



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2008

**Latvia\***

[Date received: 1 March 2013]

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\* The present document is being issued without formal editing.

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\*\* Annexes can be consulted in the files of the Secretariat

## I. General provisions

1. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (henceforth Protocol) was accepted and approved by the law “On the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography” adopted by Saeima and proclaimed by the President of Latvia on 26 January 2006 (published in “Latvijas Vēstnesis”, 24 (3392), 09.02.2006; Ziņotājs, 5, 09.03.2006) and became effective 10 February 2006. The Ministry of the Interior coordinates implementation of obligations as defined in the Protocol in compliance with Section 2 of the law.
2. Accordingly, the Latvian legal system rests on the doctrine of monism: provided that international legal acts have passed a relevant procedure, those are acknowledged elements of the national legal system. Moreover, international legal provisions and principles have legal precedence over national legal provisions. It was initially determined in the Declaration of 4 May 1990 “On Renewal of Independence of the Republic of Latvia” by provision of Section 1 acknowledging priority of the fundamental principles of international law over national legal provisions. According to Section 13 of the law of 13 January 1994 “On International Agreements of the Republic of Latvia”, if provisions of an international agreement approved by Saeima differ from those provided by the legislative acts of the Republic of Latvia, provisions of the international agreement shall apply.
3. Following Latvian national legislation and main legal principles, provisions of international agreements ratified by means of a certain procedure can be directly applied to legal proceedings. Several Latvian courts including the Constitutional court have referred to and applied provisions of binding international agreements in their judgements.
4. The second periodic report by the Republic of Latvia on the implementation the Convention on the Rights of the Child (henceforth Convention) was examined by the Committee on the Rights of the Child (henceforth Committee) at the 1124th and 1126th meetings of its forty-second session, on 16 May 2006. Following the final recommendations of the Committee (CRC/C/LVA/CO/2), the Republic of Latvia was invited to submit the initial report on the implementation of its obligations under the Protocol.
5. The initial report on the implementation of the Protocol was prepared by the Ministry of the Interior. The present report was coordinated with the Ministry of Justice, the Ministry of Welfare, the Ministry of Education and Science, the Ministry of Foreign Affairs, State Inspectorate for Protection of Children’s Rights, Prosecutor General Office, State Police, State Border Guard, Office of Citizenship and Migration Affairs, State Labour Inspectorate, Information Centre of the Ministry of the Interior, Ombudsman of the Republic of Latvia, Welfare Department of the Riga city Council, Riga Municipal Police, and Society “Shelter Safe House”.
6. The initial report on the implementation of the Protocol was prepared in accordance with the United Nations revised guidelines concerning the preparation of the reports.
7. One of the principles stated in the Convention on the Rights of the Child as regards consideration of the interests of the child when solving any issues, has been incorporated in the Protection of the Rights of the Child Law (adopted by Saeima on 8 July 1998). Section 6 of the Protection of the Rights of the Child Law states that in lawful relations that affect a child, the rights and best interests of the child shall take priority, and in all activities in regard to a child, irrespective of whether they are carried out by State or local government institutions, public organisations or other natural persons and legal persons, as

well as the courts and other law enforcement institutions, the ensuring that the rights and interests of the child shall take priority.

8. Protection of the rights of a child is a part of the State policy according to Section 2 (3) of the Protection of the Rights of the Child Law. The State and local governments shall organise and monitor the protection of the rights of the child throughout the territory of the State. According to the Protection of the Rights of the Child Law, the State shall ensure the rights and freedoms for all children without any discrimination – irrespective of race, nationality, gender, language, political party alliance, political or religious preferences, national, ethnic or social origin, place of residence, property or health condition, birth and other circumstances of a child, his or her parents, guardians or family members.

9. The Guidelines “Latvia Suitable for Children” were supported by the Cabinet of Ministers on 31 March 2004 for the purpose of planning the State policy regarding improvement of situation of children in the State (order No. 185) in order to promote introduction of the Convention on the Rights of the Child. In the guidelines, substantial attention is paid to the problem of violence against children, sexual exploitation and trafficking of children. Children with no parental care, children living in institutions for a prolonged period of time (non-family care institutions, boarding schools, prisons, educational institutions for social correction, psychiatric clinics etc.) are subject to high risk of trafficking in persons. According to the guidelines the State is obliged to take the necessary measures to prevent, fight and punish sexual exploitation and trafficking in children, to guarantee safety, protection, immunity of victims, as well as to provide help and services for the promotion of recovery and social reintegration of the victims. The main measures to be taken to reach this goal is education of society and the youth in particular on the situations when there is a risk of becoming a victim of sexual exploitation and trafficking in children, as well as possibilities to defend against such risks. Actions must be taken to achieve effective control of limiting and eliminating the involvement of children in prostitution, pornography and trafficking in children, as well as broadening rehabilitation and protection opportunities for children who have suffered and providing the necessary help for their family members.

10. The legal framework of Latvia concerning the rights of the child has been advanced ever since the restoration of independence. The legal framework provides all the most important basic values and conditions as determined by the Convention on the Rights of the Child, including prohibition of discrimination, protection of the child’s best interests, the right to life and development, protection against violence, and availability of information appropriate for a child etc.

11. It is determined by Section 3 (1) of the Protection of the Rights of the Child Law that a child is a person who has not attained 18 years of age, excepting such persons who have been declared to be of legal age in accordance with the law or have entered into marriage before attaining 18 years of age. It complies with the provisions under article 1 of Convention on the Rights of the Child, namely, any person below the age of 18 is considered a child. It is determined by law that a person of age between 14 and 18 is regarded a minor while a person below the age of 14 is regarded as being underage.

12. Protection of children against sexual exploitation and trafficking in children is the responsibility of the State as stipulated by the Protection of the Rights of the Child Law. According to Section 15 (2) of this Law the child has the right to be protected against physical and mental exploitation, sexual exploitation and seduction, as well as other forms of exploitation that could harm them in any way.

13. Engagement of children in forced labour is regarded as one of the ways of exploitation of the child. The State Labour Inspectorate supervises the observation of

requirements determined by regulatory acts on labour legal relationship and labour protection in Latvia (Section 3 (2) 1) of the State Labour Inspection Law). No case of exploitation of children (forcing into work) has been detected by the State Labour Inspectorate during the reporting period.

14. The Ministry of Welfare is the holder of Adoption Register (a register listing children with no parental care and persons who want to adopt).

15. The Ministry of Welfare is the central institution in Latvia for the implementation of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The Ministry of Welfare has no information on cases of violation of adoption process as determined by the Optional Protocol – adoption of children by involving intermediaries using methods not compliant with article 21 of the Convention on the Rights of the Child or other international regulations binding for Latvia.

## II. Data

### Criminal offences as of 2006 to 2010

	2006	2007	2008	2009	2010
Section 139 of the Criminal Law: Illegal Removal of Tissue and Organs from a Human Being	0	0	0	0	0
Section 154 <sup>1</sup> of the Criminal Law: Human Trafficking*	9	8	4	25	3
Section 159 of the Criminal Law: Rape	123	93	100	69	78
Section 161 of the Criminal Law: Sexual Connection, Pederasty and Lesbianism with a Person who has not Attained the Age of Sixteen Years	29	31	42	8	8
Section 162 of the Criminal Law: Leading to Depravity	50	174	174	99	72
Section 162 <sup>1</sup> of the Criminal Law: Encouraging to Involve in Sexual Acts	0	0	0	9	6
Section 164 of the Criminal Law: Involvement of a Person in Prostitution and Compelling Engaging in Prostitution	1	0	1	0	1
Section 165 of the Criminal Law: Living on the Avails of Prostitution	7	6	6	15	15
Section 166 of the Criminal Law: Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials	7	11	59	36	26

*Source:* Information Centre of the Ministry of the Interior.

\* Two cases of selling minors were discovered in 2008. In one case a group of souteneurs was detained that had purchased/sold a 16 years old person for the purpose of sexual exploitation inside the country. As a part of the second case, a group of persons was detained that had tried to send one 16 years old person and one 17 years old person to the Great Britain for the purpose of sexual use. An investigation on a case of trafficking in a minor person for the purpose of sexual use in Greece was conducted by the State Police of Latvia in 2010

**Number of criminal offences, wherein minor persons and underage persons (persons of age 1 to 17) have been victims as of 2006 to 2010**

	2006	2007	2008	2009	2010
<b>Section 139 of the Criminal Law: Illegal Removal of Tissue and Organs from a Human Being</b>					
Minors (girls/boys)	0/0	0/0	0/0	0/0	0/0
Underage (girls/boys)	0/0	0/0	0/0	0/0	0/0
<b>Section 154<sup>1</sup> of the Criminal Law: Human Trafficking*</b>					
Minors (girls/boys)	0/0	2/0	0/0	2/0	0/0
Underage (girls/boys)	0/0	0/0	0/0	0/0	0/0
<b>Section 159 of the Criminal Law: Rape</b>					
Minors (girls/boys)	36/3	35/0	41/0	25/0	28/0
Underage (girls/boys)	6/3	9/0	18/0	8/0	13/0
<b>Section 161 of the Criminal Law: Sexual Connection, Pederasty and Lesbianism with a Person who has not Attained the Age of Sixteen Years</b>					
Minors (girls/boys)	19/1	24/1	38/3	15/0	10/0
Underage (girls/boys)	1/0	1/0	3/0	1/0	0/0
<b>Section 162 of the Criminal Law: Leading to Depravity</b>					
Minors (girls/boys)	24/4	43/114	125/32	55/32	31/15
Underage (girls/boys)	21/3	34/20	116/29	45/28	27/10
<b>Section 162<sup>1</sup> of the Criminal Law: Encouraging to Involve in Sexual Acts</b>					
Minors (girls/boys)	0/0	0/0	0/0	4/2	4/0
Underage (girls/boys)	0/0	0/0	0/0	2/1	0/0
<b>Section 164 of the Criminal Law: Involvement of a Person in Prostitution and Compelling Engaging in Prostitution</b>					
Minors (girls/boys)	0/0	0/0	0/0	0/0	0/0
Underage (girls/boys)	0/0	0/0	0/0	0/0	0/0
<b>Section 165 of the Criminal Law: Living on the Avails of Prostitution</b>					
Minors (girls/boys)	1/0	1/0	0/0	0/0	0/0
Underage (girls/boys)	0/0	0/0	0/0	0/0	0/0
<b>Section 166 of the Criminal Law: Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials</b>					
Minors (girls/boys)	0/0	3/0	2/2	1/4	3/0
Underage (girls/boys)	0/0	1/0	1/1	1/4	1/0

*Source:* Information Centre of the Ministry of the Interior.

**Statistics on cases completed by the prosecutors' offices as of 2006 to 2010 concerning criminal offences against the chastity of minors and underage persons and sexual offences**

	<i>Criminal cases submitted to the court for examination/accused persons</i>				
	2006	2007	2008	2009	2010
Section 159 of the Criminal Law: Rape	28/32	19/22	23/29	18/22	13/18
Section 160 of the Criminal Law: Forcible Sexual Assault	22/28	13/13	21/25	18/21	12/14
Section 161 of the Criminal Law: Sexual Connection, Pederasty and Lesbianism with a Person who has not Attained the Age of Sixteen Years	4/4	15/15	19/19	14/14	3/3
Section 162 of the Criminal Law: Leading to Depravity	24/26	29/34	27/29	38/39	20/22

Statistical data provided by Prosecutor General Office on children who have suffered criminal offences indicated in Section 154<sup>1</sup> of Criminal Law Human Trafficking and Sections 163-166 of the Criminal Law are not separated

*Source:* Operation analysis and control department of Prosecutor General Office.

**Statistics on persons sentenced for criminal offences related to trafficking in human beings, child prostitution and child pornography**

	2006	2007	2008	2009	2010
Section 139 of the Criminal Law: Illegal Removal of Tissue and Organs from a Human Being	No person has been sentenced during the period				
Section 153 of the Criminal Law: Kidnapping	In total 13 persons have been sentenced, 11 of them have committed a criminal offence in group, 1 person has a previous conviction. 6 of the convicts were 18 to 24 years old, 2 of them 25 to 29 years old, 4 persons – 30 to 49 years old, 1 person was more than 50 years old.				
Section 154 <sup>1</sup> of the Criminal Law: Human Trafficking*	In total 11 persons have been sentenced, 5 of them were females, 8 persons have committed the criminal offence in group, only 2 persons have a previous conviction, 5 of the sentenced persons were 18 to 24 years old, 1 – of age between 25 and 29 years, 3 of them were 30 to 49 years old				
Section 162 <sup>1</sup> of the Criminal Law: Encouraging to Involve in Sexual Acts	1 person of age 30 to 49 years has been sentenced				
Section 164 of the Criminal Law: Involvement of a Person in Prostitution and Compelling Engaging in Prostitution	No person has been sentenced during the period				

	2006	2007	2008	2009	2010
Section 165 of the Criminal Law: Living on the Avails of Prostitution	In total 21 persons have been sentenced for souteneurism, however, it is not known how many of them have got their sentence for actions towards minor or underage persons. 11 of the sentenced persons were females. 5 of the sentenced persons had been convicted before while 18 of the convicts have committed their crime\inal offence in a group. 4 of the convicts were 18 to 24 years old, 2 of them 25 to 29 years old, while 11 persons – 30 to 49 years old. 4 of the convicts were 50 years old or older				
Section 166 of the Criminal Law: Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials	Without distinguishing between certain cases regarding their relation to child pornography, in total 16 persons have been sentenced. 2 of them have had previous convictions, 2 of the convicts are women. 4 of the convicts have committed their criminal offence in a group. 5 of the sentenced persons were minors of age 14 to 17, 1 person was 18 to 24 years old, 4 of them were 25 to 29 years old while 3 of the convicts were 30 to 49 years old. 3 of the sentenced persons were at least 50 years old.				
Section 169 <sup>1</sup> of the Criminal Law: Disclosure of Confidentiality of Adoption	No person has been sentenced since the section came into effect on 19 July 2007 until 31 December 2010				

*Source:* Information System of Courts (ISC).

16. Information is available in general on the Sections of the Criminal Law as a whole, without separating parts thereof.

17. No sex tourism cases were detected during the period under review where persons from abroad would have visited Latvia for the purpose of sexual abuse of underage persons. No cases were detected where persons from Latvia would have travelled abroad for purposes of sex tourism in order to exercise sexual abuse of underage persons in destination countries.

### III. General measures of implementation of the Optional Protocol

18. Persons are subject to prosecution according to the Criminal Law (hereinafter – CL) for committing criminal offences defined in the Protocol in Latvia. There are various regulatory acts in the Latvian legal system ensuring protection of children against various risks and a support system for children-victims.

#### **Regulatory acts that ensure implementation of obligations implied by the Protocol:**

No.	Regulatory act	Provisions of the Regulatory Act
1.	The Criminal Law (08.07.1998)	The purpose of the CL is to regulate lawfully the criminal relationship, determining clearly what behaviour is regarded criminal and what consequences it entails. Human trafficking and offences against morals, and sexual inviolability are also regarded as criminal offences by CL.

<i>No.</i>	<i>Regulatory act</i>	<i>Provisions of the Regulatory Act</i>
2.	Latvian Administrative Violations Code (07.12.1984)	The task of administrative violations legislation is to protect public order, property, socio-economic, political and personal rights and freedoms of citizens, as well as the rights and legal interests of merchants, institutions and organisations, the specified management procedures, State and public order, to strengthen legality, to prevent right violations, to educate citizens in a spirit of precise and strict observance of laws, to inculcate a full of respect attitude in them towards the rights of other citizens, honour and self-esteem towards the provisions of social life, upright attitude towards the duties thereof and liability to the public.
3.	Criminal Procedure Law (21.04.2005)	The purpose of the Criminal Procedure Law is to determine the order of criminal procedure that ensures the effective application of the norms of the Criminal Law and the fair regulation of criminal legal relations without unjustified intervention in the life of a person.
4.	Law on Pornography Restrictions	The purpose of this law is, respecting the right of a person to a private life, to protect persons from unwanted contact with materials of a pornographic nature and not to allow the involvement of children in the circulation of material of a pornographic nature. General restrictions: Child pornography shall be prohibited in the circulation of material of a pornographic nature, as well as the circulation of material of such pornographic nature, in which sexual activities of people with animals, necrophilia or the sexual acts of gratification in a violent way are described or depicted. It shall be prohibited to involve a child in the circulation of material of a pornographic nature, including the ensuring of access to material of a pornographic nature or child pornography to a child, as well as to allow the specified material to be accessible to a child.
5.	Protection of the Rights of the Child Law	The purpose of this law is to set out the rights and freedoms of a child and the protection therefore, taking into account that a child as a physically and mentally immature person has the need for special protection and care. This law also regulates the criteria by which the behaviour of a child shall be controlled and the liability of a child shall be determined, regulates the rights, obligations and liabilities of parents and other natural persons and legal persons and the State and local governments in regard to ensuring the rights of the child, and determines the system for the protection of the rights of the child and the legal principles regarding its operation. Protection of the rights of the child is an integral part of State policy. The State and local governments shall organise and monitor the protection of the rights of the child throughout the territory of the State.

