

Information on Child and Family Policy in Latvia

(a) Family-oriented policies and programmes that enhance strong intergenerational interactions, such as parenting education, including for family caregivers, and support for grandparents, including grandparents who are primary care caregivers;

Family-oriented policies have been encompassed in the State Family Policy Guidelines 2011–2017 [approved by the Cabinet of Ministers on 18 February 2011, order no.65 (minutes no.10, 41.§)] and their plans of implementation. The target group of the aforementioned state family policy document include not only the child/children and his or her parents but also wider family concepts and more diverse family models where the role of the care giver is fulfilled by a grandparent or other relative as a primary or secondary care giver. The grandparents have a very significant role in ensuring their grandchild to live in a family in quite a few occasions when parents are unable to fulfil their role either in short term or long term circumstances.

According to the statistical data collected by The State Inspectorate For Protection Of Children's Rights on 31 December 2019 there were 4276 children (or 68% of all the children living outside their biological family in alternative care) living in a guardians family. It should be noted that around 70% of the guardians are the child's grandparents or other close relatives. Special support measures for grandparents or other care givers taking care of children in alternative care are provided by out-of-family care centres. That includes the provision of psychologist consultations, organisation of support groups etc. The local governments in accordance with their financial means have the obligation to provide educational programs for guardians.

On 11 April 2016, a collaboration platform of experts was established “Centre on Demographic Matters” in order to ensure the governments (run by the Prime Minister Māris Kučinskis) priority “Improvement of the demographic situation, the quality of family life and social security”. The continuation of the work of the Centre on Demographic Matters was approved by the new and current government lead by Prime Minister Krišjānis Kariņš. The role of the Centre on Demographic Matters is to prepare proposals in order to improve the activities necessary for the support of re-generation of the population “The comprehensive long-term state aid programme for families with children”. The proposals are submitted to the Demographic Council and afterwards sent to the Cabinet of Ministers for their approval. The proposals also include tackling matters important for strong intergenerational interactions.

Currently, the Ministry of Welfare of the Republic of Latvia is drafting a new Children, youth and family policy guidelines 2021-2027. The objective of the policy guidelines is a society that is friendly for families and children, hence promoting the wellbeing of children, health development and equal opportunities. That would also ensure that the state policy is balanced, consecutive, comprehensive in the fields of child and family well-being, youth, health and rights protection. The guidelines will develop complementary and detailed solutions to achieve the stated objective in a number of courses of action: strengthening the value of family in society, raising and caring for a child, promoting the material well-being of families with children, starting an independent life of young people, improving the system of child protection and support.

(b) Investments in parenting education as a tool to enhance children's well-being;

There have been quite a few initiatives to promote parenting education, both initiated by the public and private sector. The parenting programs currently available are mostly provided either by a certain local government thus available only in certain administrative territory or by a non-governmental organisation and thus limited in time or number of available places since the funding available for non-governmental organisations is inconsistent over certain period. Despite of the numerous drawbacks previously mentioned, the collaboration between the public and private sector has given promising results to be further promoted more systematically in the framework of the Latvian National Development Plan 2021-2027. Task No.85 of the afore mentioned plan establishes that the Ministry of Welfare of the Republic of Latvia together with the Ministry of Health of the Republic of Latvia as well as the local governments will assist in the improvement of parenting skills, thus enhancing the psychological and emotional wellbeing of children and youth and diminishing the risks of developing psychic health or learning disorders in the future.

(c) Measures taken to prevent all forms of violence against children;

According to the Law on the Protection of the Children's Rights (adopted on 19 June 1998) Section 51 Paragraph one for violence (abuse) against a child, encouraging or forcing a child to take part in sexual activities, exploitation or involvement of a child in prostitution, the persons at fault shall be held liable as laid down in law.

The Law on the Protection of the Children's Rights defines violence (abuse) (Section 1 Paragraph 91). Abuse - physical or emotional cruelty of any kind, sexual abuse, negligence or another treatment which endangers or may endanger the health, life, development or self-respect of a child.

To implement the prohibition of violence against children a set of measures is being applied. That includes public awareness campaigns, educational and informative activities for children, parents and professionals. There are also support measures in place for child victims of violence as well as therapeutic measures for the perpetrators. And finally there are also punitive measures for persons who have committed violence against children, including criminal and administrative penalties as well as correctional measures involving state probation programs or social correction programs.

