, in accordance with the laws and regulations regarding the procedures for organising and financing health care. If assistance has been provided at a medical treatment institution to a child to whom consequences of probable violence have been detected, the medical treatment institution shall, without delay, notify the police and the social service office of the local government.

If the Orphan's and Custody Court has suspicions that a child has suffered from parental abuse, it shall inform the social service office of the local government and send the child, after he or she has received the necessary treatment and medical rehabilitation, to a psychologist or a social worker who shall evaluate and determine whether the child needs social rehabilitation.

If there are suspicions that the child has suffered from violence at a childcare institution, educational institution of social correction, or place of imprisonment (hereinafter – institution), the head of the institution, parents, foster family or guardians of the child shall inform the Orphan's and Custody court, social service office of the local government thereof and shall request an opinion of a psychologist or a social worker regarding the abused child.

A psychologist or a social worker shall, within 10 days, provide an opinion upon request of the parent or guardian of the abused child, the head of the institution, the foster family, or the Orphan's and Custody Court. The following information shall be indicated in the opinion:

- whether the child has signs of psychological trauma;
- the necessary social rehabilitation measures;
- whether it is preferable to receive social rehabilitation at the place of residence of the child (hereinafter – place of residence) or at the institution, or at a social rehabilitation institution;
- whether the child needs a social rehabilitation course up to 30 days or a complex social rehabilitation course up to 60 days in a social rehabilitation institution;
- whether it is necessary that a family member of the child or a person who takes care of the child stays at the social rehabilitation institution together with the child, taking into account the psychological state and age of the child.

If, according to the opinion of a psychologist or a social worker, it is necessary that a family member of the child or a person who takes care of the child stays at the social rehabilitation institution, the stay of such person in the relevant institution shall be financed from the funds from the State budget.

Social rehabilitation services shall be provided at the place of residence or the institution in the form of consultations (not more than ten consultations 45 minutes in duration each) or in the form of a social rehabilitation course at a social rehabilitation institution.

Upon a justified submission of the provider of social services to the Latvian Children's Fund the social rehabilitation course up to 30 days or a complex social rehabilitation course up to 60 days may be extended. Social rehabilitation services shall be provided as close to the place of residence as possible.

Provision of social rehabilitation services shall be co-ordinated by the Social service office of the local government, on the basis of the following documents:

- a submission of the parent or guardian of the child, the head of the institution, the foster family, or the Orphan's and Custody Court regarding the necessity to grant social rehabilitation services to the child, specifying the type of violence from which the child has suffered, and where it has taken place;
- an opinion of a psychologist or a social worker;

- an extract from the inpatient or outpatient medical treatment card (Form No. 027/u) regarding the treatment and medical rehabilitation received (if provided).

The social service office of the local government shall:

- accept the afore mentioned documents and register them in a special register;
- within three working days after receipt of the documents:
- issue a reference to the head of the institution, the parent, foster family or guardian of the child, or the Orphan's and Custody Court for social rehabilitation of the child at any of the following places:
  - at the place of residence or the institution at the provider of services with whom the local government has entered into a relevant contract. The service to be provided, its extent and conformity with the laws and regulations regarding providers of social services, the contract sum, the procedures for providing the service, as well as the time of providing the service shall be indicated in the contract;
  - at a social rehabilitation institution indicated by the Latvian Children's Fund for a social rehabilitation course up to 30 days long;
  - at a social rehabilitation institution indicated by the Latvian Children's Fund for a complex social rehabilitation course up to 60 days long;
  - control the fulfilment of the contract and the conformity of the amount of the social service provided with the contract entered into;
  - after completion of the service provided by the service provider and acceptance of the service, but not later than until the fifth date of the following month, submit a report to the Latvian Children's Fund on children who have received the social rehabilitation service at the place of residence or the institution, and send documents regarding payment for such services from the funds from the State budget;
  - if necessary, organise the conveyance of the child to the provider of social services;
  - inform residents of the local government regarding the possibilities to receive social rehabilitation services paid by the State for children who have suffered from violence, as well as regarding the conditions and procedures for receipt of services;
  - provide the necessary support and assistance to a child who has suffered from violence and to the family of the child during and after social rehabilitation.

In addition The Latvian Children's Fund shall:

- organise the provision of social rehabilitation services at the institution run by foundations the sole founder of which is the Latvian Children's Fund, in accordance with the laws and regulations governing public procurement, ensuring that social rehabilitation services at the institution are available in all planning regions;
- if necessary, in accordance with the laws and regulations governing public procurement, choose other providers of social services registered in the Register of Social Service Providers and shall enter into contracts with them. The service to be provided, its extent and conformity with the requirements laid down in laws and regulations, the contract sum, the procedures for the provision of the service and payment, the duties and liability of parties, the time for providing the service shall be indicated in the contract;
- on the basis of information provided by social service offices of local governments, decide on granting of the funds from the State budget to specific local governments and enter into contracts with the social service offices of local governments regarding provision of social rehabilitation services at the place of residence, as well as pay for social rehabilitation services which have been provided at the place of residence. The service to be provided, its extent and conformity with the laws and regulations regarding the requirements for providers of social services, the contract sum, the procedures for the provision of the service and payment, the duties and liability of parties, the time for providing the service shall be indicated in the contract;

- according to the information provided by the social service offices of local governments and other social rehabilitation institutions, maintain a data base regarding provision of social rehabilitation services at the place of residence, institution and social rehabilitation institution to children who have suffered from violence;
- once a month provide information to the Ministry of Welfare regarding the amount of social rehabilitation services provided and the State funding utilised;
- inform the public regarding the possibilities to receive social rehabilitation services paid by the State for children who have suffered from violence, as well as regarding the conditions and procedures for receipt of services.

The Ministry of Welfare has entered into a delegation contract with the Latvian Children's Fund regarding provision of social rehabilitation services. The procedures for funding social rehabilitation services, the procedures for supervising the provision of social rehabilitation services and the circulation of information, the provisions regarding provision of financial and statistical reports, and other provisions of significance for provision of services are included in the contract.

A decision of the social service office of the local government may be contested to the municipality or city council. A decision of the municipality or city council may be appealed to the administrative court.

In addition, according to Section 22 of the Criminal Procedure Law, a person upon whom harm has been inflicted by a criminal offence shall, taking into account the moral injury, physical suffering, and financial loss thereof, be guaranteed procedural opportunities for the requesting and receipt of moral and financial compensation. The Law establish, that compensation is payment specified in monetary terms that a person who has caused harm with a criminal offence pays to a victim as atonement for moral injury, physical suffering, or financial loss. According to Part 1 of Section 351 of this Law, a victim has the right to submit an application regarding compensation for a caused harm in any stage of criminal proceedings up to the commencement of a court investigation in a court of first instance. The application shall justify the amount of the requested compensation for financial losses, but the amount of compensation for moral injury and physical suffering – shall just be indicated. The account number of a credit institution or financial institution, to which compensation for a harm should be transferred, may be indicated in the application. The request and payment of the compensation accordance with the Criminal Procedure Law, shall not limit the rights of the victim to request the State compensation and the compensation accordance with the Civil Procedure Law.