<i>No.</i>	<i>Regulatory act</i>	<i>Provisions of the Regulatory Act</i>
6.	Social Services and Social Assistance Law	The purpose of this Law is to establish principles for the provision and receipt of social work, caritative social work, social care, social rehabilitation, vocational rehabilitation services (hereinafter – social services) and social assistance, the range of persons who have the right to receive these services and assistance, as well as the principles for payment and financing of social care, social rehabilitation and vocational rehabilitation services. The law defines the term “victim of trafficking in human beings”. A victim of trafficking in human beings who is a citizen of the European Union, and a minor accompanied by him or her has the right to receive social rehabilitation. A victim of trafficking in human beings who is not a citizen of the European Union and a minor accompanied by him or her has the right to receive social rehabilitation in the cases provided for in the Law On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia.
7.	Law On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia (25.01.2007)	The purpose of this law is to promote the fight against trafficking in human beings, providing the conditions for the granting of the reflection period and termination of such period to the victim of trafficking in human beings, as well as the conditions in relation to his or her residence in the Republic of Latvia. The provisions of this law shall not apply to the citizens of the European Union.
8.	Law On State Compensation to Victims (20.06.2006)	The purpose of this law is to provide a natural person who, in accordance with the procedures specified in the Criminal Procedure Law, has been recognised a victim with the right to receive a State compensation for moral injury, physical suffering or financial loss resulting from an intentional criminal offence, if the criminal offence has resulted the death of the person or caused severe, moderate bodily injuries to the victim or the criminal offence has been directed against sexual inviolability of the person or the victim has been infected with human immunodeficiency virus, Hepatitis B or C.
9.	Labour Law (06.06.2001)	This law regulates employment legal relationships and shall be binding on all employers irrespective of their legal status and on employees if the mutual legal relationships between employers and employees are based on an employment contract. The law stipulates restrictions and prohibitions on employment of children and adolescents.
10.	Special Protection of Persons Law (19.05.2005)	The purpose of this law is to ensure the protection of the life, health and other legal interests of such persons who are testifying in criminal proceedings or who participate in the uncovering, investigation or adjudication of a serious or especially serious crime Special protection of persons is an aggregate of criminal procedural, operative and other protection measures that ensures the protection of the life, health and other legal interests of persons to be protected.

<i>No.</i>	<i>Regulatory act</i>	<i>Provisions of the Regulatory Act</i>
11.	Law On the Press and Other Mass Media (20.12.1990)	The law determines information not for publication in the press and mass media.
12.	Electronic Mass Media Law (12.07.2010)	The law regulates provisions and operational procedure of electronic mass media subject to the Latvian law.
13.	Cabinet Regulation No. 32 "Regulations Regarding Restriction of Prostitution" (22.01.2008)	The regulation determines the prostitution (provision of sexual services for pay) restriction procedure. A minor is prohibited to engage in prostitution.
14.	Cabinet Regulation No. 407 "Procedures by which Children may be Involved in Activities (Events) Concerned with the Demonstration of Outer Appearance" (05.05.2009)	The regulation determines the procedures by which children may be involved in activities (events) concerned with the demonstration of outer appearance (for example, modelling school, demonstration of clothes and advertising of goods).
15.	Cabinet Regulation No. 10 "Regulations regarding Work in which Employment of Children from the Age of 13 is permitted" (08.01.2002)	The regulation prescribes work in which employment of children from the age of 13 years is permitted if one of the parents (guardian) has given written consent.
16.	Cabinet Regulation No. 206 "Regulations regarding Work in which Employment of Adolescents is Prohibited and Exceptions when Employment in such Work is Permitted in Connection with Vocational Training of the Adolescent" (28.05.2002)	The regulation prescribes work in which employment of adolescents is prohibited and exceptions when employment in such work is permitted in connection with vocational training of the adolescent.
17.	Cabinet Regulation No. 729 "Regulations regarding Procedures for the Acquisition of Special Knowledge in the Field of Protection of the Rights of the Child and the Content of Such Knowledge" (27.09.2005)	The regulation prescribes the procedures by which specialists of the State and local government institutions who examine cases that are related to protection of the rights of the child acquire special knowledge in the field of protection of the rights of the child, as well as content of such knowledge. In order to acquire special knowledge in the field of protection of the rights of the child, a specialist shall acquire a training programme of 40 academic hours in length on following topics: the system for protection of the rights of the child and regulatory acts regarding protection of the rights of the child; application of international legislative acts for protection of the rights of the child; the rights and duties of parents and children; violence against a child, the types and indications thereof; inter-institutional co-operation if violence has occurred; the basic principles of communication in relation to specific character of the child's age.

<i>No.</i>	<i>Regulatory act</i>	<i>Provisions of the Regulatory Act</i>
18.	Cabinet Regulation No. 1493 "Regulations on the volume of state-provided legal aid, amount paid, costs reimbursed and procedure of payment thereof" (22.12.2009)	The regulation prescribes types of state-provided legal aid, its scope, amount of fee and amount of reimbursable costs and payment procedure related to provision of the legal aid.
19.	Cabinet Regulation No. 1613 "Procedure of Providing the Required help for a Child who has Suffered from Unlawful Actions" (22.12.2009)	The regulation prescribes the procedure of providing the required help for a child who is a victim of criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, in order that a child may regain physical and mental health and reintegrate into society, including the procedure of provision of state-funded social rehabilitation services* by the foundation "Latvian Children's Fund" for children who have suffered from violence and conditions for completion of this task delegated by the State.
20.	Cabinet Regulation No. 721 "Procedures by which Children Cross the State Border" (03.08.2010)	The regulation prescribes the procedures by which children shall cross the State border of the Republic of Latvia.

19. Considering trafficking in human beings to be a topical problem and seeking to comply with the requirements of international agreements, a specialized branch with 19 officers (the 3rd department in charge of fighting trafficking in human beings and souteneurism) is operating since 2003 as part of the Organized Crime Enforcement Department (OCED) of the Central Criminal Police Department. Four inspectors were appointed at regional departments of criminal police as officials responsible for fighting prostitution, trafficking in human beings and child pornography on the Internet.

20. A group of employees was created in 2008 as part of Section 3 of OCED of the State Police for the purpose of solving and investigating criminal offences related to the circulation of child pornography on the Internet uncovered as a result of international cooperation.

21. A separate division of Criminal Police Department of Riga Region Department was created in 2008 for the purpose of prevention and investigation of criminal offences against morals, and sexual inviolability of minors and underage persons, including illegal activities of intellectual nature when carried out on the Internet or by other means of electronic communication. The division has developed an investigation strategy in order to ensure as quick as possible investigation of criminal offences against underage persons on the Internet thus preventing or reducing the number of possible victims.

22. Riga Municipality Police has launched a regular patrolling near 31 Riga city schools during the school year 2005/2006. Patrolling near 40 schools for the purpose to ensure public order was carried out during the school year 2008/2009, while patrolling near 129

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\* Social rehabilitation service - a set of measures aimed at the renewal of the social functioning abilities in order to ensure the recovery of social status and integration into society and includes services at the place of residence of the person and at a social care and social rehabilitation institution.

schools was provided by the Riga Municipality Police in 2009/2010. The patrolling squads are closely cooperating with school personnel while on their daily duty.

23. The Child Delinquency Prevention Department (hereinafter – CDPD) with 29 employees was established in 2006. When on their duty CDPD employees examine cases related to criminal offences committed by minors and cases of violence against the child in the form of physical, emotional violence or neglect of a child. Employees of Riga Municipal Police CDPD carry out active educational activities in schools, introducing the children to the existing law and regulations. Preventive activities are performed involving both children and their parents. Children’s favourite places of socializing are inspected on a regular basis. Preventive measures are taken in places where alcohol and cigarettes are sold in order to prevent sales of those to minors.

24. Employees of Riga Municipal Police CDPD and 107 more employees of Riga Municipality Police have acquired an accredited educational programme on protection of the rights of the child that includes the following topics: the system for protection of the rights of the child and regulatory acts regarding protection of the rights of the child; application of international legislative acts for protection of the rights of the child; rights and duties of parents and children; violence against the child, the types and indications thereof, inter-institutional cooperation if violence has occurred; the basic principles of communication in relation to specific character of the child’s age.

25. Employees of Riga Municipality Police CDPD have improved their knowledge attending various courses provided by: Foundation by NGO “Centrs Dardedze” (on causes, risks, consequences of violence; educational programme for psychologists, psychotherapists and social workers for rehabilitation of children, who have suffered from violence; on emotional upbringing of children), Riga Centre for Prevention of Dependence (educational programme for police employees on prevention of dependence), Municipal Consulting Centre (on principles of developing contact according to specific features of age groups of children), Local Governments Training centre of Latvia (on types of violence and capability of helping children who have suffered from violence), Riga Council Centre for Prevention of Drug Addiction (on working with children at the risk of drug addiction), Social assistance foundation (on social rehabilitation of children) etc.

26. A specialized structural unit, Department of Tourism, was established at Riga Municipality Police on 1 September 2009 for provision of help for foreign citizens in non-standard situations and for the control of administrative offences committed by foreign citizens. Fifteen persons with good command of foreign languages (English, German, Italian, Spanish, Dutch and Japanese) are employed at the department. The Tourism Department of Riga Municipality Police is mainly working with tourists, visiting the most popular recreational places on a regular basis. A special phone line (number: 67181818) has been introduced by Riga Municipality Police for obtaining information about accidents. The line is available 24 hours a day and it provides an opportunity to consult an employee of Riga Municipality Police in English, ask for help, give information on possibly illegal actions etc. The information on this line can be found in special brochures handed out to tourism companies and hotels. The policemen of Tourism Department patrol mostly at the central part of the city where places frequented by tourists are located, though, if necessary, they can do their service anywhere in the city where an accident with foreign citizens has taken place.

27. RMP takes part in the circulation of current information since 2009; all topical incidents and all information known to employees of the RMP including the features of the criminal offence are sent to the State Police for evaluation.

28. According to information summarized by the Latvian Judicial Training Centre education and seminars in relation to the rights of the child and implementation of the

Optional Protocol to the Rights of the Child on the sale of children, child prostitution and child pornography have been regularly organized during the period of 2006 to 2010. Although no seminars concerning child pornography, sex crimes, trafficking in children have been organized, these issues were viewed in lectures on sex crimes and trafficking in human beings. As to the seminars on the issues of trafficking in human beings, one or two-day seminars were held for several groups in 2005, 2006 and 2007. For example, several lectures on themes revealing the rights of the child where the child is a victim or a person on trial were organized in 2008: a lecture on issues of qualification of sex crimes (sexual exploitation of children) was organized for judges of chambers of criminal cases of regional courts. Approximately 52 judges took part at the event. The lecture "Application of Measures of Compulsion of Educational Nature for adolescents" was organized and attended by approximately 52 participants, the lecture "Violence against Children" was held during the Day of Criminal Law and 90 judges attended the lecture. Trafficking in human beings was one of the four types of offences was viewed in detail at the lecture "Qualification of sex crimes" held for 70 judges of regional and district courts as part of the activities of the Day of Criminal Law in 2010. The lecture "Illegal abduction and detention of children" was organized in 2010 for a Collegium of judges of civil cases of regional courts. The judges have attended lectures during the period of 2007 to 2010 in connection with legal issues of the European Union regarding the rights of the child. For example, the lecture "Application of EU Regulations for Family Law" was organized and 15 listeners participated at the event.

29. In analysing case law for the period of 2006 to 2010, the following examples should be noted: In 2007 the Chamber of Criminal Law of the Supreme Court overruled in part the verdict of a court of first instance and sentenced a citizen of Germany to four years of imprisonment for committing the act of leading to depravity of a minor. In 2008 the Chamber of Criminal Law of the Supreme Court sentenced a Portuguese national to one year and eight months of imprisonment for committing leading to depravity of a minor. In 2010 the Chamber of Criminal Law of the Supreme Court left unchanged the ruling of the Chamber of Criminal Cases of the Riga Regional Court according to which a citizen of Great Britain was sentenced to eight years and six months of imprisonment for, among other charges, manufacture of materials of pornographic and erotic nature which depicted sexual exploitation of minors. General statistics on persons sentenced for criminal offences related to trafficking in human beings, child prostitution and child pornography are included under paragraph 19 of chapter II, "Data" of the present report.

30. A Grant agreement between Information Centre of the Ministry of the Interior and the EU Commission was concluded on 8 December 2009 on the project "Development of minors' support information system". The Cabinet Regulation No. 348 "Provisions of minors' support information system" was approved on 25 May 2012; however, implementation of the system is still in progress. The purpose of the system is to promote protection of the rights of the child by processing required information and advancing inter-institutional cooperation concerning various issues (e.g., protection of the rights and interests of a minor, preventive work, etc.). Information necessary for the protection of the rights of the child is included in the system by integrating information of the State and local authorities, and medical records related to minors. The system provides access to the current information and the possibility to receive and produce operative reports to competent authorities regarding cases when a minor is in an unfavourable situation (for example, he/she has committed administratively or criminally punishable actions), and promotes information exchange in order to ensure timely, valuable and organized inter-institutional cooperation for prevention of adverse situations, to assist a minor and to carry out preventive activities for protection of the rights of the child.

31. The summarizing of data accomplished by the Latvian law enforcement institutions using databases developed for operative needs of these institutions and analytic action files

is regarded successful. Moreover, when summarizing the data, the State Police is taking into account data provided by both open and undercover data sources including information received from Europol, Interpol, and provided by communication officers of police institutions abroad.

32. It was decided on 29 September 2010 in the meeting of the Group for Criminal Intelligence Tactical level Tasks and Coordination of the State Police that because of the need to undertake a tactical assessment of prostitution, souteneurism, trafficking in human beings related to criminal offences and related activities, all regional departments of the State Police should launch a set of measures to identify activities of prostitution, souteneurism, trafficking in human beings and persons involved in such activities in the territories under the control of the respective departments. The summarized results for each month are sent to the 3rd division of the Organized Crime Enforcement Department of the Central Criminal Police Department responsible for fighting trafficking in human beings and souteneurism up to the 10th day of the following month.

33. All activities and actions related to the fulfilment of obligations determined by the Protocol are covered from the annual budget of involved competent authorities.

#### **Documents of political planning, that facilitate obligations according to the Protocol**

*No.*

1	“State programme for prevention of trafficking in human beings for 2004 to 2008” (03.03.2004 Cabinet Order No. 132)
2	Guidelines “Latvia Suitable for Children” (31.03.2004 Cabinet Order No. 185)
3	“Programme for prevention of child crime and protection of the child from crime for 2006 to 2008” (06.12.2006 Cabinet Order No. 938)
4	“Programme for decreasing violence in the family for 2008 to 2011” (18.06.2008 Cabinet Order No. 343)
5	“Roadmap by the Cabinet of Ministers for protection of minors from criminal offences to morality and sexual offences for 2010 to 2013” (25.08.2009 Cabinet Order No. 581)
6	“Programme for prevention of trafficking in human beings for 2009 to 2013” (27.08.2009 Cabinet Order No. 590)
7	“Programme for prevention of child crime and protection of the child from crime for 2009 to 2011” (03.09.2009 Cabinet Order No. 605)

#### **IV. Prevention (art. 9, paras. 1 and 2)**

34. As to article 9, paragraph 1, several documents of political planning have been developed and are being implemented to prevent criminal offences listed in the Protocol.

35. The “State programme for prevention of trafficking in human beings for 2004 to 2008” has been approved by the Cabinet Order of 3 March 2004 No. 132. During implementation of the programme it was achieved that Latvia has fulfilled all international requirements and has joined the most significant international documents, its national legal norms conform to necessary requirements – all the most important aspects in relation to trafficking in human beings have been defined by the norms, it is possible to bring offenders to trial even if their criminal offences have been committed with consent of the victims. A well-functioning system of identification of trafficking victims and system of

rehabilitation providers financed by the State was established during the implementation of the State programme.

36. The “Programme for Prevention of Trafficking in Human Beings for 2009 to 2013” the main purpose of which is planning and implementation of activities facilitating prevention of trafficking in human beings was approved by the Cabinet Order of 27 August 2009 No. 590. The Ministry of the Interior and the Ministry of Welfare have been appointed to be the institutions responsible for the implementation of the programme. Overall implementation of the programme in 2009 and 2010<sup>†</sup> is regarded as successful as all available financial and human resources are being used for accomplishing the tasks and achieving results, solutions and capabilities for getting financing of the European Commission programmes are being searched for to reach main and subordinate goals of planning and implementing activities for facilitating prevention of trafficking in human beings by raising educational level of society on trafficking in human beings and providing support for victims of trafficking by cooperation of State institutions and non-governmental organizations and improving the work of law enforcement institutions. 23 out of 26 tasks determined by the programme are considered completed or regular tasks or tasks that have been started according to schedule provided by the programme. Nine tasks have been fully completed. Thirteen tasks of the programme have been indicated as continuous (regular or annual) – the tasks related to prevention, provision of social services for victims of trafficking in human beings, cooperation and information exchange between institutions.

37. The “Programme for Prevention of Child Crime and Protection of the Child from Crime for 2006 to 2008” has been approved by the Cabinet Order of 6 December 2006 No. 938. The purpose of this programme is to reduce child crime, to prevent factors of criminal behaviour and improve safety of children and protect children from any violence. Preventive projects for reducing crime and violence by minors have been developed as a part of the programme and crime prevention improved reducing delinquency of minors. Within the framework of the programme inter-institutional cooperation at local authorities between educational institutions, social service and the police has substantially improved for purposes of resolving social issues. Social rehabilitation was ensured for children who have developed dependence on narcotic, toxic or other dependence-inducing substances, possibilities of social rehabilitation have improved for children who have suffered from violence, and availability of hobby education has improved for the children exposed to risk of dependence.

