

## ***Global Alliance against Child Sexual Abuse Online***

### **Latvia**

**Policy target No. 1: Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection**

<b>Operational Goal:</b>	Increase the number of identified victims in the International Child Sexual Exploitation images database (ICSE database) managed by INTERPOL by at least 10% yearly
<b>Operational Goal:</b>	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
<b>Actions ALREADY UNDERTAKEN</b>	
<b><i>Description of the actions already undertaken</i></b>	<p><b>Overall regulation of criminal liability</b></p> <p>The Criminal Law states criminal liability for following offences concerning child sexual abuse online:</p> <ol style="list-style-type: none"> <li>1) involvement or utilisation of children in the production (manufacturing) of pornographic or erotic materials (Criminal Law Article 166 Paragraph 3 and 4);</li> <li>2) downloading, acquisition, importation, production, public demonstration, advertising or other distribution of such pornographic or erotic materials as relate or portray the sexual abuse of children or the keeping of such materials (Criminal Law Article 166 Paragraph 2);</li> <li>3) 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 (Criminal Law Article 162<sup>1</sup>);</li> <li>4) leading to depravity of child against the will of the child or if such have been committed by a person who has attained the age of majority (Criminal Law Article 162).</li> </ol> <p>In investigating these offences authorities can use any investigative actions mentioned in Chapter 10 Criminal Procedure Law, for example search, removal, storage of data located in an electronic information system, expert-examination, etc. Criminal Procedure Law allows the use of technical means in investigative actions. Additionally for investigating offences mentioned above in point 1, 2 and 4 it is allowed to use special investigative actions that are regulated in Chapter 11 of Criminal Procedure Law, such as control of data in an automated data processing system, control of the content of transmitted data, surveillance and tracking of a person, etc. At the moment special investigative actions can't be used in investigating offence mentioned in point 3 above, because it is classified as a criminal violation not crime as offences</p>

mentioned in point 1, 2 and 4.

**Child welfare issues**

According to the Protection of the Rights of the Child Law Section 72, Paragraph three, four, five, six and seven persons shall not work as managers or employees of childcare, educational, health care, and other such institutions where children are found, who:

- 1) have allowed violations of regulatory enactments regarding protection of the rights of the child;
- 2) have allowed immoral behaviour at work or outside work, as determined by a court judgment or other decision of a competent institution;
- 3) have been convicted of criminal offences that are associated with violence or threats of violence – irrespective of whether or not the conviction is extinguished or set aside;
- 4) have been convicted of criminal offences against morals and sexual inviolability – irrespective of whether or not the conviction is extinguished or set aside; or
- 5) the court has applied the compulsory measures of a medical nature specified in The Criminal Law for criminal offences provided for in The Criminal Law committed while being in a state of incapacity.

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

In hiring the persons referred to in Paragraph four of this Section, an employer has a mandatory duty to request from the Register of Convictions regarding the convictions of such persons, as well as regarding whether the person has been applied administrative punishment for the administrative violation referred to in Section 155, Paragraphs three and four, Section 167 (petty hooliganism), 167.<sup>2</sup> (minor intentional bodily injury), 172 (involvement of a minor in the use of alcoholic beverages or causing inebriation of a minor), 172.<sup>1</sup> (involving of a minor in begging), 172.<sup>2</sup> (physical and emotional child abuse), 172.<sup>3</sup> (illegal involving of children in events), 172.<sup>4</sup> (leaving a child without supervision), 172.<sup>5</sup> (failing to fulfil child's supervision service requirements) or 173 (failure to fulfil the duty of care of a child) of the Administrative Violations Code.