In addition with regards to the legislation the law "On state compensation on victims" guarantees major rights of the victims for receiving state compensation for moral injury, physical suffering or financial loss resulting from an intentional criminal offence. According to the Part 4 of Section 3 of this Law the right to the State compensation shall exist if morality or sexual inviolability of the person has been violated. The victim has the right to the State compensation also if a perpetrator of a criminal offence or a joint participant thereof has not been identified or he or she in accordance with the Criminal Law shall not be held criminally liable. The law also provides that for the payment of state compensation in completed and unfinished criminal proceedings and does not obligate the victim to turn against the perpetrator of a crime in order to receive compensation for harm caused by a criminal offense before receiving state compensation

In addition, victims of crime are provided with state-guaranteed legal assistance in criminal proceedings, in accordance with Section 17 of the State Ensured Legal Aid Law, which establish that person who, in accordance with the law, has the right to defence and representation may request legal aid until the time of the coming into effect of the final court adjudication. Section 20 of the above mentioned Law determines that 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. According to Part 5 of Section 104 of the Criminal Procedure Law, if the rights of a minor and the protection of the interests thereof are encumbered or otherwise not

ensured, or the representatives submit a substantiated request, a person directing the proceedings shall take a decision on retaining of an advocate as the representative of a minor victim. In accordance with Part 5 and 6 of Section 108 of above mentioned Law, provision of legal assistance to a minor victim and the representative of a minor victim is mandatory in criminal proceedings regarding a criminal offence related to violence committed by a person, upon whom the minor victim is financially or otherwise dependent, or regarding a criminal offence against morals or sexual inviolability. If a minor victim or his or her representative has not entered into an agreement with an advocate regarding provision of legal assistance, in the case provided for in Part 5 of this Section the person directing the proceedings shall take a decision to invite an advocate as the provider of legal assistance in accordance with the procedures provided for in Section 104. In such cases, the person directing the proceedings shall notify the decision on necessity to ensure a representative in criminal proceedings to the elder of the sworn advocates of the territory of the relevant court process. Not later than within three working days after receipt of the request of the person directing the proceedings, the elder of the sworn advocates shall notify the person directing the proceedings regarding the participation of the relevant advocate in criminal proceedings. The person directing the procedures, which are to be carried out immediately and in which the victim has been involved, if necessary, shall retain an advocate for ensuring representation in conformity with the schedule of the advocates on duty compiled by the elder of the sworn advocates in the territory of the relevant court process. In such case payment to the advocate for the provision of State ensured legal assistance and the reimbursable expenses related to the provision thereof shall be covered in accordance with Cabinet regulations governing payment for the provision of State ensured legal assistance.

In addition, On 1st of January 2016 entered into force the amendments in the Cabinet Regulations No. 869 "Regulations of the Legal Aid Administration", adopted on 15 November 2005, and accordingly to the delegation in the above Cabinet Regulations the association "Skalbes" on a basis of concluded a delegation agreement No.2-18.15/10 "On provision of informative support to victims of crime" with Legal Aid Administration opened for operation the telephone number 116006 "Helpdesk for Victims of Crime" on 30<sup>th</sup> of September 2015, which provides victims of crime with emotional and psychological support and information on the victims` procedural rights and access to relevant organizations and information. For the implementation of this measure in 2016 and every year from the state budget, 110 597 euros were allocated.

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

In 2016, the State's Inspectorate for Protection of Children's Rights Free Children hotline 116111 provided psychological support to 73 callers for sexting and grooming, whereas in the first half of 2017, support was provided to 71 callers. Almost the same amount of calls has been received in the last six months as in the whole previous year together.

According to the statistical data provided by the Latvian Children's Fund social rehabilitation services for children victims of violence have been provided: in 2016 – for 2 543 children; in 2015 – for 2 566 children; in 2014 – for 2 586 children. Mentioned statistical information encompasses child victims of online exposure but includes also other types of child victims of violence (also child victims of domestic violence, peer violence at school etc.) Neither Latvian Children's Fund, nor any other entity currently collects disaggregated data specifically on child victims of online exposure.

Statistics on the payment of state compensation for minors who have suffered from these types of criminal offenses:

	2014	2015	2016
<b>Number of registered state compensation claims</b>	<b>145</b>	<b>125</b>	<b>167</b>
<b>Number of decisions taken on the cost of state compensation</b>	<b>123</b>	<b>103</b>	<b>146</b>
<b>Type of offense</b>			
<ul style="list-style-type: none"> <li>criminal offences against Morality and Gender Inviolability</li> </ul>	97	90	125

Statistics on the helpline 116006 "Helpdesk for Victims of Crime ":

	2016	The first half of 2017
<b>Received calls</b>	2391	981
<b>Answered calls</b>	2239	795
<b>Callers:</b>		517
<b>Women</b>	1012	
<b>Men</b>	556	221
<b>Children</b>	55	6

Health Behaviour in School-aged Children (HBSC) study<sup>3</sup> provides information about the health, well-being, social environment and health behaviour of 11-, 13- and 15-year-old boys and girls. The latest **international report** from the study presents findings from the 2013/2014 survey (published by the World Health Organization in 2016) collected data on social context (relations with family, peers and school), health outcomes (subjective health, injuries, obesity and mental health), health behaviours (patterns of eating, tooth brushing and physical activity) and risk behaviours (use of tobacco, alcohol and cannabis, sexual behaviour, fighting and bullying) relevant to young people's health and well-being.

New item on cyberbullying is also reflected in the report. Two new mandatory questions on cyberbullying victimization were included, asking young people: if they had experienced being sent mean messages, emails, texts or wall-postings, or someone had created a website that made fun of them; or someone had taken unflattering or inappropriate photographs of them without permission and posted them online. The new questions allow monitoring of the prevalence of this new, relevant and worrying phenomenon and understanding of its relationship to other facets of adolescent lives such as well-being, social relationships, academic performance and risk behaviours.

Findings show that at age 11 6% of girls and 7% of boys have been a victim of cyberbullying at least two or three times a month. 5% of girls and 5% of boys at age 13 have been cyberbullied by messages at least two or three times a month and 3% of girls and 5% of boys at age 15 have been cyberbullied by messages at least two or three times a month.

13% of 11-year-olds (13% of girls and 13% of boys) have been cyberbullied by pictures at least once; 18% of 13-year-olds (19% of girls and 16% of boys) have been cyberbullied by pictures at least once; 15% of 15-year-olds (15% of girls and 15% of boys) have been cyberbullied by pictures at least once.

4% of 11-year-olds (4% of girls and 5% of boys) have been cyberbullied by pictures at least two or three times a month; 4% of 13-year-olds (4% of girls and 4% of boys) have been cyberbullied by

<sup>3</sup>[https://www.spkc.gov.lv/upload/Petijumi%20un%20zinojumi/HBSC/hsbcno7growingupunequalfullreport\\_2013\\_2014.pdf](https://www.spkc.gov.lv/upload/Petijumi%20un%20zinojumi/HBSC/hsbcno7growingupunequalfullreport_2013_2014.pdf)

pictures at least two or three times a month; 3% of 15-year-olds (3% of girls and 4% of boys) have been cyberbullied by pictures at least two or three times a month.

### **Question 7. Cooperation with civil society**

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

The cooperation with civil society takes place in different ways. NGOs as contractors provide state funded social services, implement public campaigns, informative and educational activities. NGOs are also active participants in numerous working groups and other interdisciplinary platforms. It is an obligation to acquire the opinion of the relevant NGOs working in the field regarding a draft law or draft policy document. NGOs help to build the necessary impetus for launching new policy initiatives and facilitate interdisciplinary discussion on neutral grounds.

To enhance the cooperation between state, local government and nongovernmental representatives In September 2017 Cabinet regulations have been approved which require that every local government establish its Group of Cooperation on the protection of the rights of the child. At the same time there is a Council on the cooperation of children's rights on the national level, which shall ensure that the principle of the best interests of the child is recognised and implemented in all the relevant cases in all the local governments. The council also reviews the most significant political challenges related to the interdisciplinary cooperation in the field of the rights of the child. The council is convened by the Minister of Welfare. The Group of Cooperation includes social welfare, child protection representatives, police from the local and state level, representatives from the local educational board. Optional members of the Group of Cooperation are educational institutions, residential institutions, prison facilities, commission assessing if the child needs special education because of his/her disability, municipal commission reviewing cases of administrative violations, State probation service, nongovernmental organizations.