38. The “Inter-institutional Working Group was approved by the Cabinet Order of 3 March 2010 No. 77 to coordinate State authority institutions, local authorities and non-governmental organizations on implementation of the “Programme for Prevention of Trafficking in Human Beings for 2009 to 2013” and to ensure operative exchange of information and coordination of measures regarding prevention of and fighting trafficking in human beings, to provide support and social services to victims of trafficking in human beings. The working group for coordination of implementation of the Programme and experts involved in achieving the objectives of the working group and in the implementation of tasks assigned to it form a system capable of facing any challenges related to changes in development of trafficking in human beings. This system sets long and short term priorities for both implementation of the Programme and for activities concerning participation of Latvia in international organizations. Management and organization of the working group is provided by the Ministry of the Interior, the group includes representatives from the Ministry of Foreign Affairs, Ministry of Welfare,

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<sup>†</sup> Informatīvais ziņojums par “Programmas cilvēku tirdzniecības novēršanai 2009-2013.gadam” īstenošanu 2009.gadā un 2010.gadā”, <http://www.iem.gov.lv/lat/nozare/in/>

Ministry of Justice, Ministry of Economics, Ministry of Health, Ministry of Education and Science, the State Police, the State Border Guard, Office of Citizenship and Migration Affairs, State Agency of Medicines, Riga City Council, society “Resource Centre for Women ‘Marta’”, society “Shelter Safe House”, the International Organization for Migration office in Latvia.

39. The State programme “Programme for Prevention of Child Crime and Protection of the Child from crime for the period of 2009 to 2011” the purpose of which is to reduce child crime, prevent factors of criminal behaviour and to improve safety of children by protecting them from any threat to health or life was approved by the Cabinet Order of 3 September 2009 No. 605.

40. The “Programme for Decreasing Violence in the Family for the period of 2008 to 2011”, a medium-term document of political planning was approved by the Cabinet Order of 18 June 2008 No. 343. The purpose of the Programme is to prevent offences related to violence in the family by decreasing quantity and negative consequences of such offences. The Programme has three directions for actions and respective subordinate goals:

- Recognition of violence in the family – gathering of information on the spread of violence in the family in Latvia, ensuring sufficient level of knowledge of the persons involved in solving the problem, improving the legislation in order to effectively implement a policy for curtailing violence in the family;
- Prevention of violence in the family – activation of the problem of violence in the family, informing society of violence in the family, prevention of such violence and possibilities to report on such offences;
- Cooperation of institutions providing help and rehabilitation services – establishment of a joint system of help and rehabilitation of family violence victims and offenders; coordination of cooperation of the institutions involved in prevention process, detecting violence in the family and acting on the violence after it has been detected.

41. Changes in regulatory enactments influencing directly and indirectly the solution of problems related to violence in the family have been made as a part of implementation of the Programme. The changes have affected the definition of violence in the family, the organization of criminal proceedings of criminal offences related to violence in the family, and the determination of punishment and implementation of preventive measures.

42. The “Roadmap by the Cabinet of Ministers for protection of minors from criminal offences to morality and sexual offences for period of 2010 to 2013” was approved by the Cabinet Regulation of 25 August 2009 No. 581. The roadmap includes three main directions:

- Preventive measures, education of the society and involvement of the society in restricting offences against morality and sexual offences;
- Improvement of penal policy
- Implementation of inter-institutional cooperation.

43. According to the Cabinet Regulation of 3 August 2010 No. 721 “Procedures by which Children Cross the State Border” there are special requirements currently effective in Latvia considering children crossing the outer border of the State (consent of a parent for independent departure of the child, authorization by a parent for departure of the child accompanied by the authorized person or the other parent who is not a citizen of Latvia, non-citizen of Latvia, a citizen of the European Union Member State, European Economic Area State or Swiss Confederation or a stateless person to whom the status of the stateless person has been granted in the Republic of Latvia, European Union Member State,

European Economic Area State or Swiss Confederation). According to the data gathered by the State Border Guard there have been tens of cases during the last five years when minors have tried to cross the State border without any consent of their parents (e.g., in 2005 there were 108 cases, in 2008 – 20 cases, in 2009 – 28 cases). Declaration of the consent by parents as a mechanism of introducing additional documents has become an effective control measure on the State border probably decreasing the number of children illegally brought out of the country. According to provisions of annex VII (6) of Regulation (EC) No. 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) special attention must be paid by officials of the State Border Guard to minors travelling independently or accompanied by other persons, as well as examination must be carried out as to whether the child is accompanied by a parent or a legal representative.

44. On 28 October 2010 the State Border Guard issued Order No. 1493 “On border control of children and measures for prevention of kidnapping” where the conduct of the officials of the State Border Guard regarding border check-ups of children crossing the border as well as when a child is detected crossing an inner border independently or accompanied by a person was provided in order to ensure a joint and full compliance with the border crossing procedure determined by the Cabinet Regulation No. 721 “Procedures by which Children Cross the State Border” as well as for permitting check-ups inside the State in order not to admit forbidden independent travelling of children out of the State or illegal bringing of children out of the Shengen Treaty member States.

45. Provisions requiring to submit a notarially certified permit by one or both parents for the child’s stay in the Republic of Latvia and acknowledgement determining the person responsible for the child during his or her stay in the Republic of Latvia when an underage child is applying for residence permit in the Republic of Latvia have been included in the Cabinet Regulation subordinated to the Immigration Law to decrease the risk of trafficking in children. In case an underage child would stay in the Republic of Latvia with one of the parents a notarially certified permit by other parent is required according to Sub-paragraph 40.2 and paragraph 43 of the Cabinet Regulation of 21 June 2010 No. 564 “Regulation regarding Residence Permits”.

46. During the assessment period, the Cabinet Regulation of 29 April 2003 No 217 “Visa Regulations” was in effect, determining that a foreigner below age of 18 travelling independently or with a person responsible a visa is issued to the minor if a notarially certified permit by a parent or guardian for travelling to the Republic of Latvia is submitted. Notarial certification is not necessary if a parent or guardian submits the permit to an agency in person. The permit must refer to a person responsible for the child’s stay in the Republic of Latvia. The Cabinet Regulation No. 958 of 12 October 2010 “Visa Regulations” defining a procedure similar to that determined by the previous Cabinet Regulation became effective on 16 October 2010 stating that a visa is issued to a foreigner under age of 18 travelling independently or with another person responsible if a notarially certified permit by a parent or a guardian for the child’s travelling to the Republic of Latvia or to the Republic of Latvia and one or several other Shengen Treaty member States is submitted. Notarial certification is not necessary if a parent or guardian submits the permit to an agency or Office of Citizenship and Migration Affairs in person. Referral to a person responsible for the child’s travelling during the period of validity of the visa shall be included in the permit”.

47. According to the new Cabinet Regulation of 30 August 2011 No. 676 “Visa Regulations”, if a foreigner’s child does not have his or her own travelling document but a picture and data of the child are included in a travelling document of the adult traveller, individual visa is issued to every child travelling with the foreigner by gluing it into the travelling document of the adult foreigner. This provision is applied if the foreigners are

travelling into the Republic of Latvia or into the Republic of Latvia and one or several other Shengen Treaty member States, are staying there and travelling out of such State or transiting it together. A visa is issued to a foreigner who is under the age of 18 and is travelling independently or with another person who is responsible for the minor, if a notarially certified permit for the child's travelling to the Republic of Latvia or to the Republic of Latvia and one or several other Shengen Treaty member States is submitted. Notarial certification is not necessary if a parent or guardian submits the permit to an agency or the office in person. Referral to a person responsible for the child during the period of validity of the visa shall be included in the permit.

48. According to "Amendments of Immigration Law" of 26 May 2011, Section 23 of Immigration Law has been supplemented with a Part Seven that includes provisions regulating cases where a foreigner is an underage child who has been illegally employed during an illegal stay in the Republic of Latvia; in such case, the child has the right to receive a temporary residence permit for the period necessary to collect unpaid wages from the employer. For the purpose of this section, the particular exploitative working conditions are such working conditions and employment requirements that cause highly disproportionate differences between the working conditions and employment requirements of workers employed legally and the working conditions and employment requirements of a foreigner who is residing illegally in the Republic of Latvia, as well as differences due to gender or other types of discrimination, or differences that affect the protection of health and safety of a foreigner at work and violates his or her dignity

49. As regards article 9, paragraph 1 of the Protocol on the protection of children especially those vulnerable to such activities and article 9, paragraph 2, of the Protocol, the State Children's Rights Protection Inspectorate has gathered information on groups that may be subject to risks mentioned in the Protocol:

- Children travelling around stopping cars on the roads (hitch-hikers) and vagrant children;
- Children involved in model agencies;
- Children spending time on the Internet chat pages
- Children living in children's homes
- Families with children and with problems of social dysfunction

Activities of informing these groups have been undertaken to relieve the problem.

### **Risk group: hitch-hikers and vagrant children**

50. An agreement (hereinafter agreement) on cooperation and provision of mutual support searching missing children and supporting relatives of missing children was signed by the Inspectorate, the State Police and the public organization "Society for Search of Missing Children" on 14 June 2007.

51. The agreement prescribes that the Inspectorate provides professional on-site psychologist's consultations for relatives, friends and kinsmen of the missing children and off-site consultations via helpline for children and adolescents of the Inspectorate: 116111 or 80006008 and on-site.

52. It is provided by the said agreement that the Inspectorate cooperating with the State Police and "Society for Search of Missing Children" inform the public and state and municipal authorities, including printing materials within the budget funding limits on the search of missing and vagrant children and protection of children against criminal offences.

53. As part of the cooperation in September, October and November 2007, an informative social campaign “Hitch-hiking is dangerous!” was organized on outdoor safety of the children. It was clarified based on the street raids by State Police and the Inspectorate that along with the beginning of the school year major part of the hitch-hikers are pupils who go home after the school hitch-hiking. The campaign was carried out during the annual “Days of Safety” at schools at the beginning of a new school year.

54. The planned campaign was not aimed at complete elimination of hitch-hiking considering the spread of hitch-hiking and the point of view frequently advertised in the public space and mass media that hitch-hiking is interesting, entertaining and adventurous undertaking. The objectives of the information campaign with care for children’s safety in mind were to inform children on the risks and dangers of hitch-hiking emphasizing that hitch-hiking should be regarded as extreme measure to be used to reach a desirable place, to inform on how to make hitch-hiking as safe as possible, to let to know where to turn to in case of a missing child, to tell about other threats and outdoor safety measures putting particular emphasis on self-protection.

55. The target audience — children and parents — was reached by different information channels and ways of presenting it. Children were addressed by handouts, competitions, surveys, [www.sargi-sevi.lv](http://www.sargi-sevi.lv), a newly opened Internet site on children’s safety as well as by informing interactively, meeting in educational institutions all over the Latvia. The audience of parents, on the other hand, was reached by posters and by using national and regional mass media as channels of information.

56. As part of the campaign “Hitch-hiking is dangerous!” a survey “The experience of hitch-hiking children in Latvia” was carried out and the spread of hitch-hiking in different regions of Latvia was clarified. Altogether 5,758 pupils were polled during the survey by asking if they hitch-hike, if so, how often, what are the most popular routes, how the hitch-hiking is done, why they hitch-hike and if they have experienced unpleasant incidents. The results of the survey show that 33 per cent of children hitch-hike in Latvia and the most active of them are 14 to 16 years old. It was detected by the survey that 3 per cent of the polled pupils have experienced unpleasant incidents.

**Statistics on missing persons of minor age**

Age	2006				2007				2008				2009				2010			
	Girls	Boys	All	Missing																
0					1		1	0												
1													1	2	3	0	1		1	0
2		1	1	0					1		1	0	1		1	0		1	1	0
3					2		2	0	1		1	0								
4									1		1	0								
5					1		1	0												
6										1	1	0	1	2	3	1				
7						3	3	0						2	2	0	1	2	3	1
8					1	1	2	0		4	4	0	1	1	2	0	1	1	2	0
9		1	1	0	2		2	0		1	1	0	3	2	5	0	1	1	2	1
10					3	2	5	0	1	3	4	0	2	4	6	0	1	1	2	0
11		2	2	0	2	2	0	0	1	6	7	0	3	8	11	0		5	5	1

Age	2006				2007				2008				2009				2010			
	Girls	Boys	All	Missing																
12	1	1	0	7	12	19	0	6	11	17	0	4	14	18	0	4	7	11	0	
13	4	7	11	0	15	15	30	0	15	15	30	0	19	15	34	1	11	10	21	0
14	11	9	20	0	22	42	64	0	26	21	47	0	19	17	36	1	21	14	35	1
15	7	8	15	0	34	36	70	0	47	25	72	0	34	29	63	1	29	17	46	2
16	15	15	30	1	31	23	54	0	55	25	80	0	50	24	74	1	28	25	53	2
17	6	11	17	0	19	14	33	0	23	17	40	0	32	40	72	1	18	21	39	2

Source: Information Centre of the Ministry of the Interior.

### Risk group: children involved in model agencies

57. The State Inspectorate for Protection of Children's Rights has faced several cases when parents irresponsibly had signed a contract with a model or photo model agency that has been highly disadvantageous for their child and is limiting even the basic rights and freedoms, as well as regarding complaints received by the Inspectorate that give evidence of probable serious violations of children's rights including involvement in activities of sexual nature, extensive informing of the public on risks and possible threats took place in February 2008 in mass media, by sending information to educational administrations of local authorities and informing school representatives in person.

58. In 2008 a working group for drafting suggestions for Cabinet Regulations was established according to order issued by the Inspectorate to solve the issues of ensuring the rights of the child concerning organizations and actions related to the evaluation of a child's appearance. Based on suggestions developed by the working group on 5 May 2009 Cabinet Regulation No 407 "Procedures by Which Children may be Involved in Activities (Events) Concerned with the Demonstration of Outer Appearance" was adopted by the Cabinet of Ministers. The Regulation more clearly prescribes limitations for involvement of children in activities related to demonstration of their appearance (model schools, fashion shows, advertisement of goods, etc.) that might entail increased risk for children's safety and well-being.

59. In addition, five inspections were carried out in model agencies by officials of the Inspectorate in 2009 according to the Cabinet Regulation of 5 May 2009 No. 407 "Procedures by Which Children may be Involved in Activities (Events) Concerned with the Demonstration of Outer Appearance" to ensure protection of the rights of the child. Assessing the information received during the inspections it was concluded that:

- 1) A register does not exist so that the precise number of involved minors in a respective model agency could be determined and if agreements have been signed with these minors;
- 2) There is no information if and on what terms the minor has been sent abroad because, in practice, no agreements are signed with foreign partners;
- 3) There is no testimony if activities of the Latvian or foreign partner comply with requirements of normative enactments;
- 4) The sanctions stipulated in agreements for the cases when contractual obligations are not met are disproportionate to the respective violation;

- 5) There are different forms of agreements in model agencies; some of them offer vague and misleading agreements;
- 6) There is no information about activities wherein concrete models are involved.

### **Risk group: children who spend their time on the Internet**

60. Several informative events aimed at recognizing threats on the Internet have been organized during the period of 2006 to 31 December 2010 based on more frequent reporting on children endangered by information technologies including engaging in sexual exploitation.

61. The following materials have been developed as part of the informational activities:

- 10 suggestions for children on safe chatting;
- 10 characteristics of a potential violator;
- 10 suggestions for parents on safety of their children in the Internet environment;
- A brochure “On Safe Internet for You” has been developed and distributed in care and educational institutions;
- A video material on safety on the Internet have been prepared in cooperation with Latvian Internet Association and the portal [www.drossinternets.lv](http://www.drossinternets.lv);
- A brochure “Call Safely” has been developed for children;

62. The materials have been published on home page of the State Inspectorate for Protection of Children’s Rights at [www.bti.gov.lv](http://www.bti.gov.lv) and distributed through mass media and Internet portals.

63. The project “Net-Safe Latvia” Safer Internet Centre project of the European Union programme “Safer Internet” (2009 to 2013) is operated and managed by the Latvian Internet Association in cooperation with the State Inspectorate for Protection of Children’s Rights. Informative social campaigns for children and adults have been organized as part of the project, educational materials have been developed for schools, training seminars have been organized, research has been done along with other informative and educational activities. 106 notifications about Internet sites containing materials related to sexual exploitation of children or paedophilic activities have been received in 2010 according to data by electronic messaging line of Net-Safe Latvia Safer Internet Centre. 15 web sites were maintained in Latvia. Processing and investigation of the messages was done in cooperation with the State Police.

64. Helpline activity has been maintained as part of the Net-Safe Latvia project since January 2009, providing possibility for children to call helpline 116111 to inform about possible offences on the Internet, to receive psychological help in situations of crisis. Anonymous psychological consultations for children who need such help because of violence they have experienced on the Internet are provided by means of helpline for children and adolescents.

65. The main activities of the helpline maintained by the Net-Safe Latvia Safer Internet Centre are:

- To answer calls by children and adults about modern technologies and the use of the Internet, especially about issues related to illegal and harmful content and activities;
- To transfer messages to the relevant law enforcement institutions;

- To inform the public about the phone helpline and how to find it;
- Participation in activities intended for recognizability;
- Participation in activities of European scale informing about the activities of helpline in Latvia.

66. 570 participants participated at the conference “Safe Internet and Friendly School” organized by the State Inspectorate for Protection of Children’s Rights on 22 October 2010, while the conference “Friendly Home and Safe Internet” organized by the Inspectorate on 16 December 2010 welcomed 80 participants. The conference and the seminar were organized as part of Net-Safe Latvia project. Information about the safety of children on the Internet was presented during the above events. Participants of the conference “Safe Internet and Friendly School” held on 22 October 2010 were surveyed by the Inspectorate to evaluate effectiveness of the event. 342 questionnaires were filled in by attendees of the conference. New ideas and information, a lot of positive impressions and emotions were mentioned among the most valuable benefits in questionnaires submitted by participants of the conference “Safe Internet and Friendly School”.