Extract from the Combined fourth to seventh periodic reports submitted by Latvia under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, due in 2017:*

In cases of domestic violence the offenders are prosecuted under different articles of the Criminal Law depending on the form of the criminal offence, the consequences caused, and other elements.

On 1 January 2018, amendments to Article 125 (Intentional Serious Bodily Injury), 126 (Intentional Moderate Bodily Injury) and 130 (Intentional Slight Bodily Injury) of the Criminal Law entered into force to prevent domestic violence. These norms are supplemented with a qualifying element – actions committed against a person to whom

the perpetrator is related in the first or second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household.

Since 1 January 2018, the Criminal Law envisages liability for genital mutilation, personal harassment and psychological violence. The limitation period laid down regarding the cases of sexual violence is long enough to permit initiating of proceedings when the victim has reached the age of majority. If the criminal offence is directed against morality and sexual inviolability of a minor, the limitation period of the criminal liability is 20 years from the date when the victim has reached the age of 18.

The criminal liability for rape is laid down in Article 159 of the Criminal Law while Article 48 of the Criminal Law provides for aggravating circumstances: the criminal offence related to violence or threats of violence, or the criminal offence against morality and sexual inviolability was committed against a person to whom the perpetrator is related in the first or second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household. Thus, a criminal offence against morals and sexual inviolability committed against the spouse may constitute an aggravating circumstance.

Article 48, paragraph 1(6) of the Criminal Law has also been amended, and now envisages that crime against a person who has not attained the age of 18 can be considered as an aggravating circumstance, thus changing the former age threshold from 16 to 18 years. Article 48(1) of the Criminal Law is supplemented with paragraph 16 stipulating that crime involving violence or threats of violence, or an intentional criminal offence against morality and sexual inviolability of a person in presence of a minor, can be considered as an aggravating circumstance.

In 2016, amendments to Article 96 and Article 151 of the Criminal Procedure Law entered into force facilitating the involvement of the victim in the criminal proceedings, namely, providing that the victim's application can be taken both in writing and orally. Furthermore, the law also stipulates that if a person cannot express his or her will to be recognized as a victim due to any physical or psychiatric disorders, the person can be recognized as a victim without his or her consent.

The Criminal Procedure Law is supplemented with Article 961 that specifies categories of specially protected victims. Similarly, the law is supplemented with a new Article 971, which lists all fundamental rights of a victim in criminal proceedings, for example, to receive information regarding the conditions for applying for and receiving of a compensation, and to receive information regarding the support and medical assistance available, to receive contact information for communication regarding the particular criminal proceedings.

Article 99(2) of the Criminal Procedure Law provides that a specially protected victim may request that his or her participation and questioning in a court session takes place using technical means. The law is supplemented with Article 1511 that states the specifics of the interrogation of a specially protected victim in pre-trial criminal

proceedings. Following Article 1511(1) of the Criminal Procedure Law, interrogation of a specially protected victim is conducted in a separate room appropriate for such purposes or without the presence of persons not involved in the particular procedural action. Under Article 1511(2) of the Criminal Procedure Law, interrogation of person who has been recognised as a victim of violence committed by a person on whom the victim is dependent financially or otherwise, a victim of trafficking in human beings, or a criminal offence directed against morality or sexual inviolability of the person, is conducted by an official of the same gender.

Article 74(1) of the Civil Law is expressed in a new wording providing for the following: if the spouses have lived separately for less than three years, the court may dissolve the marriage if the reason for breakdown of the marriage is physical, sexual, psychological or economical violence of a spouse against the other spouse who has requested the dissolution of the marriage, or against his or her child or joint child of the spouses. The previous wording of this article contained a term “intolerable cruelty against the spouse”, which was not clearly interpreted in practice. Thus, the Civil Law was the first regulatory enactment, which expressly identified all four forms of violence against the spouse. Furthermore, the Law on the Protection of the Children’s Rights was supplemented providing that abusing a relative of the child in the presence of the child is to be considered as the emotional violence against this child.