The Group of Cooperation may invite other experts as well in order to be able to review individual cases. The Group of Cooperation reviews such cases when there has been a violation of the rights of the child, if a prompt action is needed and there is a need of the involvement of several institutions. Also, when it is not possible to solve the cases by a single institution, and the institutions has not succeeded to solve it in a long period of time.

The Group of Cooperation also analyses the situation in the field of protection of the rights of the child and provides suggestion to the local government for the development of a program on the protection of the child. It also provides propositions on the amendments in the law and informs the society about the latest matters on the protection of the rights of the child.

The State Inspectorate on the Protection of the Rights of the Child provides methodological support to the Group of Cooperation in cases the group is unable to reach an agreement on the coordinated and jointly approved cooperation. The meetings of the Group of Cooperation convene according to the actual necessity. The minimum number of meetings per year is four.

In addition, established in 2007 and a member of INHOPE association since 2008, Latvian hotline works actively with law enforcement, the internet industry, government/policy makers and civilians to combat illegal online content. In addition to receiving reports, the hotline also offers additional services related to community outreach and internet safety awareness and advocate/law enforcement training. Hotline offers internet users a way of reporting something they suspect to be illegal on the internet. Hotline investigates these reports to determine if they are illegal, and if so, trace the origin of the content and forward either to national Law Enforcement Agency in Latvia, the Cyber Crime Enforcement Unit of the State Police or to the appropriate hotline *INHOPE* member, of the country where content appears to be hosted. Latvian Hotline is co-funded by the Ministry of Defence of the Republic of Latvia through The Institute of Mathematics and Computer Science for



cyber security actions, national CERT.LV. Hotline has cooperation agreement with the State Police Cyber Crime Unit that determine way of submitting Child Sexual Abuse Materials (CSAM) reports. Furthermore, Latvian hotline has signed Memorandum of Understanding with Internet Service Providers for combating circulation of child sexual abuse materials and provide support to Hotline in removing CSAM from public access.

CERT.LV, which implements the tasks of the Information Technologies Security Incidents Response Institutions and operates under the Ministry of Defence of the Republic of Latvia, the main tasks in the field of information technology security incidents are set out in Section 5 of the Law On the Security of Information Technologies, for example, to maintain a unified representation of activities in progress in the electronic information space, to provide support for the prevention of an information technologies security incident or co-ordinate the prevention thereof, provide support to State authorities in the protection of State security, as well as detection (investigation) of criminal offences and other violations of the law in the field of information technologies, organise educational measures, training and instruction in the field of the security of information technologies for public officials, IT security professionals and other interested parties. CERT.LV collaborates closely with Net-Safe Latvia - a Secure Internet Centre, and provides support to investigative authorities if necessary.

In addition, when assessing the main characterizing elements of non-governmental organizations, the Ministry of Justice concluded that the most appropriate and effective for State administration delegated task is the association "Skalbes". The association "Skalbes" is an organization that employs both paid employees and volunteers with experience and appropriate knowledge to provide professional assistance, support and information to people in crisis situations. The association "Skalbes" started the implementation of State administration delegated task in January 1, 2016, and is carried out daily from 07:00 until 22:00. The association "Skalbes" provides not only the free information telephone number 116006 "Helpdesk for victims of crime", but also places information on victims' rights on the Internet at [www.cietusajiem.lv](http://www.cietusajiem.lv).

## Prosecution

### Question 8. Legislation

- 8.1. Does national law contain any reference to:
- self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
  - self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
  - non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

To reply to questions 8.1.a., 8.1.b., 8.1.c., we point out that, Latvian national law does not contain any reference to self-generated sexually explicit images, videos, self-generated sexual content or non-pictorial self-generated sexual content produced by children. Thus, the materials of child pornography can be produced by anyone and, if the age of criminal liability (14 years of age) has been reached, criminal liability shall apply

Part 2 of Section 166 of the Criminal Law stipulates, that person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable.

The term child pornography is defined in a special law. According to Point 2 of Section 1 of the Law on Pornography Restrictions, child pornography is a pornographic performance where the child is involved, or material of a pornographic nature, in which a child is depicted or described. Child

pornography is also regarded as any other performance or material which:

- a) demonstrates, depicts or describes a child engaged in sexual activities or in a sexual pose or in clothing of an obscene nature, or for sexual purposes depicts or describes a child totally or partially without clothing,
- b) completely or partially depicts a person's having the appearance of the child genitals or depicts or describes a person having the appearance of a child to be involved in sexual acts or sexual acts of gratification in unnatural way, sexual acts of gratification by masturbation or other sexual activities, as well as imitation of the specified activities, sexual acts of gratification in a violent manner, brutality in sexual activities (sadistic and masochistic activities), sexual acts of gratification with animals or necrophilia, or conduct mentioned or depicted in the form mentioned in this paragraph "a",
- c) has realistic images of a real non-existent child's genitals or a non-existent child involved in sexual acts or sexual acts of gratification in unnatural way, sexual acts of gratification by masturbation or other sexual activities, as well as imitation of the specified activities, sexual acts of gratification in a violent manner, brutality in sexual activities (sadistic and masochistic activities), sexual acts of gratification with animals or necrophilia, or conduct mentioned or depicted in the form mentioned in this paragraph "a".

According to Point 1 of Section 1 of the Law on Pornography Restrictions, material of a pornographic nature is composition, printed matter, image, computer program, film, video or sound recording, television program, or radio program, other material in any form or type, that does not have publicly educational or informative, scientific or artistic value and in which directly, specifically and openly naturalistically:

- a) genitals are completely or partially depicted;
- b) sexual acts or sexual acts of gratification in an unnatural way, sexual acts of gratification by masturbation or sexual acts are depicted or described, or other sexual activities, as well as imitation of the specified activities are depicted or described;
- c) sexual acts of gratification in a violent manner, brutality in sexual activities (sadistic and masochistic activities), sexual acts of gratification with animals or necrophilia are depicted or described.

In addition, Point 3 of Section 1 of the Law in Pornography Restriction establish, that handling of pornographic nature which contain child pornography is:

- a) purchasing (acquiring into ownership, possession or use),
- b) manufacture (creation, production, reproduction in any way with any technical resources),
- c) importation (physical movement in any way across the borders of Latvia from foreign countries),
- d) distribution (trade, the putting into service for a fee or without a fee, demonstration in a public place or ensuring of access in a different manner),
- e) dissemination in an electronic environment (the trade of material of a pornographic nature prepared in an electronic way, the transmission of the material itself or information prepared thereof, including downloading, communicating to the public, also uploading, utilizing electronic communication networks or automated data processing systems or making material accessible in a different manner in any information circulation phase),
- f) advertising (any form or any type of communication or event with an aim to promote the popularity of material of a pornographic nature or demand thereof, associated with economic activities performed with the purpose of acquiring profit),
- g) propagation, distributing information regarding these materials (forwarding, transmission or offer of information independent of the type of device for the transmission of information or the ensuring of accessibility to information in any other way); or,

h) storage.

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

To reply to questions 8.2.a., 8.2.b., we inform that Latvian national law does not tackle the involvement of more than one child (i.e. consensual posing) in generating the self-generated sexually explicit images, videos or self-generated sexual content. Thus, the materials of child pornography can be produced by anyone, therefore, children who have photographed themselves, as well as parents of children who have photographed their children, should be considered as producers of child pornography, if the age of criminal liability (14 years of age) has been reached.