67. Possibility of acquiring knowledge on safety on the Internet and advice on action and finding solutions for different situations was highlighted in the questionnaires as an additional benefit of the conference. Majority of teachers suggest that advice on promotion of safety on the Internet should be summarized and published, as well as regular seminars, meetings, discussions etc. should be organized with participation of the Internet portals. A suggestion to continue the activities has been inscribed in the questionnaires.

68. The necessity to develop new informative materials including short films of good quality in Latvian (both advertisements and informative materials, for example, interviews with the dependants or victims) has been mentioned in many questionnaires. Some teachers suggest offering more new information. In addition, teachers consider the necessity to educate parents is also valuable.

69. While the new information obtained at the conference has been mentioned as the main benefit in most of the questionnaires filled in by pupils particularly highlighting the information on different aspects of communication on the Internet. The most significant suggestion given by the audience of pupils is to continue informing on potential threats and consequences as well as safe communication over the Internet carrying out various activities, holding seminars, conferences and developing and distributing new informative materials.

70. Comparatively many participants of the conference point out the necessity to increase control over activities of the children on the Internet and its content, among other activities promoting the necessary law amendments and striving for less anonymity on the Internet. There has also been a call for increased responsibility for offences in cyberspace.

71. Information on activities implemented by the State Inspectorate for Protection of Children’s Rights as part of the Net-Safe Latvia project is provided to the organizer of the project – European Commission that evaluates it after every six months and at the conclusion of the project.

72. When visiting institutions with children, officers of the Inspectorate speak with children and teachers about safety on the Internet and about the ways of protecting themselves against unpleasant incidents.

73. When auditing observation of the rights of the child in institutions, the Inspectorate controls whether content filters have been installed on computers intended to be used by children in order to limit their access to materials promoting cruel behaviour, violence, erotica, and pornography causing problems of mental development of the children. It was

discovered by audits of educational institutions in 2009 that 17 schools had no content filters installed on their computers. However, when auditing schools in 2010 it was found that no filters had been installed in the computers of five educational institutions.

74. The State Police took part in the campaign “Do not be indifferent, inform about illegal content!” organized by Net-Safe Latvia Safer Internet Centre of the Latvian Internet, Association in cooperation with the State Inspectorate for Protection of Children’s Rights in 2010. The State Police presented practical advice in the seminar held during the campaign for teachers, social workers and parents on how to act when seemingly unwelcome content including child pornography may have been found on the Internet.

75. There is the possibility to inform online about the offences detected on the Internet on <http://www.drossinternets.lv> homepage, also about the availability of pornographic materials posted without warning, child pornography, violence, racism etc. and the presence of illegal materials on the Internet.

### **Risk group: children living in children’s homes**

76. The research “Sexual abuse against the children living in children’s homes” (DAPHNE III 2007-2013, JLS/2007/DAP-1/178/-30-CE-0229207/00-68) had been conducted in 2009 and 2010 and an overview has been prepared as part of the research on violence against children in Latvia; examples of good practice in working with children, victims of sexual violence in Latvia have been summarized, recommendations have been prepared for prevention of sexual abuse against the children living in children’s homes. 76 children from children’s homes representing 13 children’s homes in Latvia took part in the research.

#### **Sexual abuse**

Sexual intercourse with an adult	21%
Sexual show-off	15.7%
Verbal sexual interference	14.4%
Rape or attempt of rape	10.5%
Sexual abuse by peers	9.2%
Cyber-sexual abuse	7.8%
Sexual physical interference	6.5%
Photographed or filmed while naked	5.2%
Prostitution	1.3%

*Source:* Research “Sexual abuse against the children living in children’s homes”.

#### **The frequency of child violence experience depending on age and sex**

<i>Sexual abuse</i>		<i>Age group</i>		<i>Sex</i>	
		<i>14-16</i>	<i>17-18</i>	<i>Girls</i>	<i>Boys</i>
Has suffered	N (%)	24 (55.8)	19 (44.2)	16 (37.2)	27 (62.8)
Has not suffered	N (%)	14 (42.4)	19 (57.6)	23 (69.7)	10 (30.3)

*Source:* Research “Sexual abuse against the children living in children’s homes”.

77. Children living in children’s homes are perceived as unprotected and offendable. Children from children’s homes are chosen as victims more frequently than children living

in families. Children from children's homes have a tendency to deny emotional symptoms thus making it more difficult to help them. They do not have values: family, health, people, they are less socially ready, and they feel less involved in decision making and are not ready to make decisions. The responsible institutions develop new, innovative methods of offering help to children from children's homes.

78. Date on families insufficiently providing for the development and upbringing of a child and who have been reported by the Orphan's court to the social service office of the local government or other competent institution, is set out below:<sup>‡</sup>

<i>Year</i>	<i>Number of families</i>	<i>Total number of children in families</i>
2011	2,061	3,661
2010	2,237	3,851
2009	2,300	3,916
2008	2,673	5,289
2007	3,174	6,667

*Source:* The State Inspectorate for Protection of Children's Rights.

### **Risk group: families with children and with problems of social dysfunction**

79. Employees of Riga Municipality Police CDPD supervise families with children having problems of social dysfunction. Employees of the department implement a cooperation plan together with other institutions (Riga Centre for Protection of the Rights of the Child, State Police, Orphan's court, Riga City Council's Education, Culture and Sports Department, Riga Social Service Office) regarding each separate case in order to renew a family's ability to social functioning. Emergency treatment is provided by police officials removing the children from family and bringing them to hospitals or shelter homes in emergency or crisis situations when children are helped by interrupting violence of other persons against the children:

- 86 families with 176 minors were supervised in 2006;
- 73 families, 152 children in 2007;
- 76 families, 157 children in 2008;
- 73 families, 145 children in 2009;
- 52 families, 107 children in 2010.

80. The minors are also taken under supervision of the department:

- 109 minors were supervised in 2006;
- 93 minors in 2007;
- 66 minors in 2008;
- 45 minors in 2009;

<sup>‡</sup> Orphan's Court according to section 17 (5) of Law on Orphan's Courts informs social service office of the local government or other responsible institutions regarding the families, in which the development and upbringing of a child is not ensured sufficiently and which need assistance.

- 56 minors in 2010.

81. 58 protocols of discovery (removal) of minors were drawn up in 2006 by employees of Riga Municipality Police, 62 were drawn up in 2007, 40 in 2008, 39 in 2009 and 50 such protocols in 2010.

82. Educational activities have been carried out in educational institutions: (lectures in classrooms, individual discussions, lectures for parents of the pupils):

- 402 activities in 2006;
- 640 activities in 2007;
- 953 activities in 2008;
- 864 activities in 2009;
- 1105 activities in 2010.

83. The Safety classroom was established in September 2010 at Zemgale office of Riga Municipality Police. The Safety classroom is located at the premises of CDPD where employees of the department, in cooperation with representatives of Zemgale Suburb administration of RMP, introduce the Riga Municipality Police to children and discuss themes related to safety issues with them. After children are acquainted with Riga Municipality Police during the Safety classroom activities they are offered to discuss various themes suggested previously by the class visitors. Police representatives speak with children about general rules, order, safety, behaviour and choice. Diverse situations that may be faced in school, on the street, at home as well as possible risks and actions are discussed with the children. The theme “How to feel safe on the street” is offered for discussion by police officials, the strangers met on the street and a child’s reaction, possibility of receiving help is discussed with the children along with the themes “The Computer and Safety Conditions”, Safe School Environment”. Other discussion themes are also possible coordinating with employees of RMP. Such themes are developed considering specific features, needs of a certain school, as well as regarding what is happening in the pupils’ group.

84. Questions about children’s rights including the rights to be protected against violence, abuse and other illegal activities aimed at safety, health and sexual immunity have been included in the content of Social studies subject at school. According to provisions of the Cabinet Regulation 19 December 2006 No. 1027 “Regulations Regarding the State Basic Education Standard and Basic Education Subject Standards”, determining a mandatory subject “Social studies” for forms 1 to 9 and the content that should be acquired, when studying this subject, a model subject programme (model programme) was created in 2007 for the content of social studies.

85. Issues regarding human rights and the rights of the child are thoroughly studied during the classes of subjects of choice “Health teaching” and “Politics and rights” in the secondary school.

86. Issues concerning the rights of the child are included also in the content of professional development courses for teachers, social workers and social teachers. 215 education specialists from general and professional educational institutions, managers of educational institutions and other teachers were trained as part of development of professional competencies of teachers in informative educational seminars and eight professional development programmes in 2010 on issues concerning prevention of trafficking in human beings for the purpose of sexual exploitation.

87. The Latvian Language Agency has developed a methodical material for teachers “A Teacher in an Intercultural Space” during the period of 2009 to 2010 as part of

implementation of a project by the European Fund for the Integration of Third-country Nationals and has organized courses where 150 teachers were instructed on how to work with pupils representing different ethnic and cultural communities.

88. The open and gradually growing movement of schools “The Friendly School” has been launched by the Inspectorate in the end of 2009 and is coordinated by this institution. The purpose of this movement is to improve cooperation between pupils, their parents and administration of the schools by creating a friendlier and safer environment at schools. 141 educational institutions had joined the movement in 2010.

89. Methodical electronic materials have been developed by the State Police for pupils of general and professional educational institutions on issues of public order and safety.

90. The activity “Safety days in the Schools” has been implemented by the State Police since the beginning of September 2009. During the activity pupils are informed on preventive measures provided by legal education. Pre-school, elementary and secondary schools and special and professional educational institutions in Latvia have been involved in the activity: 213 educational institutions in Riga region, 104 educational institutions in Kurzeme region, 144 educational institutions in Latgale region, 130 educational institutions in Vidzeme region, 106 educational institutions in Zemgale region. 2996 preventive measures were taken in 2010 as part of the activity “Safety Days in the Schools”. Pre-school (1073), elementary and secondary (1578) and special and professional (259) educational institutions were involved in the activity in 2010 all over the Latvia. 5129 preventive activities have been organized by the State Police in 2010.

91. 5000 copies of the brochure in Latvian “Prevention of trafficking in human beings” containing information on trafficking in human beings, on what is contributing to the trafficking, on recruiting, marriages of convenience, on what the youth should know about working abroad, on what should a person know before going abroad and information on the most important help phone lines were printed in the spring of 2010 for distributing across Kurzeme region. The development of layout of the brochure and printing was accomplished by Kurzeme regional office of the State Police in cooperation with Liepaja City Council, Ventspils City Council, Liepāja Youth Centre and Liepaja Rotari Club. As a result of cooperation between the Welfare Department of the Riga City Council, the Ministry of the Interior and Society “Shelter ‘Safe House’” the developed layout was adjusted to the needs of Riga and 20 000 copies of the brochure “Prevention of trafficking in human beings” were printed both in Latvian and in Russian for distribution in social help offices and educational institutions of Riga city.

92. Researches carried out by foundation of NGO “Centrs Dardedze” have confirmed the importance of the education of children, parents and teachers on the issues of personal safety. The preventive educational programme “Jimba’s safety programme” has been implemented by “Centrs Dardedze” since 2003. Children attending the programme are taught to recognize unsafe situations by modelling possible behaviour, where to seek for help when confronted with such a situation, thus decreasing the risk of peer violence and violence inflicted by grown-ups, strangers or familiar persons. Information for teachers and parents who communicate with children daily form an essential part of this programme, in order to promote the importance of this issue every day.

93. Protection of the Rights of the Child Law provides supervision of protection of the rights of the child when the child is living with another person (and not with a parent or if a child is under extra-familial care with a guardian or in a foster family) for more than three months. In such cases regular visits to a child living with another person are ensured by the Orphan’s court for examination of the living conditions of the child, also a conclusion is provided by the court before the child is transferred for caring by this person stating that

such transfer is in the child's interest and that the person is able to duly maintain the child. (Sections 45.<sup>1</sup>, 45.<sup>2</sup>, 45.<sup>4</sup>).

94. Agreements of cooperation were concluded by Latvia with several countries for the purpose of increasing efficiency of fighting trafficking in human beings. These countries are: Uzbekistan, Republic of Moldova, Azerbaijan, Belarus, Armenia, Kazakhstan, Georgia, Israel, Croatia, the United States of America, Czech Republic, Cyprus, Lithuania, Slovakia, Slovenia, Finland, Spain, Turkey, Hungary, and Germany. Information and data is being exchanged as determined by the agreements, mutual operative activities are being carried out, experience exchanged including personnel training, and consultations are being held about the development of regulatory enactments.

## V. Prohibition (arts. 3 and 4, paras. 2, 3, 5, 6 and 7)

95. Children are recognized as a group of especially protected persons, and special regulations must be applied to this group. More severe criminal liability is prescribed for criminal offences against a child (minor) by the majority of Sections in the Special Part of the Criminal Law. According to the principle of indiscrimination secured by the Convention in the Rights of the Child, regulatory enactments of Latvia do not provide for unjustified prevalence of the rights of one group of children over the rights of other children. Protection of the rights of the child is implemented by applying the equality principle. Only the children below the age of 14 (underage) are especially separated. The reason for such a separation is the especially vulnerable state of such children and because of this state they are treated like helpless persons. Particularly severe sanctions are provided for the crimes committed against underage persons.

96. If minor age of the underage person is not regarded as one of elements of a criminal offence, Section 48 (1) 6) of the Criminal Law may be applied. According to this clause, a circumstance that the criminal offence was committed against a person who has not attained fifteen years of age or against a person taking advantage of his or her helpless condition (including against an underage person) may be considered an aggravating circumstance. Although this aggravating circumstance does not influence the volume of sanctions; it still can be taken into consideration when determining the punishment.

97. In order to protect the rights of the child more effectively, it is provided also for specific constituent elements of offences including offences entailing criminal liability also in cases when the offence has been committed against a person of minor age, though constituent elements differ depending on the minority or the non-minority of the victim. Thus, for example, according to the Section 154<sup>2</sup> (2) of the Criminal Law<sup>§</sup> recruitment, transportation, transfer, concealment or reception for the purpose of exploitation is considered human trafficking even if no means which are constituent elements of human trafficking in case of adult persons were used, namely, regardless of whether these elements are related to violence or threats or abduction of a person by fraud or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or by giving or obtaining material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent. According to Section 154<sup>2</sup> (3) of the Criminal Law exploitation is the involvement of a person in prostitution or in other

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<sup>§</sup> New sections were added to the Criminal Law by the law "Amendments to the Criminal Law" adopted on 25 April 2002 and in effect since 23 May 2002: section 154<sup>1</sup> "Human trafficking" and section 154<sup>2</sup> "Meaning of Human Trafficking". Section 154<sup>1</sup> of CL "Human Trafficking" was drafted, by accepting United Nations Convention against Transnational Organized Crime (Palermo Convention).

kinds of sexual exploitation, the compulsion of a person to perform labour or to provide services, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or the compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the illegal removal of a person's tissues or organs.

98. Such understanding of trafficking in children complies with article 2 (a) of the Protocol thus also implementing protection against economic and sexual exploitation regulated by articles 32 and 34 of Convention on the Rights of the Child and protection of children against other forms of exploitation that could in any way harm their well-being by preventing kidnapping children or trafficking in children for any purpose or of any form regulated by articles 35 and 36. The definition of human trafficking given in Section 154<sup>2</sup> of the Criminal Law was already present before the Protocol was ratified and its respective edition complied with that regulated by the Protocol and it is because of this fact that no amendments were made to Section 154<sup>2</sup> (1), (2) of the Criminal Law in order to implement the norms of the Protocol.

99. Prohibitions and limitations of involvement of children in certain activities are determined by Protection of the Rights of the Child Law (Section 50.<sup>1</sup>) to improve protection of children against involvement in activities related to possible risk of human trafficking. A child may participate in different activities (events) if it does not hinder his or her acquisition of education, as well as does not threaten his or her safety, health, morality or other substantial interests. It is prohibited to involve a child in beauty contests or other similar events, the main objective of which is only evaluation of their outer appearance. A child may participate in activities (events), which are related to the demonstration of outer appearance (modelling schools, demonstration of clothes, advertisement of goods and other similar events) only if the restrictions referred to in the Protection of the Rights of the Child Law (Section 72 (3)) are not applicable to the organiser of the event, the employer, as well as another person whose work is related to engaging of children in such events - they have not allowed violations of regulatory enactments regarding protection of the rights of the child; they have not allowed immoral behaviour at work or outside work, as determined by a court judgement or other decision of a competent institution; they have not been convicted of criminal offences that are associated with violence or threats of violence, of criminal offences against morals and sexual inviolability – irrespective of whether or not the conviction is extinguished or set aside; those whom the court has applied the compulsory measures of a medical nature specified in the Criminal Law for criminal offences provided for in the Criminal Law committed while being in a state of incapacity.

100. Additional requirements for organizers of such activities have been determined by the Cabinet Regulation of 5 May 2009 No. 407 “Procedures by Which Children may be Involved in Activities (Events) Concerned with the Demonstration of Outer Appearance”, defining procedure by which children can be involved in activities related to demonstration of outer appearance, for example, activities of modelling schools, demonstration of clothes, advertisement of goods. The provisions limit risk factors related to child prostitution and pornography, manufacture and distribution of pornographic materials. At the same time the provisions influence the Internet environment, decreasing possible risks of threatening the rights and interests of the child. It is determined by the provisions that involvement of a child in an activity can be allowed in case a written permit has been granted by at least one parent of the child, guardian or the Orphan's court, if the child is living in a foster family. A child can be involved in an activity by a natural or legal person whose occupation is the involvement of children in activities. Administrative responsibility is provided for in Section 172<sup>3</sup> of the Latvian Administrative Violations Code of 7 December 1984 since 7 October 2009 for involvement of a child in a beauty contest or other event where only the outer appearance of the child is evaluated by imposing a fine of LVL 250 to LVL 500 for natural persons and LVL 500 to LVL 1 500 for legal persons. A warning is issued or a fine of LVL 100 to LVL 250 for natural persons and 250 to LVL 1 000 for legal persons is

imposed for violation of regulatory enactments determining procedures of involvement of children in activities related to demonstration of outer appearance.