Since 2014, specific procedural and substantive legal provisions are in force governing the possibility to impose a temporary protection against violence, as well as determining the competence of different authorities regarding insuring the compliance with the temporary protection measures (see para. 102 of the Core Document).

Following the existing legal framework, the endangered persons have three protection options. First, Article 12(10)1 of the Law on Police provides for the right of police officers to adopt an immediately enforceable decision on the person’s separation. Such decision is taken in cases where there is an immediate danger that the person who is in the home or its vicinity, can cause harm to the other person who lives in that home. The decision on the person’s separation obliges the adult causing the threat to leave the permanent place of residence of the protected person, not to return and not to stay in the residence and its vicinity for the period of up to eight days from the date of the decision. The police decision may also prohibit the person causing the threat to communicate with the protected person. Thus, it is ensured that the State can react to these offences promptly and around the clock. Besides, the police can initiate administrative proceedings for the detected violations, for example, by Article 1672(2) of the Administrative Violations Code for intentional causing of minor injuries. If there are not sufficient grounds for the police officer to adopt a decision on separation, the police officer is entitled to apprehend the person until sobering up or until the determination of the circumstances, but not exceeding 12 hours, if the person is in the residence under the influence of alcohol, narcotic, psychotropic or toxic substances and may cause harm to themselves or persons nearby as well as in cases when people nearby are afraid to remain alone with such a person and if there is no other basis for the apprehension of such person.

Secondly, to protect the continuity of the protection of the protected person when the police has adopted the decision on separation, the protected person, with the assistance of the police, can submit an application to the court requesting to examine the issue of temporary protection against violence. Thirdly, the protected person may independently apply to the court and ask to adopt a decision on temporary protection against violence. The court can impose one or several temporary means of protection that oblige the violent person to conduct or refrain from certain acts, namely: the obligation to leave the dwelling where the protected person resides, and the prohibition to return and reside in it; the prohibition on the violent person to be near the dwelling, in which the protected person resides, in a distance that is less than the one specified in the court decision; the prohibition on the violent person to be in certain places; the prohibition on the violent person to meet the protected person and to maintain a physical or visual contact with the protected person; the prohibition on the violent person to communicate with the protected person in any way; the prohibition on the violent person to organize meeting or any communication with the protected person using help of other persons; the prohibition on the violent person to use the data of the protected person. Temporary protection against the violence is permitted at any stage of the proceedings, also prior to the bringing of the claim before the court.

If the violent person infringes the court decision on temporary protection against violence, the State Police initiates criminal proceedings on the fact constituting *corpus delicti* envisaged in Article 1681 “Failure to Comply with a Ruling on the Protection against Violence” of the Criminal Law and carries out investigation.

From 31 March 2014 to 31 December 2017, the State Police has adopted 1,042 decisions on separation, the Municipal Police – 36 decisions, while the courts have adopted 2,339 decisions on temporary protection against violence, by obliging the violent person to leave the dwelling where the protected person resides, and prohibiting the violent person from returning and residing in the respective dwelling.

Despite the attention devoted to the issue of violence prevention, the work on reduction of violence against women remains one of the greatest challenges of the gender equality policy. The situation in Latvia is characterized by rather high (above the EU average indicators) prevalence of violence against women and a high tolerance against violence both in society and among specialists. Also, the comparison of 2010 and 2016 shows that the high indicators of the tolerance against violence remain the same in a six-year period.

During the reporting period, women have suffered both from violence of spouse or cohabiting partner and other relatives. In 2016, at least 22 women were killed (5 women were killed by their spouse or cohabiting partner, 17 women – by other relatives). In 2016, at least 44 women have suffered from bodily injuries of different severity caused by spouses or cohabiting partners. In 2016, 36 parents or adoptive parents suffered from bodily injuries of different severity caused by their children, but 13 children that have reached maturity suffered from bodily injuries of different severity caused by their parents. In 2015, 3 men suffered from light injuries caused by spouse or cohabiting partner, but in 2016 – 19 men. Compared with the injured men, women suffered from more severe violence committed by spouse or cohabitant partner.

Similarly, violence against children in families constitutes a substantial part of all registered criminal offences. In 2016, at least 326 minors suffered from violent criminal offences, including 182 minors who were injured by relatives. In total, 107 children suffered from sexual violence in 2016, including 38 children who were sexually abused in their families.