8.3. Are there specificities related to the fact that more children appear on the:

- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
- b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

To reply to questions 8.3.a., 8.3.b., we point out that Latvian national law does not have specificities related to the fact that more children appear on self-generated sexually explicit images, videos or self-generated sexual content, when these children accept that their image and video are produced and shared through ICTs. Thus, the materials of child pornography can be produced by anyone and, therefore, if one or more children have photographed, filmed themselves or self-generated sexual content and even have accept that their image and/or video and self-generated sexual content are produced and shared through ICTs, these actions, if the age of criminal liability (14 years of age) has been reached should be considered as criminal offence according with the Latvian Criminal Law.

## **Question 9. Criminalisation**

9.1. Does national law criminalise cases when adults:<sup>4</sup>

- a. possess child self-generated sexually explicit images and/or videos?

Yes, these actions are criminalized according to Part 2 of Section 166 of the Criminal Law, which stipulates that a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable.

The term child pornography is defined in a special law. According to Point 2 of Section 1 of the Law on Pornography Restrictions, child pornography is a pornographic performance where the child is involved, or material of a pornographic nature, in which a child is depicted or described. Child pornography is also regarded as any other performance or material which:

- d) demonstrates, depicts or describes a child engaged in sexual activities or in a sexual pose or in clothing of an obscene nature, or for sexual purposes depicts or describes a child totally or partially without clothing,
- e) completely or partially depicts a person's having the appearance of the child genitals or depicts or describes a person having the appearance of a child to be involved in sexual

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<sup>4</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

acts or sexual acts of gratification in unnatural way, sexual acts of gratification by masturbation or other sexual activities, as well as imitation of the specified activities, sexual acts of gratification in a violent manner, brutality in sexual activities (sadistic and masochistic activities), sexual acts of gratification with animals or necrophilia, or conduct mentioned or depicted in the form mentioned in this paragraph "a",

- f) has realistic images of a real non-existent child's genitals or a non-existent child involved in sexual acts or sexual acts of gratification in unnatural way, sexual acts of gratification by masturbation or other sexual activities, as well as imitation of the specified activities, sexual acts of gratification in a violent manner, brutality in sexual activities (sadistic and masochistic activities), sexual acts of gratification with animals or necrophilia, or conduct mentioned or depicted in the form mentioned in this paragraph "a".

According to Point 1 of Section 1 of the Law on Pornography Restrictions, material of a pornographic nature is composition, printed matter, image, computer program, film, video or sound recording, television program, or radio program, other material in any form or type, that does not have publicly educational or informative, scientific or artistic value and in which directly, specifically and openly naturalistically:

- d) genitals are completely or partially depicted;
- e) sexual acts or sexual acts of gratification in an unnatural way, sexual acts of gratification by masturbation or sexual acts are depicted or described, or other sexual activities, as well as imitation of the specified activities are depicted or described;
- f) sexual acts of gratification in a violent manner, brutality in sexual activities (sadistic and masochistic activities), sexual acts of gratification with animals or necrophilia are depicted or described.

In addition, Point 3 (a, h) of Section 1 of the Law in Pornography Restriction establish, that handling of pornographic nature which contain child pornography is:

- a) purchasing (acquiring into ownership, possession or use) or,
- h) storage.

- b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?

Yes, these actions are criminalized according to Part 2 of Section 166 of the Criminal Law, which stipulates that a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable.

In relation to definition of child's pornography, please, see the answer to questions 9.1.a.

In addition, Point 3 (c, d, e, f, g) of Section 1 of the Law in Pornography Restriction establish, that handling of pornographic nature which contain child pornography is:

- c) importation (physical movement in any way across the borders of Latvia from foreign countries),
- d) distribution (trade, the putting into service for a fee or without a fee, demonstration in a public place or ensuring of access in a different manner),
- e) dissemination in an electronic environment (the trade of material of a pornographic nature prepared in an electronic way, the transmission of the material itself or information prepared thereof, including downloading, communicating to the public, also uploading, utilising electronic communication networks or automated data processing systems or making material accessible in a different manner in any information circulation phase),
- f) advertising (any form or any type of communication or event with an aim to promote the popularity of material of a pornographic nature or demand thereof, associated with economic activities performed with the purpose of acquiring profit),

- g) propagation, distributing information regarding these materials (forwarding, transmission or offer of information independent of the type of device for the transmission of information or the ensuring of accessibility to information in any other way).
- c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

Yes, these actions are criminalized according to Part 2 of Section 166 and Section 162 of the Criminal Law. According to Part 2 of Section 166, a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable. In addition, according to Part 1 of Section 162 of the Criminal Law, a person who commits leading to depravity of a person who has not attained the age of sixteen years or who is in the state of helplessness, that is, for a person who commits acts of sexual nature without physical contact with the body of the victim for the purpose of sexual gratification or to rouse sexual instinct in the victim, if such act has been committed by a person who has attained the age of majority or it has been committed taking advantage of the state of helplessness of the victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim, shall be held criminally liable.

In relation to definitions of child's pornography and handling of pornographic nature which contain child pornography, please, see the answer to questions 9.1.a. and 9.2.b.

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

According to Section 58 of the Criminal Law, a person who has committed a criminal violation or a less serious crime, except criminal offences resulting in death of a human being, if there is a settlement effected with the victim or with his or her representative and within the last year the person has not been released from criminal liability for committing an intentional criminal offence by reaching a settlement and has completely eliminated the harm caused by the criminal offences committed or has reimbursed for the losses caused, as well as a person who has given substantial assistance in the uncovering of a serious or especially serious crime which is more serious or dangerous than the crime committed by the person himself or herself, may be released from criminal liability. A person may also be released from criminal liability in particular cases provided for in the Special Part of the Criminal Law, and also if it is established that his or her rights to termination of criminal proceedings within reasonable time period have not been observed. In addition, Section 58.<sup>1</sup> stipulates that, a person who has committed a less serious crime, may be conditionally released from criminal liability by a public prosecutor if, taking into account the nature of the offence and the harm caused, information characterising the accused and other circumstances of the matter, a conviction has been acquired that the accused will not commit further criminal offences.

Part 1 of Section 379 of the Criminal Procedure Law stipulates, that an investigator with a consent of a supervising public prosecutor, public prosecutor or a court may terminate criminal proceedings, if:

- 1) a criminal offence has been committed that has the features of a criminal offence, but which has not caused harm that would warrant the application of a criminal punishment;
- 2) the person who has committed a criminal violation or a less serious crime has made a settlement with the victim or his or her representative in the cases determined in the Criminal Law;
- 4) it is not possible to complete the criminal proceedings within reasonable term;

- 5) the person committed the criminal offence during the time period when he or she was subject to human trafficking and was forced to commit the offence.

In addition, according to Part 1 of Section 415 of the Criminal Procedure Law, if a public prosecutor, taking into account the nature of and harm caused by a committed criminal offence, personal characterizing data, and other conditions of a case, achieves conviction that an accused will hereinafter not commit criminal offences, as well as in cases according to Part 1 of Section 415.<sup>1</sup> of the Criminal procedure law, if there exists the circumstances referred to in Section 415 of this Law, and a person who has been accused for committing a serious crime and has substantially assisted in the disclosure of a serious or especially serious crime that is more serious or dangerous than the criminal offence committed by such person him or herself, the prosecutor may terminate criminal proceedings, conditionally releasing from criminal liability.

Also, according to Part 1 of Section 410 of the Criminal Procedure Law, the Prosecutor General may terminate criminal proceedings, with a decision thereof, against a person who has substantially assisted in the disclosure of a serious or especially serious crime that is more serious or dangerous than a criminal offence committed by such person him or herself.