101. It was not necessary to make amendments to regulatory enactments of Latvia for the purpose of coordinating the Regulation with the definition of child pornography as determined by article 2 (b) of the Protocol. The definition complies with the provisions the Cabinet Regulation of 22 January 2008 No. 32 “Regulations Regarding Restriction of Prostitution” (hereinafter – Regulations Regarding Restriction of Prostitution). Paragraph 1 of the Regulation states that prostitution is the provision of sexual services for a fee, while paragraph 2 prescribes the prohibition for a minor to be engaged in prostitution. Similar norms are provided by the Cabinet Regulation of 22 May 2001 No. 210 “Regulations Regarding Restriction of Prostitution” that was in effect at the time of the ratification of the Protocol. Adoption of the new regulatory enactment on January 26 2008 – Regulations Regarding Restriction of Prostitution - is not linked to the implementation of provisions of the Protocol.

102. The “Law on Pornography Restrictions” was adopted on 3 May 2007 (effective since 1 June 2007) in order that the notion “child pornography” as regulated by article 2 (c) of the Protocol would be defined in regulatory enactments of Latvia as well as notions like “material of pornographic nature” and “circulation of material of pornographic nature” would be explained.\*\* It is provided for in Section 1 (2) of this Law that child pornography is material of pornographic nature, in which a child is depicted or described, or any other material in which:

(a) 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;

(b) A person having the appearance of a child who is involved in the activities specified in Sub-clause “a” of this Clause is depicted or described or presented in a manner specified in Sub-clause “a”;

(c) There are realistic images with an actually non-existent child who is involved in the activities specified in Sub-clause “a” of this Clause or presented in a manner specified in Sub-clause “a”.

103. The definition pertains to depictions where a person has the appearance of a child, i.e. cases when adults depict children in various phases of sexual intercourse or adult persons who due to various physical or mental disturbances have not attained maturity and appearance of an adult person are involved in the depictions. Simulated depictions of child pornography (descriptions, comics, pictures and others) must be regarded as child pornography according to the definition in the Law.

104. The “Law On the Press and Other Mass Media” of 20 December 1990 regulates the activities of the press and mass media. In accordance with the Law, the press and other mass media are newspapers, magazines, newsletters and other periodicals, as well as television and radio broadcasts, newsreels, information agency announcements, audio-visual recordings, and programmes intended for public dissemination. This Law determines

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\*\* The notion of child pornography defined by the “Law on Pornography Restrictions” is detailed and complies with the “Additional Protocol to the Convention on Cybercrime, Concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed Through Computer Systems” of the EU and the European Council Framework Decision 2004/68/JHA on conditions of combating the sexual exploitation and child pornography stating that criminal liability must be provided for circulation of child pornography of any form including electronic media by legislation of the member states of the European Union

also information that may not be published in the press and mass media including prohibition to publish child pornography and materials depicting violence against the child, information by using which personality of a child who has suffered from illegal activity, an offender of minor age or a witness can be identified if consent of persons and institutions determined by the Protection of the Rights of the Child Law has not been obtained. It is prohibited to publish materials of erotic and pornographic nature if procedure determined by regulatory enactments regulating circulation of materials of erotic or pornographic nature is violated by publishing such materials.

105. According to Section 50 of Protection of the Rights of the Child Law, it is prohibited to show, sell, give as a gift, rent or promote to a child, toys and video recordings, computer games, newspapers, magazines and other types of publications, in which cruel behaviour, violence, erotica and pornography are promoted and which pose a threat to the psychological development of a child. Materials that promote cruel behaviour, violence, erotica and pornography and pose a threat to the psychological development of a child may not be accessible to a child, irrespective of the form of expression, devices for showing and location thereof. The Electronic Mass Media Law of 12 July 2010 protects the rights of the child by providing restrictions on mass media programmes and broadcasts. At the same time it is taken into account that one of the freedoms listed in the Protection of the Rights of the Child Law provides for receiving and giving information, though children, as noted by the Convention on the Rights of the Child are still physically and intellectually immature, they are more susceptible, persuadable etc. and thus they are more likely to become victims of various cybercrimes. For this reason, the Protection of the Rights of the Child Law allows for limiting the rights and freedoms of the child in his or her own interests to ensure that one of the fundamental principles of the Convention, the right of the child to healthy development, is complied with. Amendments to the Electronic Communications Law which became effective on 29 July 2009 states that the duties of electronic communications merchants, are to inform the user regarding the possibility of installing a content filter that restricts access to material promoting cruel behaviour, violence, erotica and pornography and threatening the mental development of children, and to ensure free of charge installation of content filter on demand of the subscriber.

106. As regards article 3, paragraphs 1 (a) (i) and 3 of the Protocol, we inform that trafficking in children, namely, any form of recruitment, transportation, transfer, concealment or receipt of a minor for the purpose of exploitation were already criminally liable before the Protocol was ratified. Taking into account the fact that the definition of trafficking in children corresponds to the definition in the Protocol, amendments of the Latvian regulatory enactments were not needed for the purpose of transposing this subparagraph of the Protocol.

107. According to Section 154<sup>1</sup> (2) of the Criminal Law, trafficking in human beings committed with respect to a minor is qualified as especially a serious crime. Deprivation of liberty is provided for this offence for a term not less than two years but not exceeding 12 years with confiscation of property. Moreover, increased criminal liability for the same acts if those have been committed with respect to a minor, is provided for in Section 154<sup>1</sup> (3) of the Criminal Law, determining that such crime is punishable by deprivation of freedom for a term of not less than 10 years but not exceeding 15 years and confiscation of property and with or without probationary supervision for a term not exceeding three years. Reference to additional punishment, probationary supervision, was included in sanction of paragraph 3 of “Amendments to the Criminal Law” of 13 December 2007 effective since 12 January 2008. These changes to sanctions are not related to the implementation of the norms of the Protocol within the legal system of Latvia. No other changes regarding trafficking in children have been applied to Section 154<sup>1</sup> of the Criminal Law during the period of 22 February 2006 to 31 December 2010.

108. The criminal liability limitation period for trafficking in human beings committed with respect to a minor (including underage) becomes applicable in 15 years after the commitment day of the crime. Criminal liability for trafficking in human beings can apply both to adults and minors from 14 years of age. Persons are subject to criminal liability in Latvia for committing any criminal offence beginning with 14 years of age. Underage persons who have not attained 14 years of age may not be held criminally liable only for criminal offences that have age of majority as obligatory constituent element of the offence.

109. The sanctions imposed for criminal offences are not graded according to the age of the offender; therefore a punishment is determined for the underage offender using the same range of sanctions as in a case with an adult offender committing the respective offence, although the special nature of the application of punishment determined for a minor is provided for in Section 65 of the Criminal Law. Section 65 (2) provides that the term of deprivation of liberty for especially serious crimes for a person who has committed such crime before attaining 18 years of age may not exceed ten years, while deprivation of liberty may not exceed five years for serious crimes associated with violence or the threat of violence or which have given rise to serious consequences, or two years for other serious crimes. But in case of a criminal offence or less serious crime, the punishment of deprivation of liberty is not applicable for such a person. Likewise according to Section 65 (2<sup>1</sup>) the court is not bound by the minimum limit of the punishment of deprivation of liberty – the court may impose a punishment below this minimum limit also in cases when the court has found that the criminal offence was committed in aggravating circumstances. But a fine is applicable according to Section 65 (4) only to those minors who have their own income. Moreover, an applicable fine shall not be less than one and not exceeding fifty times the amount of the minimum monthly wage prescribed in the Republic of Latvia.

110. Legal employment relations are regulated by Section 37 (1) of the “Labour Law” of 20 June 2001 wherein it is stated in that it is prohibited to employ the children permanently. A child according to this law is a person who has not attained 15 years of age or a person who is acquiring basic education until he or she is 18 years of age. As a matter of exception children under 13 years of age may be employed for doing light work which is not harmful to health, morality and development of the child if one of the parents (guardian) has given written consent. Such employment may not interfere with child’s education. The types of work for which employment of children under 13 years of age is permitted are determined by the Cabinet of Ministers (Cabinet Regulation of 8 January 2002 No. 10 “Regulations regarding Work in which Employment of Children from the Age of 13 is permitted”, in effect since 1 June 2002). It is prohibited to employ adolescents in jobs under special conditions associated with increased risk to their safety, health, morality and development. Adolescent, within the meaning imposed by the Labour Law, is a person of 15 to 18 years of age, who is not regarded a child within the meaning of Section 37 (1) of the Labour Law. The types of work for which employment of adolescents is prohibited and exceptions when employment for such work is permitted in relation to vocational training of the adolescent are determined by the Cabinet of Ministers (Cabinet Regulation of 28 May 2002 No. 206 “Regulations regarding Work in which Employment of Adolescents is prohibited and Exceptions when Employment in such Work is Permitted in Connection with Vocational Training of the Adolescent”, effective since 1 June 2002). It is the employer’s obligation to inform one of the parents (guardian) on risk assessment of the working environment and labour protection measures for the respective working place. Persons under 18 years of age are hired only after a prior medical examination and they must, until reaching 18 years of age, undergo a mandatory medical examination once a year. Provisions of Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work have been included in the Labour Law. Administrative liability is determined for violation of the regulatory enactments regulating employment legal relations to labour according to

Section 41 of the Latvian Administrative Violations Code “Violation of the Regulatory Enactments regulating Employment Legal Relations to Labour”.

111. Administrative liability is provided for since 7 October 2009 if a minor (up to 16 years of age) is involved or utilised in begging by a person of legal age according to Section 172.<sup>1</sup> of the Latvian Administrative Violations Code. When “involving a minors in begging” which is ordinarily fined by up to LVL 250, is recommitted within a year by a person who has been sanctioned for the same violation specified in Section 172.<sup>1</sup> (1) then a fine of up to LVL 250 is imposed.

112. As to article 3, paragraphs(1) (a) (ii) and 3 of the Protocol, criminal liability has been provided by the Criminal Law for joint participation in criminal offences from the moment the Law became effective on 1 April 1999. Consequently, criminal liability for joint cooperation in trafficking in human beings becomes applicable according to Section 154.<sup>1</sup> (2) or (3) and Section 20 (2), (3) or (4) of the Criminal Law, in case of intermediation of trafficking in children if it does not manifest itself as activities qualifying for trafficking in humans as provided for in Section 154<sup>2</sup> (2) of the Criminal Law. Thus the same sanctions are applicable to a person for joint participation in trafficking in human beings as for the traffickers (see information regarding article 3 (1) (a) (i)). In addition to the joint participation in trafficking in human beings mentioned above or even when the purpose of exploitation of the child is not detected (so – the person has not participated in trafficking in human beings), the person can be held criminally liable for a less severe offence – illegal acts in handling of adoptions. (See paragraph 93 for more details.)

113. Criminal liability for illegal removal of tissues and organs from a living or deceased human for medical purposes if accomplished by a medical practitioner is provided for in Section 139 of the Criminal Law, determining deprivation of liberty for a term not exceeding five years with deprivation of the rights to engage in the practice of medical treatment for a period not exceeding five years (less serious crime) as a punishment for such offence. Criminal liability limitation period for illegal acts in handling of adoptions becomes applicable in five years after the commitment day of the crime.

114. As for “sex tourism”, no definition of the notion is stipulated by regulatory enactments of Latvia, as well as no elements of such a criminal offence are provided for by the criminal law system. At the same time this is largely covered by criminal liability for joint participation or uncompleted criminal offence. For example, a person who organizes trips with a purpose of providing possibility for committing a criminal offence, may be held criminally liable for joint participation in the respective criminal offence (supporting), while a person who participated in such a trip for the purpose of committing a criminal offence may be held liable for the preparation for the relevant offence, if it can be qualified as serious or especially serious crime.

115. As for articles 3, paragraph 1 (b) and 3 of the Protocol, criminal liability for serious crimes, inducing or compelling a minor to engage in prostitution or providing premises to minors for purposes of prostitution, is regulated by Section 164 (3) of the Criminal Law. Such activities are punishable by deprivation of liberty for a term not less than five years but not exceeding eight years with or without confiscation of property. The criminal liability limitation period for such a criminal offence becomes applicable ten years after the day the crime was committed. Inducing or compelling a minor to engage in prostitution is qualified as an especially serious crime for which a punishment of deprivation of liberty for a term not less than five years but not exceeding 12 years with or without confiscation of property is provided for in Section 164 (4) of the Criminal Law. Accordingly, the criminal liability limitation period is longer;– it becomes applicable 15 years after the day the crime was committed.

116. As far as it is not qualified as trafficking in human beings, offering, obtaining, procuring or providing a child for the purpose of prostitution mentioned in the Protocol is regarded joint participation in child prostitution. Thus, according to Section 20 (5) of the Criminal Law, perpetrators of such activities shall be held criminally liable as provided for in Section 164 (3) or (4) of the Criminal Law. Thus, there was no need for amendments by which article 3, paragraph 1 (b) of the Protocol would be implemented within the normative regulations of Latvia. Amendments were made by “Amendments to the Criminal Law” of 21 May 2009, effective since 1 June 2009 to the sanction provided for by Section 164 (3) substantially increasing the term of deprivation of liberty. Deprivation of liberty for a term not exceeding six years was determined for respective offences before these amendments became effective.

117. Section 162<sup>1</sup> “Leading into Depravity” was amended by “Amendments to the Criminal Law” of 30 October 2008, effective since 27 November 2008. As provided by this Section criminal liability becomes applicable for encouraging a person who has not attained 16 years of the age to involve in sexual acts or encouraging such person to meet with the aim to commit sexual acts or enter into a sexual relationship regardless of the way in which the encouraging is expressed, if it has been committed by a person who has attained the age of majority. This Section can be applied when a certain characteristic of prostitution, namely provision of sexual services for fee, is not detectable. The person who involves or encourages a person who has not attained 16 years of age in doing the respective acts shall be punished by deprivation of liberty for a term not exceeding two years or custodial arrest or community services (criminal offence). The Criminal liability limitation period for such offences becomes applicable two years after the day that the crime was committed. When the same acts have been committed against an underage person, the applicable punishment is deprivation of liberty for a term not exceeding five years (a less serious crime). But criminal liability limitation period in this case becomes applicable five years after the the day the crime was committed. The age limit of 16 years has been determined, as according to Section 161 of the Criminal Law, a person who has not attained 16 years of age is considered a child who has not attained the age of sexual maturity and who cannot be involved in sexual relationships of any nature. Criminal liability for such offences can become applicable only for persons who have attained the age of maturity. A child cannot be the perpetrator of such criminal offence.

118. Criminal liability for living on the avails of prostitution is provided for by Section 165 of the Criminal Law. It is determined by Section 165 (2) that taking advantage, for purposes of enrichment, of a person of minor age who is engaged in prostitution shall be punished by deprivation of liberty for a term not exceeding eight years, with confiscation of property (serious crime). The criminal liability limitation period for such offences becomes applicable in ten years after the commitment day of the crime. More severe liability for the same acts is provided for by Section 165 (3) if those are committed with respect to underage persons providing for deprivation of liberty for a term not less than five years but not exceeding fifteen years with confiscation of property and with probationary supervision not exceeding three years (especially serious crime). Thus any person shall be punished for taking advantage, for purposes of enrichment, of a person who is engaged in prostitution even with consent of the person who is taken advantage of. A person who must be incriminated with this crime is a person who though does not induce or compel another person to engage in prostitution, for the purpose of taking advantage, for purposes of enrichment, of a person who is engaged in prostitution, becomes an intermediary (a pimp) between a prostitute’s client and a person who is engaged in prostitution or, for example, is organizing sexual contacts determining place and time, furnishing premises, determining prices of sexual services, supervising prostitutes etc. the criminal liability limitation period for living on the avails of prostitution of a person of minor age becomes applicable in fifteen years after the commitment day of the crime.

119. As to articles 3, paragraph 1 (c) and 3 of the Protocol, we inform that criminal liability is provided for in Section 166 (2) of the Criminal Law for downloading, acquisition, importation, production, public demonstration, advertising or other distribution of such pornographic or erotic materials that relate or portray the sexual abuse of children or the keeping of such materials, and the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with or without confiscation of property (less serious crime). The criminal liability limitation period for such offences becomes applicable in five years after the commitment day of the crime. Section 166 (3) and (4) provides for criminal liability for involvement of minors or underage persons in the production (manufacturing) of pornographic or erotic materials. Such offences with respect to a minor are qualified as especially serious crimes and a punishment of deprivation of liberty for a term not exceeding six years, or a fine not exceeding eighty times the minimum monthly wage, with or without confiscation of property is provided for committing such crimes. The criminal liability limitation period in this case becomes applicable in ten years after the commitment day of the crime. Such acts are regarded as especially serious crimes if committed with respect to an underage person and are punishable by deprivation of liberty for a term not less than five years but not exceeding twelve years with or without confiscation of property. Moreover, if the underage person or person of minor age has been involved in the manufacturing by an organized group, deprivation of liberty for a term not less than five years but not exceeding fifteen years with confiscation of property and with probationary supervision not exceeding three years (especially serious crime) is provided for such crime by Section 166 (5) of the Criminal Law. The criminal liability limitation period for committing especially serious crimes becomes applicable in fifteen years after the commitment day of the crime.