The Ministry of Welfare, in cooperation with other state and local government institutions, every year draws up an informative report about the prevalence and dynamics of domestic violence and violence against women and submits it to the Cabinet of Ministers. The informative report contains a compilation of data from various institutions, analysis of the situation and identification of problems as well as proposals on possible solutions.

Measures to prevent and reduce domestic violence are included in the State Family Policy Guidelines 2011–2017 and the corresponding action plan. Prevention of gender-related violence is one of the action lines in Plan for Safeguarding Women's and Men's Equal Opportunities and Rights 2018–2020.

The objective to reduce gender-based violence and domestic violence is also included in the Latvia National Development Plan 2014–2020. The document sets out the tasks to reach this objective: to ensure that children live in a favourable family or family-like environment, and domestic violence reduces, to provide support to family and individuals in crises and situations related to gender-based violence, providing professional social work services and timely social and medical rehabilitation services.

Since 2015, the State-funded social rehabilitation services to adult victims of violence are available. These services are available both in the form of individual counselling (up to 20 consultations by psychologist, lawyer and/or social worker) and in the form of a stay at the crisis centre (the person can stay at the crisis centre for up to 60 days). The content, extent and duration of the service are determined by the assessment of the person's individual needs and resources conducted by the social worker. Social rehabilitation services are available by contacting the municipal social service, which attracts the necessary specialists or delegates the provision of the service to NGOs. Unlike other comparable services, the person can receive this service also in the social service of another municipality.

Compared to 2015, when the service was launched, in 2016 the number of persons who received the service has doubled. In 2015, this service was provided to 114 victims of violence, but in 2016 – to 294 victims.

In the framework of the action plan State Family Policy 2014–2020, financial aid for establishing of 26 family support and crises centres in various regions of Latvia was provided. In 2017, 27 services providers ensuring social rehabilitation services to adult victims were registered. Currently Latvia fulfils the request of the Council of Europe to Latvia to provide one place at the crisis centre per 10,000 inhabitants (namely, 200 places in crisis centres) for women with children, who have suffered from violence.

According to the Law on Social Services and Social Assistance, social rehabilitation to children who have suffered from violence is mandatory. Currently, a child who has suffered from violence can receive a service in form of social rehabilitation course in

an institution for up to 30 days or up to 60 days, or a form of 10 consultations by psychologist at his or her place of residence. Before receiving a service, a psychologist or a social worker prepares an opinion stating whether the child displays symptoms of psychological trauma, and where the service is to be provided. The type, location and duration of the service receiving are always determined based on the assessment of the child's psychosocial situation conducted by the psychologist or the social worker.

Since 2015, the State-funded social rehabilitation services are available to persons who have committed violence. These services are available both individually and in groups, depending on the person's needs. The services are voluntary. In 2015, these services were provided to 99 persons, in 2016 – to 304 persons. On average, service recipients attend 9 individual consultations or 15 group sessions.

The State-funded medical rehabilitation to victims who have suffered from violence is ensured following the general policy – with referrals from the family doctor or other specialist according to medical indications. Latvia is funding from the State budget the psychotherapeutic and psychological assistance if a need for such an assistance is determined by the psychiatrist, to prevent criminal offences against the child's morality and sexual inviolability or if the psychotherapeutic and psychological assistance is needed when providing children with an outpatient psychiatric treatment or palliative care.

Following Article 561 of the Medical Treatment Law, if a medical treatment institution provides assistance to a patient and there are grounds for considering that the patient has suffered from violence, the medical treatment institution must notify the State Police thereof without delay but not later than within 12 hours. If a medical treatment institution provides assistance to an underage patient and there are grounds for considering that the patient has suffered from the lack of sufficient care and supervision or other violation of the rights of the child, the medical treatment institution shall notify the State Police thereof without delay but not later than within 12 hours.

The domestic violence against women poses a significant burden on the health care system. 42 per cent of women, who have sought the in-patient treatment due to the injuries caused by violence, have been injured because of domestic violence. In 2015, 75 women needed an in-patient treatment due to the injuries caused by relatives, and 54 of such injuries were caused by cohabitant partner. Whereas in 2016, 65 women needed an in-patient treatment due to the injuries caused by relatives, and 48 of such injuries were caused by cohabitant partner.