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

According to Part 2 of Section 166 of the Criminal Law, the applicable punishment for the actions mentioned in questions 9.1.a., 9.1.b., is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with probationary supervision for a period of up to three years. In addition, according to Par 1 of Section 162 of the Criminal Law, the applicable punishment for actions mentioned in question 9.1.c. is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to five years. Part 2 of this Section establish that, for a person who commits mentioned criminal offence, if it has caused serious consequences, or it has been committed on a minor, the applicable punishment is deprivation of liberty for a period up to seven years and with probationary supervision for a period up to five years.

- 9.4. Does national law criminalise cases when adults:<sup>5</sup>
- a. possess child self-generated sexual content?
  - b. distribute or transmit child self-generated sexual content to other adults?
  - c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

Yes, these actions are criminalized. According to Law on Pornography Restrictions child pornography is composition, printed matter, image, computer programme, film, video or sound recording, television programme, or radio programme, other material in any form or type, that does not have publicly educational or informative, scientific or artistic value in which a child is depicted or described, or any other material in which a child who is involved in sexual activities, a child completely or partially without clothing in a sexual pose or in clothing of an obscene nature is depicted or described, children's genitals or pubic region are depicted in a stimulating way.

Therefore, in relation to questions 9.4.a., 9.4.b. and 9.4.c., please, see the answers to questions 9.1.a., 9.1.b. and 9.1.c.

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<sup>5</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

In relation to this question, please, see the answer to question 9.2.

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

In relation to this question, please, see the answer to question 9.3.

9.7. Does national law criminalise cases when children:<sup>6</sup>

a. produce self-generated sexually explicit images and/or videos?

The child's self-generated sexually explicit image or video, in accordance with Point 2 of Section 1 of the Law on Pornography Restrictions (in relation to definition of child's pornography please, see answer to question 9.1.a) is interpreted as a material which contain child pornography, because the above-mentioned law does not provide exceptions whether the producer is the child himself or another person, for example, adult.

Therefore, unless they have not reached the age of criminal liability (14 years of age), these actions are criminalized according to Part 2 of Section 166 of the Criminal Law, which stipulates that a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable.

In relation to definition of child's pornography, please, see the answer to questions 9.1.a.

In addition, Point 3 (b) of Section 1 of the Law in Pornography Restriction establish, that handling of pornographic nature which contain child pornography is manufacture (creation, production, reproduction in any way with any technical resources).

b. possess self-generated sexually explicit images and/or videos?

Yes, unless they have not reached the age of criminal liability (14 years of age), these actions are criminalized according to Part 2 of Section 166 of the Criminal Law, which stipulates that a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable.

In relation to definition of child's pornography, please, see the answer to questions 9.1.a.

In addition, Point 3 (a, h) of Section 1 of the Law in Pornography Restriction establish, that handling of pornographic nature which contain child pornography is:

- a) purchasing (acquiring into ownership, possession or use) or,
- h) storage.

c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?

Yes, unless they have not reached the age of criminal liability (14 years of age), these actions are criminalized according to Part 2 of Section 166 of the Criminal Law, which stipulates that a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable.

In relation to definition of child's pornography, please, see the answer to questions 9.1.a.

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<sup>6</sup> This question does not in any way suggest that these behaviours should be criminalised.

In addition, Point 3 (c, d, e, f, g) of Section 1 of the Law in Pornography Restriction establish, that handling of pornographic nature which contain child pornography is:

c) importation (physical movement in any way across the borders of Latvia from foreign countries),

d) distribution (trade, the putting into service for a fee or without a fee, demonstration in a public place or ensuring of access in a different manner),

e) dissemination in an electronic environment (the trade of material of a pornographic nature prepared in an electronic way, the transmission of the material itself or information prepared thereof, including downloading, communicating to the public, also uploading, utilizing electronic communication networks or automated data processing systems or making material accessible in a different manner in any information circulation phase),

f) advertising (any form or any type of communication or event with an aim to promote the popularity of material of a pornographic nature or demand thereof, associated with economic activities performed with the purpose of acquiring profit),

g) propagation, distributing information regarding these materials (forwarding, transmission or offer of information independent of the type of device for the transmission of information or the ensuring of accessibility to information in any other way).

d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?

Yes, unless they have not reached the age of criminal liability (14 years of age), these actions are criminalized according to Part 2 of Section 166 of the Criminal Law, which stipulates that a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable.

In relation to definition of child's pornography, please, see the answer to questions 9.1.a.

In relation to definition of handling of pornographic nature which contain child pornography, please, see the answer to question 9.7.c.

e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?

Yes, unless they have not reached the age of criminal liability (14 years of age), these actions are criminalized according to Part 2 of Section 166 of the Criminal Law, which stipulates that a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable.

In relation to definition of child's pornography, please, see the answer to questions 9.1.a.

In relation to definition of handling of pornographic nature which contain child pornography, please, see the answer to question 9.7.c.

f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

Yes, unless they have not reached the age of criminal liability (14 years of age), these actions are criminalized according to Part 2 of Section 166 of the Criminal Law, which stipulates that a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable.

In relation to definition of child's pornography, please, see the answer to questions 9.1.a.



In relation to definition of handling of pornographic nature which contain child pornography, please, see the answer to question 9.7.c.

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

We point out that in practice, from the point of view of the best interests of the child, a minor may not be held liable for the possession or production of material of the sexual nature of his own. However, the issue of prosecution of a minor for the distribution of sexually explicit material made by himself or another minor to another person is evaluated in each particular situation, taking into account precisely the best interests of the child and the interests of other persons, as well as the harm caused by the criminal offence.

In addition to the answer given to questions 9.2., we point out that, according to Point 3 of Part 1 of Section 379 of the Criminal Procedure Law, an investigator with a consent of a supervising public prosecutor, public prosecutor or a court may terminate criminal proceedings, if a criminal offence has been committed by a minor and special circumstances of the committing of the criminal offence have been determined, and information has been acquired regarding the minor that mitigates his or her liability.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

According to Part 2 of Section 166 of the Criminal Law, the applicable punishment for the actions mentioned in questions 9.7.a-f, is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with probationary supervision for a period of up to three years. As the perpetrator is a minor and criminal offence mentioned in Section 166 of above mentioned law is a less serious crime, according to Part 2 of Section 65 of the Criminal Law for less serious crimes the punishment of deprivation of liberty shall not be applied for a minor. In addition, according to Part 4 of Section 65 of the Criminal Law, a fine is applicable only to those minors who have their own income. A fine applied to a minor shall be not less than one and up to fifty times the amount of the minimum monthly wage prescribed in the Republic of Latvia.

9.10. Does national law criminalise cases when children:<sup>7</sup>

- a. produce self-generated sexual content?
- b. possess self-generated sexual content?
- c. distribute or transmit self-generated sexual content to peers?
- d. distribute or transmit self-generated sexual content to adults?
- e. distribute or transmit self-generated sexual content of other children to peers?
- f. distribute or transmit self-generated sexual content of other children to adults?

Yes, these actions are criminalized. According to Law on Pornography Restrictions child pornography is composition, printed matter, image, computer programme, film, video or sound recording, television programme, or radio programme, other material in any form or type, that does not have publicly educational or informative, scientific or artistic value in which a child is depicted or described, or any other material in which a child who is involved in sexual activities, a child completely or partially without clothing in a sexual pose or in clothing of an obscene nature is depicted or described, children's genitals or pubic region are depicted in a stimulating way.