120. It can be concluded taking into account the aforesaid that Section 166 (2), (3) and (4) of the Criminal Law currently encompass all activities regulated by article 3, paragraph 1 (c) of the Protocol. We inform at the same time that criminal liability for acquisition of materials of respective nature has been provided for by Section 166 (2) of the Criminal Law since 15 November 2006 when “Amendments to the Criminal Law” of 12 October 2006 became effective. However, in order to apply the criminal liability for downloading such materials, an amendment has been made to Section 166 (2) of the Criminal Law by “Amendments to the Criminal Law” of 21 June 2007, effective since 19 July 2007.

121. Section 166 was supplemented by Paragraph 5 regarding organized group as of 29 December 2007 when “Amendments to the Criminal Law” of 13 December 2007 became effective. This amendment is not related to transposition of norms of the Protocol to the legal system of Latvia.

122. As regards article 3, paragraph 2 of the Protocol, according to Section 15 (5) of the Criminal Law, liability for preparation for a crime becomes applicable in accordance with the same Section providing for liability for the specific offence. Criminal liability for the preparation for a crime becomes applicable when the offence can be qualified as a crime, namely, deprivation of liberty for a term exceeding two years. All criminal offences mentioned in article 3, paragraph 1 of the Protocol are qualified as crimes; therefore criminal liability becomes applicable for preparing for any of these offences. Moreover, if a crime is serious or especially serious, namely, if a punishment of deprivation of liberty for a term exceeding five years is determined for such crime by the Criminal Law criminal liability may become applicable already for preparation for the crime. The preparation according to Section 15 (3) is locating of, or adaptation of, means or instrumentalities, or the intentional creation of circumstances conducive for the commission of an intentional offence, if, in addition, it has not been continued for reasons independent of the will of the guilty party. Likewise, a person must be held liable for joint participation in any of criminal offences regulated by the Criminal Law according to the same section of the Criminal Law

providing for the liability of the perpetrator (Section 20 (5)). Thus taking into account that such approach regarding uncompleted criminal offences and joint participation in criminal offences is provided for since 1 April 1999 when the Criminal Law became effective, no amendments have been made to ensure compliance of normative regulations to these requirements of the Protocol.

123. As regards article 3, paragraph 4 of the Protocol, we are pointing your attention to the fact that the Criminal Law has been amended by Chapter VIII<sup>1</sup> “Coercive Measures Applicable to Legal Persons” since 1 October 2005. As provided for by Section 70<sup>1</sup> (1), coercive measures may be applied to a legal person for the criminal offences provided for in the Special Part of the Criminal Law, if the criminal offence has been committed in the interests of the legal person by a natural person. Such order is determined based on the understanding that a legal person is not a person existing in the physical world and, consequently, is not able to commit a criminal offence. However, a criminal offence can be committed in its interests, therefore, although the criminal liability for committing the particular criminal offence becomes applicable to the natural person who has actually committed the offence, in cases when it is detected that the offence was committed in the interests of the legal person, a possibility of applying one of these basic coercive measures is provided for the legal person:

- 1) Liquidation;
- 2) Limitation of rights;
- 3) Confiscation of property;
- 4) Monetary levy;

as well as these additional coercive measures:

- 1) Confiscation of property;
- 2) Compensation for harm caused.

124. As regards article 3, paragraph 5 of the Protocol, we are informing you that the Criminal Law was amended with Section 169<sup>1</sup> “Illegal Acts in Handling of Adoptions” by the law “Amendments to the Criminal Law” of 21 June 2007, effective as of 19 July 2007. The amendment of the Criminal Law by adding Section 169<sup>1</sup> was not performed for the purpose of implementation of requirements of the Protocol. Criminal liability is provided for by this Section of the Criminal Law for giving of consent for the adoption of a minor if such consent was given by the mother, father or guardian of such minor for the purpose of acquiring property (Section 169<sup>1</sup> (1)) and for asking of consent for the adoption of a minor from the mother, father or guardian of such minor personally or through an intermediary using violence, threats, by means of fraud, bribes, or other unlawful means, as well as for such intermediation (Section 169<sup>1</sup> (2)). The punishment applicable for these offences is deprivation of liberty for a term not exceeding two years, or a fine not exceeding forty times the minimum monthly wage (criminal offence). The criminal liability limitation period for such offences becomes applicable in two years after the commitment day of the crime. The punishment of deprivation of liberty for a term not exceeding four years or community service, or a fine not exceeding eighty times the minimum monthly wage, with or without confiscation of property is due for the asking of consent (less serious crime). The criminal liability limitation period for such criminal offence becomes applicable in five years after the commitment day of the crime. Increased criminal liability is provided for by Section 169<sup>1</sup> (3) of the Criminal Law for asking of consent for the adoption of a minor from the mother, father or guardian of such minor personally or through an intermediary, using violence, threats, by means of fraud, bribes, or other unlawful means, as well as for such intermediation, if it has been committed by a group of persons pursuant to prior agreement. Deprivation of liberty is provided for this offence for a term not less than three years but

not exceeding eight years with confiscation of property (serious crime). Criminal liability limitation period for commitment of a serious crime becomes applicable in ten years after the commitment day of the crime.

125. As regards prevention of kidnapping and forgery of a birth certificate, criminal liability for kidnapping, namely, seizure, using violence or threats, or abduction of a person by fraud or using the state of helplessness of a person, and forgery of a document, a seal or a stamp, as well as using or selling a forged document, seal or stamp is regulated by Sections 153 and 275 of the Criminal Law. Deprivation of liberty for a term not exceeding ten years, with or without confiscation of property (serious crime) is applicable for kidnapping of a person of minor age but deprivation of liberty for a term not less than five years but not exceeding twelve years with or without confiscation of property (serious crime) is applied to a person for kidnapping of an underage person (especially serious crime). The criminal liability limitation period for kidnapping of a minor becomes applicable in 10 years after the commitment day of the crime, for kidnapping of an underage person – 15 years after the commitment day of the crime. A punishment of deprivation of liberty for a term not exceeding two years, or custodial arrest, or by community service, or a fine not exceeding forty times the minimum monthly wage is applicable for forgery of a document conferring rights or a release from obligations, of a seal or a stamp, as well as using or selling a forged document, seal or stamp (criminal offence). When these offences are repeated, or for the purpose of acquiring property, or by a group of persons pursuant to prior agreement, or substantial harm is caused thereby to the State power or administrative order or to rights and interests of a person protected by law, the perpetrator shall be punished by deprivation of liberty for a term not exceeding four years or community service, or a fine not exceeding sixty times the minimum monthly wage (less serious crime). Intention of the criminal offence must be taken into account though, if the aforesaid acts have been committed for the purpose of supporting, for example, trafficking in human beings, child prostitution, illegal acts in handling of adoptions, the person should be held criminally liable also according to provisions of Sections of the Criminal Law regarding joint participation in the respective criminal offence. The criminal liability limitation period for a criminal offence becomes applicable in two years after the commitment day of the crime, while liability limitation period for less serious crime becomes applicable in five years after the commitment day of the crime.

126. Latvia has joined the following international agreements to ensure that all persons involved in adoption of children, act in compliance with applicable documents of international law: The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (ratified on 9 August 2002, effective since 1 December 2002), and the European Convention on the Adoption of Children (ratified on 13 July 2000, effective since 14 October 2000). In the cases and in accordance with the procedures provided for in law, a child may be adopted to a foreign State, if the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption is binding to this State, or if Latvia has entered into a bilateral agreement with the relevant State that determines legal co-operation in the field of adoption. In exceptional cases a child may be adopted to a foreign State, to which the referred to Convention is not binding or with which Latvia has not entered into a bilateral agreement that determines legal co-operation in the field of adoption, if prior to commencement of the adoption process genuine relationship of children and parents has formed between the child and the adopter and the Orphan's court that has decided on extra-familial care, has recognised that adoption conforms to the interests of the child. (Protection of the Rights of the Child Law, Section 31 (3)). The national legal order is constantly being improved to ensure observation of principles of the rights of the child regarding the process of adoption.

127. As regards article 4 of the Protocol, the basis of jurisdiction covered in this Section - the place of commitment of a criminal offence, namely, that it has been committed in the

territory of Latvia (Section 2 (1) of the Criminal Law) or on a sea vessel or an aircraft registered in the Republic of Latvia (Section 3 of the Criminal Law); that the possible perpetrator is a Latvian citizen (Section 4 (1) of the Criminal Law) – had been provided for by the Criminal Law prior to ratification of the Protocol. The basis of jurisdiction is that mentioned in article 4, paragraph 2 (b) of the Protocol, namely, that the victim is a Latvian citizen (except the cases, when it is provided for by international agreements binding for the Republic of Latvia). The jurisdiction regarding criminal offences is also not provided for because the place of residence of the possible perpetrator is in the territory of Latvia, even if the respective person has not obtained permanent residence permit for the Republic of Latvia. Non-citizens and foreigners who have a permanent residence permit for the Republic of Latvia, not residents of Latvia according to Section 4 (1) of the Criminal Law shall be held liable, in accordance with this Law, in the territory of Latvia for an offence committed in the territory of another State or outside the territory of any State regardless of whether it has been recognised as criminal and punishable in the territory where it was committed. However, taking into account that the Protocol does not impose any obligations on Member States to implement in their criminal law systems this basis of jurisdiction regulated by article 4, paragraph 2 of the Protocol, Latvia does not see the necessity of doing such implementation, and respective amendments of the Criminal Law are not planned in the future.

128. Any other floating vessel registered in the Republic of Latvia is provided for by Section 3 of the Criminal Law in addition to sea vessels and aircraft mentioned in the Protocol. Also according to Section 4 (3) of the Criminal Law, foreigners who do not have permanent residence permits for the Republic of Latvia and who have committed serious 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 this Law irrespective of the laws of the State in which the crime has been committed, if they have not been held criminally liable or committed to stand trial in accordance with the laws of the State where the crime was committed. Also foreigners who do not have a permanent residence permit for the Republic of Latvia and who have committed a criminal offence in the territory of another State, in the cases provided for in international agreements binding upon the Republic of Latvia, irrespective of the laws of the State in which the offence has been committed, shall be held liable in accordance with this Law if they have not been held criminally liable for such offence or committed to stand trial in the territory of another State (Section 4 (4) of the Criminal Law).

129. As regards article 5 of the Protocol, no changes have been necessary to the Latvian regulatory enactments to implement requirements of this Section, as normative regulations of Latvia were compliant with provisions of the respective Section. According to Section 696 (1) and (2) of the Criminal Procedure Law (hereinafter – CPL), a person who is located in the territory of Latvia may be extradited for criminal prosecution and trial, if a request has been received from a foreign State to extradite such person regarding an offence that, in accordance with the law of Latvia and the foreign State, is criminal and the committing of which provides for a punishment of deprivation of liberty the maximum limit of which is not less than one year, or a more serious punishment, if the international agreement does not provide otherwise. The words “if the international agreement does not provide otherwise” have been included in “Amendments to the Criminal Procedure Law” of 11 June 2009, however, this Amendment is not related to transposition of regulations of the Protocol.

130. Taking into account the aforesaid, a person who has committed any of the criminal offences mentioned in the Protocol may be extradited for criminal prosecution and trial. The reasons that do not allow extradition of a person are regulated by Section 697 (2) of the Criminal Procedure Law and are as follows:

1) The person is a Latvian citizen or non-citizen — entity of the law “On the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any other State”;

2) The request for the extradition of the person is related to the aim of commencing criminal prosecution of such person or punishing such persons due to his or her race, religion affiliation, nationality, or political views, or if there are sufficient grounds for believing that the rights of the person may be violated due to the referred to reasons;

3) A court adjudication has entered into effect in Latvia in relation to the person, regarding the same criminal offence;

4) The person may not, in accordance with Latvian law regarding the same criminal offence, be held criminally liable, tried, or execute a punishment in connection with a limitation period, amnesty, or another legal basis;

5) The person has been granted clemency in accordance with the procedures specified by law regarding the same criminal offence;

6) The foreign state does not provide a sufficient bail that the death punishment will not be imposed on the person and the person will not be executed;

7) The person may be threatened with torture in the foreign state.

131. We draw your attention to the fact that, according to article 5, paragraph 5 of the Protocol, criminal proceedings will be commenced in Latvia if the circumstance mentioned in Section 696 (2) 1) can be applied that is an impediment for extradition of the person, namely, the person is a Latvian citizen or non-citizen – entity of the law “On the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State”. Latvian citizenship or a non-citizenship status or non-citizenship status of the possibly guilty person is one of the grounds for implementing jurisdiction, thus criminal proceedings concerning the particular criminal offence will be initiated in Latvia if there are grounds for such proceedings.

132. The extradition may be refused according to Section 697 (1) when:

1) A criminal offence has been committed completely or partially in the territory of Latvia;

2) The person is being held as a suspect, is accused, or is being tried in Latvia regarding the same criminal offence;

3) A decision has been taken in Latvia to not commence, or to terminate, criminal proceedings regarding the same criminal offence;

4) Extradition has been requested in connection with political or military criminal offences;

5) A foreign State requests the extradition of a person for the execution of a punishment imposed in a judgment by default, and a sufficient guarantee has not been received that the extradited person will have the right to request the repeated adjudication of the case;

6) Extradition has been requested by a foreign State with which Latvia does not have an agreement regarding extradition.

133. Regardless of the provision by Section 697 (1) 6) of the Criminal Procedure Law determining that extradition may be refused if Latvia does not have an agreement regarding extradition with the respective State, this article is not applicable in relation to the States which have ratified the Protocol. Taking into account that the Protocol is an international document that is binding to Latvia, such situations are regulated by article 5, paragraph 2 of

the Protocol prescribing that the participating States may consider this Protocol as legal basis for extradition regarding criminal offences mentioned in the Protocol.

134. As regards article 6 of the Protocol, normative regulations of the Criminal Procedure Law were compliant with provisions of the Protocol prior to ratification of the Protocol as the Protocol also prescribes assistance to a foreign State in performing the procedural activities. Such assistance may be provided according to Section 811 of the Criminal Procedure Law, based on a request by a foreign State for provision of assistance in performing the procedural activities and for a decision of a competent institution of Latvia on admissibility of performing of such procedural activity. Thus amendment of the Criminal Procedure Law was not necessary when ratifying the Protocol.

135. The aforesaid must be attributed also to provisions of article 7 of the Protocol. As regards article 7 (a) of the Protocol, it is regulated by Section 240 (1) (2), 3) and 6) of the Criminal Procedure Law, the instrumentalities of a criminal offence owned by a suspect or accused as well as criminally obtained property and documents, objects that were intended or had been used for commitment of a criminal offence shall be confiscated. But the instrumentalities of a criminal offence owned by a suspect or accused and objects that were intended or had been used to commit a criminal offence, if they do not have any value – shall be destroyed. An addition in relation to instrumentalities and objects that do not have any value has been made to Section 240 (1) (2) and (6) of “Amendments to the Criminal Procedure Law” of 21 December 2010, effective as of 1 January 2011. However, these amendments are not related to the implementation of norms of the Protocol.

136. The provisions of article 7 (b) of the Protocol fully comply with the effective regulation of the Criminal Procedure Law by which an object necessary as material evidence may be transferred to a foreign State on the basis of a request of such foreign State according to provisions of Chapter 73 “Assistance to a Foreign State in the Performance of Procedural actions” and Section 824. According to Section 785 of the Criminal Procedure Law a confiscation of property to be executed in Latvia shall be determined, if such confiscation has been imposed in a foreign State and if the Criminal Law of Latvia provides for such confiscation as a basic punishment or additional punishment regarding the same offence, or if property would be confiscated in criminal proceedings taking place in Latvia on grounds provided for in another law. At the same time the confiscation of property is applicable also when the Criminal Law of Latvia does not provide for the confiscation of property as a basic punishment or additional punishment, and confiscation shall be applied only in the amount determined in the judgment of the foreign state, that the object to be confiscated is an instrumentality of the committing of the offence or has been obtained by criminal means.

137. As regards article 7 (c) of the Protocol, normative regulations of Latvia comply with provisions of the Protocol as it is also provided for by Section 160 of the Criminal Procedure Law that the guarding of the object of an inspection including premises may be organised in order to ensure the preservation thereof. The inspection according to provisions of Section 159 (1) is an investigative action during the course of which the performer of the investigative action directly detects, determines, and records the features of an object, if the possibility exists that such object is related to the criminal offence being investigated. Moreover, imposition of an attachment on the property of a detained person, suspect, or accused (including real estate) in order to ensure the solution of financial matters in criminal proceedings, as well as the possible confiscation of property is regulated by Section 361 (1). Attachment may be imposed also on property due to a detained person, suspect, or accused from other persons, or the property of persons who are materially liable for the actions of the suspect or accused. An attachment may also be imposed on criminally acquired property, or property related to criminal proceedings located with other persons. An attachment may be imposed on property since 1 June 2009 when “Amendments to the

Criminal Procedure Law” of 12 March 2009 became effective also to ensure the collection of the value of an instrumentality of criminal offence to be confiscated, if such instrumentality is owned by another person. However is not related to coordination of the normative regulations of Latvia with provisions of the Protocol either.

## **VI. Protection of the rights of the victims (arts 8 and 9, paras. 3 and 4)**

138. As regards article 8 as a whole and article 8, paragraph 3 of the Protocol, the Criminal Procedure Law since it became effective on 1 October 2005 provided special conditions and procedures for performing the procedural activities to ensure protection of the rights and interests of the child. Involvement of a representative in criminal proceedings is provided for by the Criminal Procedure Law, namely, all the rights of a victim belong completely to his or her representative, and the victim may not independently implement such rights, except for the rights of a minor to provide testimony and express his or her view. However, the representative of a minor victim who has reached 15 years of age may implement his or her rights together with the person to be represented according to Section 107 (2).

