

Global Alliance Against Child Sexual Abuse Online – 2014 Reporting Form

LATVIA

Policy Target No. 1

Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection.

Operational Goal: Increase the number of identified victims in the International Child Sexual Exploitation images database (ICSE database) managed by INTERPOL by at least 10% yearly.

A) Please report on implementation of any measures announced in your country's 2013 report

B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance

C) Please indicate specific actions that your country will undertake as a follow-up

It is was previously announced that State Police is planning to gain access to INTERPOL database till December 2013, but there has been delay due to need for special training regarding data base, and State Police is continuing negotiations with INTERPOL to organize training.

Policy Target No. 2

Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders.

Operational Goal: Establish the necessary framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders.

A) *Please report on implementation of any measures announced in your country's 2013 report*

Criminal Liability

In report of 2013 Latvia reported that amendments in legislation will be made. Latvia informs, that on 6th of June 2014 amendments in Criminal Law came into force. These amendments transpose two international legal acts that are directed towards child protection from sexual abuse:

- Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA
- The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse

According to these international legal acts the *corpus delicti* of offence stated in paragraph 2 of Article 166 of Criminal Law has been adjusted and widened. It now states liability for circulation of such pornographic material that contains child pornography.

Previously used term 'sexual abuse of child' has been replaced by term 'child pornography', because this term is wider and includes not only materials that contain sexual abuse of child, but also materials where:

- child that is involved in any sexual activity is depicted or viewed;
- is fully or partially undressed in sexual position or obscene clothing;
- seductively depicted child's sexual organs or pubis;
- a person in the looks of a child is depicted or described engaging in the abovementioned actions or displayed in the abovementioned ways;
- there are realistic images of non-existing child that is involved in abovementioned actions or displayed in abovementioned ways;

Similarly any other pornographic material that depicts or describes a child is considered a child pornography (as stated in the Law on Pornography Restrictions).

Another essential amendment is addition to Article 166 of Criminal Law, the article was supplemented with new term 'pornographic performance'. Therefore now the Paragraph 2 of Article 166 of Criminal Law establishes liability for persons that demonstrates or views child pornography within the internet that is not fixed in video or any other material form, but is demonstrated online.

Child Welfare and Victim Protection

To implement Directive 2011/93/EU also changes in Protection of the Rights of the Child Law were made.

On 8th of April 2014 the amendments in Article 72 of Protection of the Rights of the Child Law came into force. The article now states the obligation to demand information from register of penalties also for persons that will perform voluntary work that involves direct interaction with children. Therefore the prohibition to work as child care, education, health care and other such institution worker if the person has been convicted for offences that are connected with violence or threats of violence, or that have been convicted for offences against morals, and sexual inviolability (stated in Article 72 of Protection of the Rights of the Child Law) now also applies to persons who perform voluntary work.

Also on 8th of April 2014 the amendments in Article 70 of Protection of the Rights of the Child Law came into force. The amendments establish the principle that in cases when exist doubts about person being under age, the person in concern will be considered a minor until clarifying the exact age of the person, and corresponding measures of help will be provided. Similarly the amendments made in 18th of December 2013 in Article 13 of Social Services and Social Assistance Law now states that state provides social rehabilitation for children that have suffered from violence and until the clarification the exact age of the person the person will be considered a minor and appropriate social rehabilitation will be provided.

B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance

Amendments of 25th of June in Article 108 of Criminal Procedure Law states mandatory legal aid in criminal proceedings for victims that are minors and for legal representatives of victims that are minors for cases of offences that are related to violence that has been caused by person from whom the minor is materially or otherwise dependant, or for cases of offences against morals, and sexual inviolability (amendment made for transposition of Directive 2011/93/EU)

C) Please indicate specific actions that your country will undertake as a follow-up

Now after the major amendments made to different laws for implementation of Directive 2011/93/EU and - The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse Latvia has not planned any major amendments to laws regarding definition of offences. Latvia will see how the recently amendments work in practice. However taking into account that there are several Directives concerning victims' rights and regulation concerning legal aid there might be some amendments regarding victims' rights and availability of different types of legal aid.

However the previously announced amendments to the Labor Law that will establish the legal basis for the employer to be able to dismiss the employee immediately after finding out the fact that it is not allowed for the employee to work with children due to the prohibitions established by the Protection of the Rights of the Child Law Section 72 are still going through legislative process in the Parliament.

Operational Goal: Improve the joint efforts of law enforcement authorities across

Global Alliance countries to investigate and prosecute child sexual abuse online.
A) <i>Please report on implementation of any measures announced in your country's 2013 report</i>
<p>Criminal Law</p> <p>The amendments of 15th May 2014 to Criminal Law Directive 2011/92/EU conceptually changed <i>corpus delicti</i> of criminal offences stated in Chapter 16 of Criminal Law. As a result of these amendments the Article 162¹ (encouraging a person who has not attained the age of sixteen to involve in sexual acts or encourages 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 such have been committed by a person who has attained the age of majority) will be excluded and after the amendments took force in 14th June 2014 the criminal offence previously stated in Article 162¹ falls under the Article 162 “Leading to Depravity”. Therefore actions previously mentioned in 162¹ are now qualified as a crime (not a criminal violation as it is qualified before) and authorities are now able to use special investigative activities to investigate these criminal offences. The special investigative actions are:</p> <ul style="list-style-type: none"> - control of legal correspondence; - control of means of communication; - control of data in an automated data processing system; - control of the content of transmitted data; - audio-control of a site or a person; - video-control of a site; - surveillance and tracking of a person; - surveillance of an object; - a special investigative experiment; - the acquisition in a special manner of the samples necessary for a comparative study; - control of a criminal activity.
B) <i>Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance</i>
C) <i>Please indicate specific actions that your country will undertake as a follow-up</i>

Policy Target No. 3

Enhancing efforts to increase public awareness of the risks posed by children's activities online, including grooming and self-production of images that results in the production of new child pornography that may be distributed online.