Therefore, in relation to questions 9.10.a., 9.10.b. 9.10.c., 9.10.d., 9.10.e., 9.10.f. please, see the answers to questions 9.7.a., 9.7.b., 9.7.c., 9.7.d., 9.7.e., 9.7.f.

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<sup>7</sup> This question does not in any way suggest that these behaviours should be criminalised.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

In relation to this question, please, see answer to question 9.8.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

In relation to this question, please, see the answer to question 9.9.

### **Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use**

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2<sup>8</sup>

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2<sup>9</sup>

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

Yes, these actions are criminalized even when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use according to Part 2 of Section 166 of the Criminal Law, which stipulates that a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography shall be held criminally liable.

The child's self-generated sexually explicit image or video, in accordance with Point 2 of Section 1 of the Law on Pornography Restrictions (in relation to definition of child's pornography please, see answer to question 9.1.a) is interpreted as a material which contain child pornography, because the above-mentioned law does not provide exceptions whether the producer is the child himself or another person, for example, adult.

Although, we point out that in practice, from the point of view of the best interests of the child, a minor may not be held liable for the possession or production of materials of the sexual nature of his own.

### **Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion**

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

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<sup>8</sup> Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

<sup>9</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

In reply to questions 11.a. and 11.b., we point out that, person who commits ICT facilitated sexual coercion and/or extortion for children's already self-generated sexually explicit images and/or videos and self-generated sexual content, shall be held criminally liable according to Part 2 of Section 166 of the Criminal law, that is, for a person who commits handling of such materials of pornographic nature which contain child pornography, the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with probationary supervision for a period of up to three years, and Part 1 of Section 183 of the Criminal Law, that is, for a person who commits demanding without legal basis therefor the surrender of property or rights to property, or the performing of any acts of a financial nature, therewith threatening violence against, or disclosure of defamatory information concerning, the victim or relatives of the victim, or to destroy their property or cause them other substantial harm (extortion), the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with or without probationary supervision for a period of up to three years.

Whereas, if person commits ICT facilitated sexual coercion and/or extortion for children to take self-generated sexually explicit images and/or videos or make self-generated sexual content, shall be held criminally liable according to Part 3 of Section 166 of the Criminal Law, that is, for a person who commits encouraging, involvement, forced participation or utilization of minors in a pornographic performance or the production of a material of pornographic nature, the applicable punishment is deprivation of liberty for a period up to six years, with or without confiscation of property and with probationary supervision for a period up to three years, and Part 1 of Section 183 of the Criminal law, that is, for a person who commits demanding without legal basis therefor the surrender of property or rights to property, or the performing of any acts of a financial nature, therewith threatening violence against, or disclosure of defamatory information concerning, the victim or relatives of the victim, or to destroy their property or cause them other substantial harm (extortion), the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with or without probationary supervision for a period of up to three years.

## **Question 12. Jurisdiction rules<sup>10</sup>**

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

To reply to question 12, we provide the following information.

When the victim is not present in Latvia when the offence is committed in Latvia or when the offender is not present when the offence is committed in the Latvia, according to Part 1 of Section 2 of the Criminal Law, the liability of a person who has committed a criminal offence in the territory of Latvia shall be determined in accordance with the Latvian Criminal Law.

Whereas, if the crime was committed outside Latvia's territory, according to Part 1 of Section 4 of the Criminal Law, Latvian citizens, non-citizens, and foreigners who have a permanent residence permit in the Republic of Latvia, shall be held liable, in accordance with Latvian Criminal Law, in the territory of Latvia for an offence committed in the territory of another state or outside the territory of any state irrespective of whether it has been recognised as criminal and punishable in the territory of commitment. Part 3 of Section 4 of above mentioned law stipulates, that foreigners who do not have permanent residence permits in the Republic of Latvia and who have committed serious

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<sup>10</sup> Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

or 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 the Latvian Criminal 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.

### **Question 13. Specialised units/departments/sections**

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):  
a. in law enforcement?

The State Police has several departments whose one of the function is to investigate criminal offences against the morality and gender inviolability of the minors, through the use of ICT, namely:

- 3<sup>rd</sup> Division of the Criminal Investigation Department of the Main Criminal Police Department of the State Police - combating crimes against gender inviolability (including against children);
- 4<sup>th</sup> Division of the 1st Bureau of the Criminal Police Department of the Riga Police Department of the State Police – combating crimes against morality and gender inviolability of minors;
- 3<sup>rd</sup> Division of the Economic Crime Enforcement Department of the Main Criminal Police Department of the State Police - a measure to prevent and detect crimes and other criminal violations related to the violation of the provisions regarding handling of material of pornographic nature which contains child pornography.

b. in prosecution?

The Prosecutor's office does not have specialized units/departments/sections in charge of dealing with ICT facilitated sexual offences against children. At the same time, the prosecutor is obligated to acquire special trainings in the field of the protection of children's rights, including contact with minors during the criminal proceedings.

c. in courts?

There aren't specialized units/departments/sections in charge of dealing with ICT facilitated sexual offences against children in courts. At the same time, the judge is obligated to acquire special trainings in the field of the protection of children's rights, including contact with minors during the criminal proceedings.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

There aren't specialised units/departments/sections within the State Police that are dealing only with ICT facilitated sexual offences against children committed by juvenile offenders.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

The State police:

3<sup>rd</sup> Division of the Criminal Investigation Department of the Main Criminal Police Department of the State Police - combating crimes against gender inviolability (including against children) – 8 officials.

4<sup>th</sup> Division of the 1st Bureau of the Criminal Police Department of the Riga Police Department of the State Police – combating crimes against morality and gender inviolability of minors – 10 officials.

3<sup>rd</sup> Division of the Economic Crime Enforcement Department of the Main Criminal Police Department of the State Police - a measure to prevent and detect crimes and other criminal violations related to the violation of the provisions regarding handling of material of pornographic nature which contains child pornography – 21 officials.

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?

In general, during the pre-trial investigation, investigators are trying to identify all parties involved. The Victim Identification function is active if it is suspected that the involved persons are from Latvia. There also have been a number of successful cases of identification in practice.

- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

Latvia joined to the INTERPOL's International Child Sexual Exploitation (ICSE) in 2016. The ICSE connection is provided to the Economic Crime Enforcement Department, Criminal Investigation Department and Criminal Police Department of the Riga Police Department of the State Police.

Criminal Investigation Department of the Main Criminal Police Department of the State Police informs, that the data is not sent to the ICSE database due to the fact that persons exchanged children's photos in their cases are not connected with Latvia. In cases when children from Latvia were photographed, photos were not transferred outside its territory. In addition, Criminal Police Department of the Riga Police Department of the State Police indicates that no victim has been identified with the help of the ICSE image database. The Department informs that they had an information about the victims of child pornography produced abroad, but it was not useful for the Department in the ongoing criminal investigations.

#### **Question 14. Challenges in the prosecution phase**

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

One of the main problem, when investigating crimes connected with information and communication technologies is the lack of human resources. Frequently acquired data and materials are large volume and requires a considerable amount of time and work resources to test them. An expert-examination in these cases is also very time-consuming and sometimes exceeds the limitation period for a criminal offence. This problem is being solved by making changes to existing list of positions and creating new positions to the Criminal Police Offices of the State police in order to provide support in the field of ICT to the Criminal Police departments.

In additions, it should be noted that the majority of such offenses are committed through foreign servers and websites, and therefore request for criminal-legal assistance are written, but the time in which the request is fulfilled also significantly delays the investigation.

## Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?

According to Section 5<sup>1</sup> of the Law on the Protection of the Children's Rights an official of the State Police who works with children shall require special knowledge in the field of protection of the rights of the child.