139. A victim of minor age according to Section 104 (2) of the Criminal Procedure Law, shall be represented during the course of the criminal proceedings by:

- 1) A mother, father, or guardian;
- 2) One of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant kinsperson takes care of the minor;
- 3) A representative of an authority protecting the rights of children;
- 4) A representative of such non-governmental organisation that performs the function of protecting the rights of children.

140. Moreover, 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 the retaining of an advocate as the representative of a minor victim.

141. It is determined in Section 104 (9) that in deciding a matter regarding permission to participate in criminal proceedings regarding a representative of a minor victim, the person directing the proceedings shall observe not only the sequence specified by this Law (see above), but the possibilities and desire of certain persons to truly protect the interests of the victim as well. Thus if determined that conflict of interest is possible between a child and his parents or a guardian, the person directing the proceedings shall take a decision to appoint the representative by choosing for the purpose any other of the persons mentioned previously.

142. A General principle is prescribed in Section 22 of the Criminal Procedure Law in relation to the rights of the victim to compensation for inflicted harm regulating that a person upon whom the 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 failure to ascertain a person being held criminally liable shall not be an impediment to the submission of a compensation application (Section 351 (4)). Likewise, it is not regarded as impediment if the victim is a national of another State – the respective criminal proceedings are taking place in Latvia and therefore is in jurisdiction of the State and, as a consequence, the nationality of the victim is not of importance. Equal rights for

compensation are guaranteed for all victims. The law “On State Compensation to Victims” provides any person (regardless of nationality) who, in accordance with the procedures specified in the Criminal Procedure Law, has been recognised a victim with the right to receive a State compensation for moral injury, physical suffering or financial loss resulting from an intentional criminal offence, if criminal offence has resulted in death of the person or severe, moderate bodily injuries have been caused to the victim or the criminal offence has been directed against sexual inviolability of the person or the victim has been infected with human immunodeficiency virus, Hepatitis B or C.

143. As regards article 8, paragraph 1 (a) of the Protocol specific features of interrogation of a minor are regulated by Section 146 (3) and Section 152 and 153 of the Criminal Procedure Law, providing a specific procedure for summoning a minor to an interrogation and decreased length of an interrogation. Interrogation of an underage person, or any minor on the basis of the discretion of the performer of investigative action shall be interrogated in the presence of a teacher or a specialist who has been trained to perform the tasks of a psychologist for children in criminal proceedings, or interrogation of a minor person with the intermediation of the above specialist if a direct interrogation may harm the minor. The right to participate in an interrogation is also provided to one of the lawful representatives of the minor: a kinsperson of the minor, or a trustee. It is provided for in the Section 152 (4) of the Criminal Procedure Law that in cases if a psychologist indicates to a person directing the proceedings that the psyche of an underage person or of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or a victim of sexual abuse, may be harmed by repeated direct interrogation, such direct interrogation shall be performed only with the permission of the investigating judge, but in a court – with a court decision. According to Section 244 (3) of the Criminal Procedure Law a procedural compulsory measure, namely, detention, placement in a medical institution for the performance of an expert-examination, or conveyance by force may not be applied to a victim who is a minor who has suffered from violation committed by a person from whom the victim is materially or otherwise dependent, or sexual abuse, as well as to a victim who is a juvenile. It is provided for in Section 311 of the Criminal Procedure Law that if the measures to be performed may not guarantee the safety of a protected person, the testimony of such person is not used as evidence in the criminal case.

144. Amendments to Sections 152 and 153 have been made by “Amendments to the Criminal Procedure Law” of 12 March 2009, effective since 1 June 2009, however, these amendments are not related to transposition of regulations of the Protocol to normative regulations of Latvia – according to the amendments the phrase “close relative” had to be replaced by “kinsperson”, which essentially is a broader notion as it encompasses also the persons with whom the minor is living together and with whom he or she has a common (joint) household, as well as betrothed and spouses. However, essentially the circle of persons provided for in Section 152 (2) of the Criminal Procedure Law who have the right to participate in the interrogation of the minor, was not broadened by this Amendment as the respective persons had been allowed to participate in the interrogation as trustees of the minor person. Moreover, the amendment to the second sentence of Section 153 (5) providing that only an underage person does not sign minutes of the interrogation and not any minor.

145. Restrictions on the age of a child as a witness are not provided for by the Criminal Procedure Law. A person directing the proceedings takes a decision in every particular case, if the child is able to express his or her point of view on circumstances that must be proved by the proceedings and the respective facts. A witness of minor age or a victim who has not reached 14 years of age according to Section 152 (3) of the Criminal Process Law shall not be notified regarding liability for refusal to testify and for the conscious provision of false testimony.

146. Regulations of the Criminal Process Law determine that if a psychologist indicates to a person directing the proceedings that the psyche of a person who has not reached 14 years of age, the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of a minor who has been recognised as a victim of sexual abuse, may be harmed by repeated direct interrogation, such direct interrogation shall be performed with the intermediation of technical means and a psychologist. In such cases the victim does not see the person who is directing the proceedings and interrogating, as well as other persons present at the proceedings (for example, the accused, if the interrogation takes place during the adjudication) and does not hear questions posed by him or her. The person who is conducting the interrogation, poses his or her questions to the psychologist, who in turn poses them to the minor after, in the case of need, reformulating the questions in a way acceptable to perception and psyche of the minor. If it is not possible to interrogate the minor during the adjudication neither directly, nor with the intermediation of psychologist, it is allowed not to interrogate such minor during the court session. With permission of the court, his or her testimony provided during pre-trial investigation shall be read in the court session. Thus the judge when taking the decision about inviting or not inviting the child to testify, takes into account the best interests of the child.

147. According to Section 153 (1) and (2), the interrogation of a minor person may take place with the intermediation of technical means and a psychologist. Thus protection of the interests of the child is ensured while performing procedural activities allowing as much as possible to avoid negative feelings and inflicting negative experiences and psychic traumas.

148. The rights of the child to be informed provided for by article 8, paragraph 1 (b) of the Protocol are implemented with intermediation of a representative of a minor. According to Section 107 of the Criminal Procedure Law the representative of the victim has all the rights of the victim, however, the representative of a minor who has attained the 15 years of age uses these rights together with the person he or she represents. Thus amendments are not necessary to ensure correspondence of normative regulations of Latvia to the Protocol.

149. The normative regulations of Latvia were compliant also with provisions of Article 8 (1) (c):, as it has been mentioned before, a possibility to testify and obtain the status of a victims is provided for by the Criminal Procedure Law regardless of their age, including persons of minor age.

150. As regards article 8, paragraph 1 (d) of the Protocol in addition to support activities provided for in the law "On Social Services and Social Assistance" including the right to social rehabilitation for a victim of trafficking in human beings who is a citizen of the European Union, and a minor accompanied by him provided for in Section 3 (4) such services are also provided for by the law "On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia". It is stipulated by the law that the rights to social rehabilitation are provided for a victim of trafficking in human beings who is not a citizen of the European Union and an underage child accompanied by the citizen. According to Section 7 of this Law a victim of trafficking in human beings and a minor in the accompaniment thereof during the period of time when the submission regarding granting of the reflection period is examined, during the reflection period and until the moment when the Office of Citizenship and Migration Affairs takes the decision regarding the issue of a temporary residence permit, have the right to a safe asylum and accommodation, first aid, consultations of a psychologist, a lawyer, a medical practitioner and other specialists, a possibility to receive emergency medical treatment, as well as a possibility to get involved in training and educational programmes. The law "On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia" has been developed for the purpose of transposing the norms of Council Directive 2004/81/EK on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been

the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities. It became effective 22 February 2007.

151. Mandatory participation of a defence counsel in the criminal proceedings has been determined by the legislator in Section 83 (1) of the Criminal Procedure Law if a minor has the right of assistance of a defence counsel. According to Section 104 (2) of the Criminal Procedure Law, in order to ensure the rights and interests of a minor he or she is represented in the criminal proceedings by one of the legal representatives of the minor (mother, father, guardian) or one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant kinsperson takes care of the minor, a representative of an authority protecting the rights of children, a representative of such non-governmental organisation that performs the function of protecting the rights of children. According to Section 104 (5) 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 the retaining of an advocate as the representative of a minor victim. In this case the amount paid to the advocate for the state-provided legal aid and reimbursable costs related to the state-provided legal help and the amount of such reimbursable costs and procedure of payment thereof is determined by the Cabinet of Ministers (the Cabinet Regulation of 22 December 2009 “Regulations on the volume of State-provided legal aid, amount paid, costs reimbursed and procedure of payment thereof” (the Cabinet Regulation of 22 December 2008 “Regulations on the volume of state-provided legal aid, amount paid, costs reimbursed and procedure of payment thereof” expired on 1 January 2010)). The representative of the victim may participate in all court debates and express requests to hear a testimony of the child outside the courtroom and to hear the child while the accused is absent.

152. According to Section 450 (3) of the Criminal Procedure Law the court may determine a closed court session with a reasoned decision in a criminal case regarding a criminal offence against morals and sexual inviolability.

153. As regards article 8, paragraph 1 (e) of the Protocol the prohibition to publish an image of a victim recorded as a photograph, video, or by other types of technical means in the mass media during procedural actions without the consent of such victim if such publication is not necessary for the disclosure of a criminal offence was provided for by Section 97 (9) the Criminal Procedure Law before the Protocol was ratified. According to Section 450 (3) the Criminal Procedure Law the court may determine a closed court session with a reasoned decision in a criminal case regarding a criminal offence against morals and sexual inviolability as well as not to disclose intimate circumstances of the lives of persons involved in the criminal proceedings or to ensure protection of persons involved in the criminal proceedings. In a criminal case that has been tried in a closed court session, only the introductory part and operative part of the court adjudication shall be announced publicly, however, the reasoned and descriptive part shall be announced afterwards in a closed session. Thus amendments to legal enactments of Latvia have not been necessary after the Protocol was ratified.

154. According to Section 71 of the Protection of the Rights of the Child Law of 16 June 1998, information regarding a child obtained by an employee of a child care, educational, social assistance or other institution or by an employee of a State or local government institution in fulfilling the duties of their office, shall be confidential, and information that could in any way harm the future development of the child or the maintenance of the psychological balance of the child may not be divulged. According to the law “Amendments to the Protection of the Rights of the Child Law” of March 17 2005 (in effect as of 15 April 2005), it is prohibited to disseminate information obtained personally regarding a child who has become a victim, a witness or has committed a violation of the

law, as well as such information that could harm the child now or in the future; it is prohibited to interview a child and disseminate information to the press and other mass media as regards the child who has become a victim or a witness of an illegal activity or has committed a violation of the law, except in cases where the child himself or herself expresses the desire to openly disclose what has been experienced and the parents or other lawful representatives of the child consent to it. If criminal procedure has been commenced, the permission of the person directing the proceedings is also necessary. It was initially provided for in Section 71 (2) and (4) of the Protection of the Rights of the Child Law adopted on 19 June 1998. It is prohibited to disseminate information obtained personally regarding a child who has become a victim or a witness of a violation of the law and such information that could harm the child now or in the future. It is prohibited to interview a child and disseminate information to the press and other mass media as regards the child who has become a victim or a witness of an illegal activity or has committed a violation of the law, except in cases where the child himself or herself expresses the desire to openly disclose what has been experienced and the parents or other lawful representatives of the child consent to it and the person directing the proceedings has no objections thereto. The law "Amendments to the Protection of the Rights of the Child Law" of March 17 2005 specifies legal norms provided for in Section 71 (2) and (4) of the Protection of the Rights of the Child Law.

155. The special procedural provided for in article 8, paragraph 1 (f) of the Protocol is provided for by regulations of the special procedural protection in Section 17 of the Criminal Procedure Law. As provided for by Section 299 of the Criminal Procedure Law, it is protection of the life, health, and other lawful interests of victim, witness, and other persons who testify or have testified in criminal proceedings regarding serious or especially serious crimes, as well as a minor who testifies regarding the crimes provided for in Section 161 "Sexual Connection, Pederasty and Lesbianism with a Person who has not Attained the Age of Sixteen Years", 162 "Leading to Depravity", and 174 "Cruelty Towards and Violence Against a Minor" of the Criminal Law, and of a person the threat to whom may influence the referred to persons. Protection is also provided for security measures that shall be applied as procedural compulsory measures to a suspect or an accused, if there are grounds for believing that the relevant person will continue criminal activities, or hinder pre-trial criminal proceedings or court or avoid such proceedings and court as provided for by Section 243 of the Criminal Procedure Law. As regards the safety measure of arrest it is provided for by Section 272 (2) (1) of the Criminal Procedure Law, that in addition to other grounds for the application of procedural sanctions, arrest may also be applied to a person being held on suspicion of, or accused of the committing of an especially serious crime, if the crime was directed against a minor, a person who was or is materially dependent, or dependent in another manner, on the suspect or accused. Amendments to Sections 241, 243 and 272 of the Criminal Procedure Law that were made by the law "Amendments to the Criminal Procedure Law" of 12 March 2009 are not related to transposition of norms provided for by the Protocol into the Criminal Procedure Law.

156. The purpose of the Special Protection of Persons Law is to ensure the protection of the life, health and other legal interests of persons testifying in criminal proceedings or participating in the uncovering, investigation or adjudication of a serious or especially serious crime. In case of necessity the norms of this Law are applicable to victims of trafficking in human beings, witnesses or relatives thereof.

157. The principle of the right to termination of proceedings within a reasonable term is secured by Section 14 of the Criminal Procedure Law thus not allowing the ungrounded delay of any criminal proceedings as mentioned in article 8, paragraph 1 (g) of the Protocol. This Section has been regulated by the Criminal Procedure Law since it became effective on 1 October 2005 and amendments to the Criminal Procedure Law that have been made by "Amendments to the Criminal Procedure Law" of 12 March 2009 are not related to

implementation of norms stated by the Protocol. Criminal proceedings against an under-age person shall have preference, in comparison with similar criminal proceedings against a person of legal age, in the ensuring of a reasonable term.

158. According to Section 20 (4) of the Protection of the Rights of the Child Law matters related to ensuring the rights or best interests of a child, and criminal matters in which the defendant is a minor, shall be adjudicated in court pursuant to special procedures. This norm is applicable also to the categories included on the Optional protocol.

159. It is provided for by Section 6 of the Criminal Procedure Law that the official who is authorised to perform criminal proceedings has a duty within his or her competence to initiate criminal proceedings and to lead such proceedings to the fair regulation of criminal legal relations provided for in the Criminal Law in each case where the reason and grounds for initiating criminal proceedings have become known. Also according to Section 29 (1) (1) and (2) of the Criminal Procedure Law An investigator has a duty to examine information that indicates the possible commitment of a criminal offence, and to initiate criminal proceedings as soon as reason and grounds specified in the Law have been determined, as well as to perform investigative actions in order to ascertain whether a criminal offence has taken place, who committed such an offence, whether a person must be held criminally liable regarding such offence, and to ascertain such person and acquire evidence that gives a basis for holding such person criminally liable.

160. As regards article 8, paragraph 4 of the Protocol it is provided for by Section 20 (1) of the Protection of the Rights of the Child Law the State shall ensure that specialists who have special knowledge in this field shall examine matters related to the protection of the rights of the child in all State and local government institutions. Regarding the aforesaid, regular educational activities, classes and trainings are provided to specialists involved in the protection of the rights of the child (policemen, representatives of orphan's courts, social workers, prosecutors, judges, medical practitioners and teachers). Special training is provided in the area of the protection of the rights of the child for the specialists who examine cases related to the protection of the rights of the child, according to the procedures provided for by the Cabinet Regulation of 27 September 2005 No. 729 "Regulations regarding Procedures for the Acquisition of Special Knowledge in the Field of Protection of the Rights of the Child and the Content of Such Knowledge". The following themes have been included in the training programme: the system for protection of the rights of the child and regulatory enactments regarding protection of the rights of the child; application of international legal enactments for protection of the rights of the child; rights and duties of parents and children; violence against a child, the types and indications thereof, inter-institutional cooperation if violence has occurred; the basic principles of developing contact according to specific features of age groups of children.

161. In order to ensure due training, especially of legal and psychological training of the State Police officials who investigate criminal offences mentioned in article 2 of the Protocol, training courses "Psychology of violence", "Specifics of the communication with victims", "Aspects of prevention, fighting and investigation of Criminal Offences Related to Trafficking in Human Beings", "The Features of Using and Methods of Use of Special Investigative Actions in the Criminal Procedure", "International Cooperation Regarding the Criminal Police", "The Aspects of Cooperation Between the Criminal Police and SIRENE, Interpol and Europol".

162. The training programme "Interrogation of a minor victim or witness" provided by the NGO foundation "Centrs Dardedze" can be attended by the policemen since 2009. The purpose of the programme is to provide the necessary theoretical and practical knowledge in order to ensure high professional quality of interrogation of minor victims and witnesses. The training programme covers extensive theoretical overview of the normative regulation of the rights of the child and interrogation of children, features of child development, and

theoretical aspects of violence. Techniques for friendly interrogation of children for all stages of interrogation (planning, introduction, collection of information and conclusion) can be acquired during the programme on both the theoretical and practical level. Participants in the training are offered the opportunity to improve their professional skills and promote professional growth.