Latvia ensures legal aid to persons to apply for temporary protection against violence under Article 305 of the Civil Procedure Law by granting legal consultations as well as assistance in drawing up of procedural documents and representation before court. Cases when a person requires legal assistance and violence is established, are considered as a specific situation, and the person is not required to provide additional information about his or her financial status. To receive the State ensured legal aid regarding the question of temporary protection against violence and other resulting civil matters, the person must apply to receipt of the State ensured legal aid to the Legal Aid Administration. The Legal Aid Administration decides on the State ensured legal aid, and in case of a positive decision, appoints a provider of legal aid.

With the help from the association “Skalbes”, the Legal Aid Administration ensures the operation of toll-free phone 116006 for support of crime victims. Every day from 7:00 to 22:00, experts provide psycho-emotional and informative support to victims of crime, including victims of violence and their relatives.

In Latvia, there are four toll-free “hot lines” coordinated by NGOs and interactive website maintained by Resource Centre for Women “MARTA”. The “hot line” of the Resource Centre for Women “MARTA” receives 80 to over 100 calls per annum. Each year, Resource Centre for Women “MARTA” assists more than 300 women who are victims of domestic violence – psychological and legal assistance, support in drawing up documents and the representation of injured women before the Police, Orphan’s Courts and the courts.

Officials and employees of law enforcement authorities are educated about prevention of domestic violence and due investigation of such violence, both in formal and informal education programs (see Annex 4). Prosecutors are regularly educated on issues regarding the protection of the rights of the child, including the following topics: definition of violence, risk factors and consequences of violence, inter-institutional cooperation for combating violence against children, basic principles of communication depending on the child’s age, and other topics.

With co-financing of the EU social fund, the project “Development of Professional Social Work in Local Governments” is being implemented in 2015–2022. The project focuses on further development of the professional competence of the social work professionals, including in the work with cases of violence, and improvement of the social work practice with specific target groups. In addition, it provides also for drawing up of methodologies for the work of social workers of social services with different client target groups including victims and committers of violence.

In 2017, the Ministry of Welfare launched two projects on prevention and mitigation of violence against woman. One project is aimed at efficient and coherent improvement of the institution action pattern to be able to respond to cases of domestic violence adequately as well as to implement the public awareness-rising measures including involvement and training of regional media journalists. The other project is focused on promotion of public awareness and understanding of violence against women to reduce the public tolerance to the situation of violence with special attention to young people and promoting respectful relations between boys and girls.

(d) Efforts at promoting non-violent forms of disciplining children;

According to the Law on the Protection of the Children's Rights (adopted on 19 June 1998) Section 9 Paragraph two a child shall not be treated cruelly, tortured or physically punished, and his or her dignity and honour shall not be violated.

For additional information please see paragraph (c).

(e) Provision of legal identity including birth registration;

According to the Law on the Protection of the Children's Rights (adopted on 19 June 1998) Section 8 from the moment of birth a child has the right to a given name, a

surname and acquisition of citizenship. A child shall be registered following the law. A child has the right to retain his or her identity.

Law On Registration of Civil Status Documents Chapter V provides for the Registration of the Fact of Birth (<https://likumi.lv/ta/en/en/id/253442-law-on-registration-of-civil-status-documents>).

(f) Ways and means to observe the thirtieth anniversary of the International Year of the Family, which may include proposals of topics to be addressed, national, regional and international meetings and awareness raising events and other initiatives.

Currently, the Ministry of Welfare of the Republic of Latvia does not plan to organize any events to observe the thirtieth anniversary of the International Year of the Family.

The Latvian Government has declared a state of emergency to limit the spread of the COVID-19 i.e. coronavirus epidemic. According to that all public events, meetings, demonstrations, and pickets shall be cancelled and banned from 17 March 2020. Numerous other emergency measures have been introduced and will be in force until May 12th or as long as the Governmental Crisis Committee declares otherwise.

Taking into account the current emergency situation, the Ministry of Welfare of the Republic of Latvia does not plan any meeting or other public events.