It should be noted that the State Police College, based on Cabinet Regulation No. 173 "Regulations on the Procedure for Acquiring Specialized Knowledge on the Protection of the Rights of the Child, Content and Scope of Such Knowledge", adopted on 1 April, 2014, developed new non-formal adult education programs:

- "Protection of the rights of the child" - 40 hours;
- "Protection of the rights of the child - 2" - 24 hours.

The two above-mentioned educational programs were coordinated with the State Inspectorate for Protection of Children's Rights on January 16, 2015. On November 4, 2015, the State Inspectorate for Protection of Children's Rights was re-agreed with the following additional topics in addition to the adult non-formal education program "Protection of the Rights of the Child":

- Protection of the child's personal data: communicating with other institutions and in the public space; restrictions on the disclosure of information obtained in pre-trial criminal proceedings; disclosure of the child's personal data with and without the consent of the child's legal representative; reporting of unauthorized use of child's personal data, consequences of unauthorized use, removal of data from the public environment. Communicating about children in the public space: importance of communication with the media; specialist's rights and obligations in communicating children in the media; examples of good practice.

- Endangerment and violence against children on the Internet (emotional abuse and threats, pornography and sexual harassment, child abuse, legal consequences of online violence).

In 2016 non-formal education program "Protection of the Rights of the Child" was acquired by 133 State Police officials, but in the 1st half of 2017 - 84 (24 Local government police officers were also trained in the State Police College). In 2016 non-formal adult education program "Children's Rights Protection-2" was acquired by 122 state police officers, but in the 1st half of 2017 - 81 state police officers.

Officials from participating departments also participate in trainings and other events organized by the State Police College, Interpol, Europol, CEPOL or other countries:

### CEPOL:

"First Responders & Cyber Forensics",

"Course on Victim Identification in the area of Child Sexual Exploitation"

"Child trafficking"

"Combating child sexual exploitation on internet - undercover operations"

### Europol:

EMPACT activities related to the implementation of preventive, operational and strategic projects/plans in the fight against child sexual abuse in Europe. Europol also organizes comprehensive trainings annually in Germany (9 days) in connection with the investigation of such crimes and bases of ICT in general.

Additionally, Europol organized trainings and provided access to resources on of which basis the "Peron" operation under the 3rd Division of the Economic Crime Enforcement Department of the Main Criminal Police Department of the State Police takes place.

Interpol trains and provides communication with the ICSE database and hosts annual expert meetings in France.

United States of America's law enforcement agencies hold an annual expert meeting for participants who have completed 4-5 weeks of training in the United States and have become members of a task force.

In addition, Latvian Safer Internet Centre ([www.drossinternets.lv](http://www.drossinternets.lv) - coordinated by Latvian Internet Association) has developed one full day training programme "Breaches in internet" for police officers. Programme includes in-depth information about internet related crimes. Training focuses on Police Officers who work with applications from general public. The training programme was developed by Forensic psychology expert who has been involved in more than 800 Police investigation cases of breaches online including sexual harassment and cyberbullying where victims were children.

The goal of the training program is to foster understanding and develop skills of police officers to respond adequately to violence and other crimes in internet.

Training program content:

- Opportunities in internet
- Harmful and illegal online content
- Sexual assault crimes in internet
- Cyberbullying crimes

In 2016, 5 training seminars were organized for police officers. Trainings took place in main regions of Latvia (Jelgava, Valmiera, Liepāja, Daugavpils) and in Riga. In total 120 police officers were trained. After the trainings feedback was collected from the participants. Training consisted of information about child protection online related legislation and researches, and analysis of case studies. Training helped to seal informative gaps on crimes in internet, understand the consequences for victims and importance of proper investigations.

Training focuses on several objectives:

- Foster understanding what are sexual assaults in the internet and cyberbullying crimes
- Understand motivation of perpetrators
- Comprehend consequences for internet crimes victims
- Develop skills to react on violence crimes in internet

The training was provided by Forensic psychology expert who has been involved in more than 800 Police investigation cases of breaches online including sexual harassment and cyberbullying where victims were children.

In year 2017 the training programme was adapted for the State Probation Service employees. Two one day training seminars were organized. Trainings took place in Riga. In total 60 State Probation Service employees were trained. After the trainings feedback was collected from the participants.

b. prosecutors?

According to Section 5<sup>1</sup> of the Law on the Protection of the Children's Rights a public prosecutor shall require special knowledge in the field of protection of the rights of the child, including regarding communication with a minor during criminal proceedings.

The way in which special knowledge is acquired in the field of the protection of children's rights is establish according to Cabinet Regulation No. 173 "Regulations on the Procedure for Acquiring Specialized Knowledge on the Protection of the Rights of the Child, Content and Scope of Such Knowledge", adopted on 1 April, 2014. According to Regulation, it is mandatory to pass a 40 hours training course about the children's right protection, while the scope of the education development program is 24 hours.

Currently, the mentioned training for prosecutors is organized by the State Inspectorate for Protection Of Children's Rights in accordance with the funds allocated for the current year by the provisions of the Law "On the State Budget", in cooperation with the Local Governments Training Centre of Latvia and the Prosecutor General's Office.

During the period from January 1, 2012 to September 11, 2017, a total number of 395 prosecutors have acquired specialized knowledge in the field of the protection of children's rights.

Additionally, please be advised that in 2016, a total number of 31 prosecutors attended the seminar "Child within the Criminal Procedure: Implementing the Basic Principles of Children's Rights in Interdisciplinary Cooperation" organized by the "Centers Dardedze".

From March 30th to March 31st of 2017 a total number of 45 prosecutors participated in a training seminar on the role of prosecutors in combatting sexual abuse of children, organized within the framework of the project "Professional training for judges and prosecutors on combating sexual abuse of children".

c. judges?

It is mandatory to pass a 40 hours training course about the children's right protection for judges who participate in cases about violence against children. But there isn't specific subject to ICT facilitated sexual offences against children.

One judge participated in multi-regional project "Children in U.S. Justice system" organized by United States department. The project cover children's right protection in U.S. including sexual crimes against children. There wasn't specific subject to ICT facilitated sexual offences against children. Participation was self-initiated.

The continuing education of judges and court employees in Latvia is ensured by a foundation "Latvian judicial training Centre" (LJTC) that implements the annual State-funded training program and organises other training projects co-funded by the European Commission or other partners. In 2014, LJTC entered into cooperation agreements with the Court Administration on the training of judges, candidates for a judge position and court employees; this agreement was signed for 10 years.

From March 27th to 31st March, 2017 was held the project "Professional training for judges and prosecutors on fight against sexual abuse of children".

Within the framework of the project, two seminars were held each two days. The first group consisted of criminal judges and judges' assistants, the second group was prosecutors and other lawyers whose work was related to the defence of children's interests. Total of seminars was attended by 126 participants (28 judges, 24 judges' assistants, 6 Supreme Court employees, 46 prosecutors, 4 police officers and 18 other legal professionals).

Topics of seminars: Case law in Latvia (research summary on criminal cases related to offences against morals, and sexual inviolability of children); Psychology of a child – How to assess trauma caused by sexual abuse; Role of a judge in protecting the children; Children house: cooperation model for protecting victims of sexual abuse in criminal proceedings; Common practices – what can we learn from the U.S experience; Child as a victim of human trafficking; Internet violence and other topics.

Speakers were from Latvia and the United states. The project was organized by the LJTC, financial support - by the Kids First Fund, U.S. Embassy in Latvia and Baltic-American Freedom Foundation. The seminar covered 2 lessons on sexual abuse issues using ICT. Lessons were implemented in cooperation with the State Police. The State Police informed about the investigation and disclosure of specific cases.