163. According to Section 64.3 of the Protection of the Rights of the Child Law the training of prosecutors on issues as regards protection of the rights of the child is organized by Prosecutor General Office. Prosecutors are engaged in local and international educational processes, thematic and regular education by a written instruction or order issued by the Prosecutor General. Moreover, aspects of protection of the rights of the child are addressed, either directly or not, by educational activities (courses, conferences etc.) on problems of trafficking in human beings, on aspects of the rights of victims in criminal procedure etc. Training of 143 prosecutors was accomplished during the years 2006 to 2010 by Prosecutor General Office in cooperation with the foundation "Centrs Dardedze" in compliance with the Cabinet Regulation No. 729 "Regulations regarding Procedures for the Acquisition of Special Knowledge in the Field of Protection of the Rights of the Child and the Content of Such Knowledge" on such themes: "Violence against the child, its forms and characteristics, inter-institutional cooperation in case of violation against the child" and "Basic principles of developing contact according to specific features of age groups of children". Four prosecutors took part in the seminar "Issues related to participation of the children as crime victims or witnesses in the criminal procedure in Eastern European countries".

164. Representatives of law enforcement institutions have participated in seminars and trainings on issues of protection of the rights of the child, of identification of suffered children, on observation of special rights, interests and needs of the child by court systems. The seminars were organized by International Organization for Migration, AGIS programme (structured programme regarding cooperation of the police and legal cooperation on criminal cases) as part of the EU action programme DAPHNE.

165. As regards article 9, paragraph 3 of the Protocol, according to Section 51 (2) of the Protection of the Rights of the Child Law a child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall be provided with emergency assistance free of charge, in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's intimate secrets.

166. Social rehabilitation for children who have suffered from violence has been provided since 2000. The Ministry of Welfare is the leading institution in the area of social rehabilitation as it develops policy of the social rehabilitation and implements it through institutions within the system of the Ministry. The Law on Social Services and Social Assistance of 31 October 2002 determines that the State provides social rehabilitation to children who are victims of violence within means assigned for the purpose according to the State Budget Law. The form, scope, content, conditions of receiving the social rehabilitation service is determined by the Cabinet Regulation of 22 December 2009 No. 1613 "Procedure of providing the required help for a child who is a victim of illegal activities". The Regulation prescribes the procedure of providing help to a child who is a victim of illegal activities, criminal offence, exploitation, sexual exploitation, violence or any other unlawful, cruel action or action against his dignity, so the child can regain physical and mental health and reintegrate in the society, including the procedure of providing State-funded social rehabilitation services to children, victims of violence by the foundation "Latvian Children's Fund" delegated by the State to coordinate and organize the procedure.

167. Residential and institutional services of social rehabilitation are provided in the form of consultations being one of the social rehabilitation activities (not more than 10 consultations that are 45 minutes long), or as a course of social rehabilitation provided at a social rehabilitation institution. Under a reasoned application submitted to Latvian Children's Fund by the provider of social rehabilitation services, a course of social rehabilitation up to 30 days or a complex course of social rehabilitation up to 60 days might be prolonged. The provision of social rehabilitation services is coordinated by social service office of the local government.

**Children-victims of illegal activities who have received services of social rehabilitation funded by the State<sup>††</sup>**

<i>Year</i>	<i>Total</i>	<i>Of them served in an institution</i>	<i>Of them served in a place of residence</i>	<i>Finances assigned (LVL)</i>
2003	1.312	473	839	159.873
2004	1.501	560	941	180.019
2005	1.434	562	872	191.737
2006	1.615	749	866	357.698
2007	1.840	952	888	413.522
2008	1.807	870	937	483.676
2009	2.025	816	1.209	586.054
2010	1.937	1.083	854	817.567

*Source:* Ministry of Welfare.

168. The crisis centres where social rehabilitation services are provided are based on rehabilitation programmes: identification of the a problem by cooperation of all team members of the centre, assessment of consequences caused by the traumatic event, development of an individual help plan, where description of the situation is of substantial importance, the point of view of specialists, agreement on rehabilitation expenses and the rehabilitation plan – alleviation of consequences of violence, motivation of the client, use of his inner and outer resources.

169. As the duration of the State-funded programme for children who have suffered from violence is 30 or 60 days, the crisis centres choose shorter term strategies and methods aimed at finding a solution to the problem actively employing external resources. Consultations with psychologists, consultations regarding the upbringing of children, psychological research, consultations by social workers, alleviation of consequences of violence, consultations by ergotherapists are provided as part if out-patient care.

170. A common objective is set by employing inter-institutional cooperation that results in provision of qualitative service and finding as good as possible solution of the problematic situation. The following aspects are observed during the cooperation: immediate and long-term needs of children (the need for safety, care and special help), the needs and interests of attendant for a child (legal representative).

<sup>††</sup> None of the children suffered from illegal activities and received social rehabilitation services thereafter have *not* become victims of trafficking in human beings. These children have received social rehabilitation services due to suffering from other criminal offences, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts (the list of illegal activities according to Clause 1 of the Cabinet Regulation of 22 December 2009 No. 1613 "Procedure of providing the required help for a child who has suffered from unlawful actions").

171. Since 1 February 2006 helpline for Children and Adolescents has been open within the functions of the State Inspectorate for Protection of Children's Rights (hereinafter – Helpline), that has been provided to help children who are facing difficult life situations. The primary task of the Helpline is provision of help and support to children in crisis situations. The secondary feature of the Helpline is being an effective and operative way allowing not only children but also other people to report on possible violations of the rights of the child. The information received by the officials of the department operating the Helpline is promptly transferred to the child inspectors, to the responsible authorities or law enforcement institutions.

172. The operating hours of the Helpline are: 8.00 to 23.00 during working days, 8.00 to 22.00 on Saturdays, and 10.00 to 22.00 on Sundays.

#### **Operation indices of the Helpline for children and adolescents**

<i>Year</i>	<i>Calls received</i>	<i>Consultations provided</i>	<i>Information transferred to the child Inspectors</i>	<i>Information transferred to the responsible authorities</i>
2006	279.642	20.593	151	77
2007	395.515	22.091	114	103
2008	259.077	15.369	96	137
2009	128.477	9.821	42	62
2010	121.643	9.985	41	44

*Source:* The State Inspectorate for Protection of Children's Rights.

173. The effectiveness of the Helpline of the State Inspectorate for Protection of Children's Rights is evaluated in accordance with several mechanisms and procedures:

(a) The incoming calls are summarized by a computer system allowing registration of incoming calls, provided consultations, issues. The registration of calls allows summarizing and gathering precise statistics and assessing the present problems of children in Latvia. Every year the analysis of the calls on the current problems of children and of the accomplished activities is submitted to the Ministry of Welfare along with information on the analysis is published in the annual report of the Inspectorate;

(b) The consultants of the Helpline are professional psychologists the work of whom is evaluated once in a quarter and annually. All consultations are recorded thus permitting to evaluate adequacy of the service;

(c) The Helpline is a full member of the association Child Helpline International since 2008. Every year according to the requirements of the association the Helpline evaluates the compliance with the standards set by the association (Principles and Standards Assessment Tool).

174. According to Section 13 (1) of the Social Services and Social Assistance Law social rehabilitation is provided by the State within the limits of budgetary funds for victims of trafficking in human beings. Regarding the fact that no cases of trafficking in children have been registered by the law enforcement institutions during the reporting period, there have not been provided any of the State-funded services during the reporting period. The state-funded social rehabilitation services are provided to the victims of trafficking in human beings by the Ministry of Welfare in cooperation with the society "Shelter 'Safe House'". The social rehabilitation services are provided since 1 January 2008 to the victims of trafficking in human beings by society "Shelter 'Safe House'", formerly known as "Resource Centre for Women Marta".

175. The Cabinet Regulation No. 889 “Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings” approved on 31 October 2006 provides for the procedure by which a person recognized as a victim of trafficking in human beings receives State-funded social rehabilitation services, and the criteria for the recognition of a person as a victim of the traffic in human beings. A person can be recognized as a victim of trafficking in human beings by law enforcement institutions, prosecutor office or provider of the service (NGO). NGO has no right of independent detection of a victim of trafficking in human beings. Gathering of a specialist commission must be initiated by the NGO in case the service provider is the first contact of a probable victim of trafficking in human beings. A social worker, psychologist, lawyer, medical practitioner, an official of the State Police and, if necessary, also specialists of other areas are included in the commission. A protocol is drafted by the commission after the person has been evaluated. Grounded indication is given in the protocol as to if the person complies with the criteria of a victim of trafficking in human beings.

176. The victims of trafficking in human beings according to the Cabinet Regulation of 3 June 2003 No. 291 “Requirements for Social Service Providers” are provided assistance to be put in contact with a social services provider, if they are not able to do so independently; safe shelter and accommodation; confidentiality and protection of data; psychosocial support and individual consultations are provided by specialists (for example, social worker, psychologist, lawyer, medical practitioner) in accordance with rehabilitation plan; support during criminal procedure and, if necessary, after the procedure; boarding, leisure activities, self-care and self-service skills; involvement in training and educational programmes, aiding the reintegration of the person in the society; five free consultations, if necessary, are provided after a course of social service has been completed. The help to the victims of trafficking in human beings is independent of the form of trafficking to which the person has been subjected. It is possible, if necessary, to place both adult and minor persons in crisis centres throughout the territory of Latvia.

177. A six-month long rehabilitation programme is provided by the society “Shelter ‘Safe House’”. During these six months most of the attention was focused on alleviating the consequences of trafficking in human beings. Five consultations of a specialist are prescribed by the State rehabilitation programme for provider of the service. This programme does not include integration (inclusion) of victims of trafficking in children in the society.

178. The count of persons who have received State-funded social rehabilitation services intended for victims of trafficking in human beings has increased since 2006 when such services became available – respectively: 6 in 2006, 12 in 2007, 18 in 2008, 12 in 2009, 14 in 2010 (4 of these victims of trafficking in human beings were minors). The increase can be explained by the changes in regulatory enactments, providing that a person can receive social rehabilitation services since 1 January 2007 based not only on a decision of a person directing the criminal proceedings, by which a person has been acknowledged a victim in a criminal case on trafficking in human beings or on a notice by law enforcement institutions that a person has suffered from trafficking in human beings in a foreign country, but on an assessment protocol of a person by a service provider.

179. It is provided for by the Cabinet Regulation No. 889 “Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings” approved on 31 October 2006 that State-funded social rehabilitation services may not continue longer than six months. The Ministry of Welfare provides State-funded social rehabilitation services. The Ministry of Welfare takes a decision concerning refusal to provide these services, concludes a contract with the

provider of services on provision of services, and controls execution of the contract and correspondence of the scope of the provided services to terms of the contract, controls quality of the provided services, maintains a database of provided services, and informs public organizations, law enforcement organizations, social services, medical and other involved institutions on possibilities for victims of trafficking in human beings to receive State-funded social rehabilitation services.

180. As regards article 9, paragraph 4 of the Protocol, any person 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. Moreover, according to Section 1 of the law “On State Compensation to Victims” any person who, in accordance with the procedures specified in the Criminal Procedure Law, has been recognised a victim with the right to receive a State compensation for moral injury, physical suffering or financial loss resulting from an intentional criminal offence, if the criminal offence has resulted in death of the person or it has caused severe, moderate bodily injuries to the victim or the criminal offence has been directed against sexual inviolability of the person or the victim has been infected with human immunodeficiency virus, Hepatitis B or C. The law “On State Compensation to Victims” became effective on 20 June 2006.

181. The Ministry of Justice does not possess statistical data and information on whether statistical data is being gathered on how much compensation for losses has been received from persons who have caused harm by a criminal offence (Section 350 of the Criminal Procedure Law “Compensation for Harm Caused to a Victim”).

**Statistics on State compensations for the harm done to victims of criminal offences of minor age, in accordance with regulations of the law “On State Compensation to Victims”**

	2006	2007	2008	2009	2010
Total number of minor victims, who have received state compensation	4	31	84	129	67
The death that has been caused by a criminal offence	0	1	5	13	6
Severe bodily injuries caused by a criminal offence	0	2	2	4	2
Moderate bodily injuries caused by a criminal offence	0	1	2	9	7
Sexual inviolability affected by a criminal offence	4	27	75	103	52

*Source:* Legal Aid Administration.

182. Regarding the fact that the Legal Aid Administration was established on 1 January 2006, but the law “On State Compensation to Victims” became effective on 20 June 2006, as well as, regarding the circumstance, that a victim may turn to the Legal Aid Administration in a year’s time after the day when the person was recognized a victim, there were less requests for State compensations and for paid off state compensations in 2006 than in following years of operation of the Legal Aid Administration.

183. The Legal Aid Administration does not gather information on how many times State compensation has been paid to minor victims of trafficking in children, child prostitution or child pornography. However, total statistics on State compensations paid for harm caused to minor victims of criminal offences is available at the Legal Aid Administration.

184. As regards article 9, paragraph 5 of the Protocol, a joint participant according to Section 20 (5) of the Criminal Law shall be held liable in accordance with the same Section of this Law that provides for the liability of the perpetrator. The manufacture of promotion materials of criminal offences is regarded as a joint participation according to Section 20 (4) of the Criminal Law. No amendments have been done to this norm of the Criminal Law.

## **VII. International assistance and cooperation (art.10)**

185. The Expert Group for Co-operation on Children at Risk, established on 31 October 2001 within the framework of the Council of the Baltic Sea States (an international organization formed by States of the Baltic sea region), hereinafter – Expert Group, operates as part of the Council for the purpose of promoting the rights of the child in the region. The Expert Group identifies, supports and implements activities for protection of the rights and for support in the region of the Baltic sea of children who are in risk situations. The Expert Group implements activities regarding the priority areas approved by the Expert Group in cooperation with State and local authorities, local and international non-governmental organizations (the priority areas of the Expert Group in 2009-2011 are: protection of children against any kind of sexual exploitation, protection of children against criminal offences committed online; protection of children against engagement in prostitution, protection of minor persons without attendance and victims of trafficking in children); protection of children of any kind of sexual abuse and other criminal offences against morality and sexual inviolability, and protection of the rights of the children who live in institutions or take other kind of care outside their family environment.

186. The Expert Group is implementing several initiatives in the region in order to prevent the risk of abuse of the rights of the child (see also: [www.childcentre.info](http://www.childcentre.info)). The most significant projects for protection of children against illegal actions of the Expert Group currently are: ROBERT – Risktaking Online Behaviour Empowerment through Research and Training, European Commission Safer Internet Programme. Project “Baltic Sea Region Information Management to Prevent Trafficking”, EU Daphne III programme.

187. Latvia has signed an agreement on criminal-legal cooperation with the European Union Member States to enable them to provide help regarding investigation of criminal cases including the criminal offences mentioned in article 3, paragraph 1 of the Protocol. Exchange of information, international criminal-legal and operative cooperation is provided for as part of the cooperation.

188. It is determined by Section 675 of the Criminal Procedure Law that requests for criminal-legal cooperation are sent and received by competent institutions determined by regulatory enactments that regulate international criminal-legal cooperation. A competent institution in Latvia can agree with a competent institution of a foreign State on direct communication between the courts, prosecutor offices and investigative institutions of the States. If there is no agreement with a foreign State concerning criminal-legal cooperation, the Minister of Foreign Affairs and the Prosecutor General have the right to submit or receive a request for criminal-legal cooperation with a foreign State.

189. Regarding the cross-border nature of offences related to trafficking in human beings, continuous activities for improvement and strengthening cooperation with Europol, Interpol and specialized units of some States are carried out by officials of Section 3 of OCED of the State Police. Several cases of downloading materials containing child pornography have been disclosed in Latvia as a result of the cooperation and other joint activities have been implemented as well. International cooperation with the main target States of trafficking in human beings is being broadened by Section 3 of OCED with respect to fighting trafficking

in human beings. Exchange of information on different levels, provision of legal help and joint activities against international networks of trafficking in human beings are carried out by the department.

190. Latvia joined the Analytical Work Files group “Twins” of the Europol in 2008 as part of international cooperation for the purpose of improving international cooperation that would facilitate investigative work in the area of sexual abuse of children and child pornography. Active exchange of information was carried out as part of AWF “Twins” and, as a result, several cases of downloading materials containing child pornography have been disclosed in Latvia.

191. The interrupted attempt of sending two persons of 16 and 17 years of age for the purpose of sexual exploitation to Great Britain in September 2008 can be highlighted as one of the successful examples of international cooperation by the Police. Joint investigation against a group of persons on the fact of trafficking in human beings when committed with respect to a minor was commenced by the British police in cooperation with a communications officer of the Latvian police in Great Britain according to Section 154<sup>1</sup> (2) of the Criminal Law. Exchange of information and execution of requests for legal help were substantially accelerated by the communications officer of the Latvian police in Great Britain. Information on a model agency owner in Latvia was acquired during the joint pre-trial investigation and as part of the request for legal help to Great Britain, that the owner of the agency had regularly sent several adults and three minor persons to various foreign countries for the purpose of acquiring property and sexual exploitation. The Latvian citizen who had not been convicted before was detained on 27 January 2009 on suspicion of perpetration of the aforesaid criminal offence. The actions of the person were reclassified on 12 May 2009 and he was recognized as a suspect of committing criminal offences provided for by Section 154<sup>1</sup> (2) and Section 165<sup>1</sup> (2) and officials of Department 3 of OCED sent off the criminal procedure to Prosecutor’s Office of Organized Crime and Other Branches (altogether 7 volumes) for the purpose of initiation of criminal prosecution. Criminal proceedings were adjudicated by Riga Regional Court in June 2010 against a group of 7 persons, the largest so far, who were recognized as guilty of trafficking in human beings. Severe punishments of imprisonment were adjudged. The organizer of the group was adjudged thirteen years of deprivation of liberty; four joint participants were sentenced to ten years of imprisonment, two persons – five years of conditional deprivation of liberty. Confiscation of property and three years of probation surveillance after serving the punishment was also applied to all seven convicts.

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