Operational Goal: Develop, improve, or support appropriate public awareness campaigns or other measures which educate parents, children, and others responsible for children regarding the risks that children's online conduct poses and the steps they can take to minimize those risks.

A) Please report on implementation of any measures announced in your country's 2013 report

B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance

According to Net-Safe Latvia Project Net-Safe and The State Inspectorate For Protection Of Children's Rights organized Children Hotline where children and minors had opportunity to get consultation about safety in internet (During this year first six month we received 190 calls about safety in internet). 49 persons informed that they faced with pornography in internet (adult pornography – 7; pornography available without notice – 23; children sexual abuse – 19); 30 persons received sexual offers (grooming); 36 had unwanted communication; 7 informed about SMS with sexual content ("Sexting");

In February 11th Net-Safe and The State Inspectorate For Protection Of Children's Rights organized action "Safer internet day". During this day 27 calls were received about safety in internet;

During this year first six months Net-Safe Latvia Project Net-Safe and The State Inspectorate For Protection Of Children's Rights organized 5 creative classes for children (5. – 9 class) "I in internet – my responsibility" according to "Net-Safe Latvia" project (Participated 128 children). 4 creative classes were provided "Safe and positive communication in internet" (participated 110 children); Also – 1 creative class "Tolerance in the School and in internet" (participated 10 children).

In April 28th conference about safety in internet was organized according to project "Friendly School". 500 participants participated in the conference – children as well as teachers. During this conference we demonstrated new video "Mother! Father! Think before posting my pictures in internet!"

Competition for children and minors was organized to promote children safety in internet. Main goal was to help children recognize fake profiles within social networks and also, to help them to understand that people are not completely anonymous in the internet. Competition was called "Draw your story". 170 drawings were received.

C) Please indicate specific actions that your country will undertake as a follow-up

It is planned to continue to organize creative classes in the next six months of 2014 and also to answer any questions from children and adults about safety in internet via hotline 116111.

Operational Goal: Share best practices among Global Alliance countries for effective strategies to inform the public about the risks posed by online, self-exploitative conduct in order to reduce the production of new child pornography.

A) Please report on implementation of any measures announced in your country's 2013 report

B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance

C) Please indicate specific actions that your country will undertake as a follow-up

Policy Target No. 4

Reducing as much as possible the availability of child pornography online and reducing as much as possible the re-victimization of children whose sexual abuse is depicted.

Operational Goal: Encourage participation by the private sector in identifying and removing known child pornography material located in the relevant State, including increasing as much as possible the volume of system data examined for child pornography images.

A) *Please report on implementation of any measures announced in your country's 2013 report*

The Ministry of Transport and Communications organized dedicated working parties to prepare proposals for the necessary activities that, inter alia, would enhance child protection online.

As a result, a draft report to the Cabinet of Ministers was elaborated, exploring the current situation and proposing an initial voluntary approach (invitation to) the internet service providers to filter the content automatically (pornography as one of the potentially harmful groups of audio-visual information among others), unless requested otherwise by the end-user.

Also Hotline 116111 continues and widens its cooperation with ISPs/ESPs to encourage joining the Memorandum of Understanding to speed up the removal of illegal content hosted on servers in Latvia.

B) *Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance*

C) *Please indicate specific actions that your country will undertake as a follow-up*

Operational Goal: Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation.

A) *Please report on implementation of any measures announced in your country's 2013 report*

Latvia continuing to examine the possibilities to ensure blocking of sites containing child pornography.

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protection online.

As a result, a draft report to the Cabinet of Ministers was elaborated, exploring the current situation and proposing an initial voluntary approach (invitation to) the internet service providers to filter the content automatically (pornography as one of the potentially harmful groups of audio-visual information among others), unless requested otherwise by the end-user.

The draft report was forwarded to the Ministry of Welfare for a probable further submission in June 2014

Also the Hotline 116111 continues its existing cooperation with the State Police and continues the work of receiving and processing the reports from public on possibly illegal content by sustaining the website www.drossinternets.lv and the hotline reporting platform.

B) Please assess progress made in your country to pursue this shared policy target and to reach this operational goal of the Global Alliance

C) Please indicate specific actions that will be undertaken as a follow-up

As stated in A) the draft report, exploring the current situation and proposing an initial voluntary approach (invitation to) the internet service providers to filter the content automatically, was forwarded to the Ministry of Welfare for a probable further submission in June 2014. It will be evaluated and decision will be made about future steps.