Lessons: 1) 27th March, 2017 "Child Safety and Threats on the Internet"; 2) 30th March, 2017 "Child Safety and Threats on the Internet".

The other individual studies specifically on sexual crimes against children through ICT have not been organized by the LTMC.

Such trainings are organized regularly: 1) the protection of children's rights; 2) sexual violence and sexual crimes.



Cybercrime training was organized in previous years. Each of these topics deals indirectly with some issues about sexual exploitation and sexual abuse through ICT.

Part 5 of Section 89 of the Law On Judicial Power stipulates that a judge has the duty to continuously enhance his or her knowledge throughout his or her career as a judge. It is not individually determined which training courses and in which amount a judge must take every year. The said ensures an opportunity to every judge to choose himself or herself necessary seminars according to his or her previous experience, knowledge and needs. This, in turn, means that LJTC must include different topics in a training program to the extent possible.

Although training courses are not mandatory for judges, LJTC experience shows that judges are willing to take them. LJTC data shows that 90% of judges have visited one of organized continuous education activities.

It is important to mention that the court system in Latvia does not stipulate any specialization for judges examining criminal cases. Hence, any judge, who examines criminal cases, must be competent in all fields, including in the examination of financial crimes.

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

## Partnerships

### Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

To reply to questions 16.1.a. and 16.1.b. we point out, that Latvia has been an active partner in the Council of Baltic Sea States Expert Group for Cooperation on Children at Risk. One of the priority areas of the expert group is the protection of children against violence and exploitation. In the framework of this cooperation the expert group has implemented a number of initiatives contributing in the better understanding of the situation of children in the region in relation to the protection of children in against violence and abuse.

Thanks to the support and assistance of the expert group Latvia has launched a pilot project on the interdisciplinary and interinstitutional cooperation in cases of child sexual abuse. The aim of the pilot project is to develop a child friendly interviewing and support mechanisms for children who are victims of sexual abuse and exploitation. According to the pilot project on 3 July 2017 the Barnahus (in Latvian – *Bērna māja*; pronounced like [*bäärna maaja*]) in Riga has started operating in a pilot (test) mode. Barnahus has not yet been included in the law because firstly it is necessary to have a decent trial period which could enable to understand the best way it can work. The methodology is still being improved. At the end of November 2017 a review of the results of the first 5 month of operation will be made available for wider public. Icelandic experts have been invited to contribute in the reviewing process and to further enhance to knowledge and awareness of the involved professionals. It is planned that altogether in 2017 20 children will be interviewed in the Barnahus. It is not yet possible to speak about any trends because quite a short time period has passed since the beginning of the operation of Barnahus in July. Latvian Barnahus provides child

friendly forensic interviews for children who are victims of sexual abuse and exploitation. Most of the children come from Riga and the surrounding municipalities. Barnahus is on the premises of NGO "Centrs Dardedze" which is also contractor for development of the Latvian Barnahus model. Until September 8 children have been interviewed. The forensic interviews are ordered by the police investigator, the child is interviewed by specially trained psychologists in a separate room while the investigator and accompanying observers stay in another room. Age range of the children that have already been interviewed: 5-16 years.

On 15 November 2012, Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA came into force. Its main task is to ensure that victims throughout the European Union (EU) can rely on a single minimum guarantee level, irrespective of the Member State in which the offense has occurred. Based on the Directive, the European helpline number 116 006 for victims of crime was created. Association "Skalbes" on a basis of concluded a delegation agreement with Legal Aid Administration opened for operation the telephone number 116006 "Helpdesk for Victims of Crime" in Latvia. Helpline provides all the victims of crime with emotional and psychological support and information on the victims' procedural rights and access to relevant organizations and information. An informational helpline is free of charge and is set up for anyone who is involved in a crime personally, in a family or in a circle of friends. It is a permanent phone line which operates every day from 7:00 until 22:00.

In addition, according to chapter 3 "Co-operation with Other European Union Member States" on Law On State Compensation to Victims, State compensation for victims of crime is also payable in cross-border cases.

The Legal Aid Administration shall take the decision on the request of a long-term resident of another European Union Member State to pay a compensation regarding the injury that has occurred as a result of a criminal offence in the territory of Latvia. The request shall be submitted in Latvian or English. The Legal Aid Administration shall, within seven days from the day of the receipt of the request, provide to the victim, but if the request has been received from a competent authority of another European Union Member State, the information about the confirmation of the receipt of the request for the State compensation or a refusal to accept the request for the State compensation, a period of time for the taking of the decision, as well as the information regarding additional documents necessary for the examination of the request or other information if all documents have not been submitted, and the contact information of such official of the Legal Aid Administration, who is responsible for the taking of the decision in relation to the payment of the State compensation. In addition, the decision to pay compensation or to refuse to pay the compensation shall be sent by the Legal Aid Administration to the victim who is a long-term resident of another European Union Member State, as well as to the competent authority of the relevant European Union Member State if the request has been received from it.

Whereas, the victim who is a long-term resident of Latvia and to whom an injury has occurred as a result of a criminal offence in the territory of another European Union Member State has the right to directly or through the Legal Aid Administration submit the request for the State compensation to the competent authority of the relevant European Union Member State. The request for the State compensation shall be submitted in the language that the relevant European Union Member State has indicated as acceptable. The Legal Aid Administration shall submit to the victim information regarding the conditions, procedures and additional requirements for the payment of the State compensation determined by competent authorities of another European Union Member State. The Legal Aid Administration shall, within seven days, draw up the request for the State compensation in conformity with the request for the compensation determined by a particular European Union Member State and together with other necessary documents shall send them to the competent authority of the relevant European Union Member State. The Legal Aid Administration upon a request of such competent authority of the European Union Member State,

which examines the request for the State compensation, shall ensure the hearing of the persons involved in the criminal proceedings.

To reply to questions 16.1.c., we inform that the 2<sup>nd</sup> Division of International Cooperation Department of the Mains Criminal Police Department of State Police conducts an exchange information in the framework of "police to police" between foreign and Latvian law enforcement agencies, and the necessary information is sent to law enforcement authorities.

Whereas, international criminal law cooperation takes place in accordance with the procedure and extent prescribed by the Criminal Procedure Law. Within the framework of criminal proceedings, the State Police carries out all necessary procedural activities, incl. investigation activities in the territory of Latvia. When it is established that it is necessary to obtain evidence from abroad or to carry out a procedural activities abroad, a European Investigation Order or a Request for criminal-legal assistance is prepared and sent to the State for execution.

In addition, Latvian hotline dealing with removing child sexual abuse materials from public access is part of INHOPE association. INHOPE is an active and collaborative global network of Hotlines, dealing with illegal content online and committed to stamping out child sexual abuse from the Internet. (<http://www.inhope.org/gns/our-members.aspx>).

Latvian Hotline is contributing to INHOPE ICCAM Database and has been contributing since the beginning of the development of the URL Database. Hotline assesses the ICCAM Database as a very valuable tool for the exchange of CSAM reports among members and it also allows keeping the track of the reports submitted to the Database. It serves as an excellent tool for an overview of the overall situation in the field of circulation of child sexual abuse materials online. INHOPE has cooperation agreement with Interpol on Exchange of

Information related to CSAM:

([file:///C:/Users/ANDRIS~1.DES/AppData/Local/Temp/International%20Association%20of%20Internet%20Hotlines%20\(INHOPE\).pdf](file:///C:/Users/ANDRIS~1.DES/AppData/Local/Temp/International%20Association%20of%20Internet%20Hotlines%20(INHOPE).pdf)).

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

In relation to question 16.2., please, see the answer to question 16.1.