An employee or manager in fulfilling his or her duties is liable for the observance of the rights of the child. If there are justified suspicions or the employer has information at the disposal thereof that the persons referred to in Paragraph four of this Section have allowed violations of the rights of the child or criminal proceedings regarding a criminal offence, which is related to violence or threat of violence or which is directed towards morality and sexual inviolability, have been initiated against them, the employer shall suspend the relevant employees from his or her position (from fulfilling duties) until the ascertaining of the circumstances of the matter or until taking of the final adjudication in

	<p>the criminal proceedings.</p> <p>An employer has a duty to suspend an employee or a manager of the institution if there are justified suspicions regarding potential violations of the rights of a child and it is requested by the State Inspectorate for Protection of Children’s Rights. The request of the State Inspectorate for Protection of Children’s Rights shall not be subject to contesting and appeal, it shall be executed without delay.</p> <p>In accordance to the Law on Protection of the Right of the Child every person has the duty to inform the police or other competent institution regarding violence or any other criminal offence directed against a child (Section 51 Paragraph three).</p> <p>Children suffering from unlawful acts (exploitation, sexual abuse, violence or any other unlawful, ruthless or derogatory action) and victims of trafficking in human beings, including minors, are entitled to the State financed social rehabilitation services. These social rehabilitation services are organised according to the individual social rehabilitation plan which is drafted by the Municipal Social Service Department or a social rehabilitation service provider. These social rehabilitation services are provided at person’s home or at the social rehabilitation institution. Social rehabilitation services for children who have suffered from unlawful acts can also be provided in penitentiary an institution, social correction institution or a child care institution.</p>
--	---

**Actions that WILL BE UNDERTAKEN**

<p><b><i>Description of the actions that will be undertaken and timeframe</i></b></p>	<p><b>Overall regulation of criminal liability</b></p> <p>Latvia is elaborating amendments to Criminal Law to implement the Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA. Also Latvia most recently (7.03.2013) signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201). According to abovementioned international legislative acts Latvia will elaborate amendments to Criminal Law by amending Article 166 Paragraph 2. It is planned to widen the scope of the Article by including words “child pornography”. It is also planned to include new concept – “pornographic performance” in Article 166, therefore it would facilitate prosecution of persons that view or demonstrate child pornography directly (not from records) online.</p> <p><b>Child welfare legislation</b></p> <p>Additionally to implement the Directive there is planned amendments to other legislative acts:</p> <ol style="list-style-type: none"> <li>1) elaborate amendments to the Protection of the Rights of the Child Law Article 72 Paragraph 3. After the amendments the Paragraph will state obligation to demand information from register of penalties also for persons that will perform voluntary work that involves direct interaction with children;</li> <li>2) elaborate amendments to the Protection of the Rights of the</li> </ol>
---	---

	<p>Child Law by establishing the principle that in cases when there exist doubts about a 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;</p> <p>3) the Social Services and Social Assistance Law will be amended similarly – until the clarification of the exact age of the person the person will be considered a minor and appropriate social rehabilitation will be provided.</p> <p>The Ministry of Welfare is preparing amendments in 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 Paragraph three. Until now the Labor Law does not describe such a situation when the person can be fired immediately without providing any kind of compensation.</p>
--	---

**Policy target No. 2: Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders**

<p><b>Operational Goal:</b></p>	<p>Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online</p>
<p><b>Operational Goal:</b></p>	<p>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</p>
<p style="text-align: center;"><b>Actions ALREADY UNDERTAKEN</b></p>	
<p><b><i>Description of the actions already undertaken</i></b></p>	<p>Since year 2006 Latvian Safer Internet Centre “Net-Safe Latvia” is the only body engaged in public awareness rising about internet safety issues and child safety online. The only body ensuring society the possibility to report illegal content on the internet to hotline via web site <a href="http://www.drossinternets.lv">www.drossinternets.lv</a> and helpline via telephone 80006008 or international number 116111.</p> <p>The work of Latvian Safer Internet Centre is coordinated by an NGO, Latvian Internet Association.</p> <p>The main activities are focused on awareness raising regarding the risks that children can face online. The main target groups of campaigns and activities are: children, adolescents, their teachers, parents, social pedagogues, librarians and other adults that can help children to be safe and responsible internet users.</p> <p>In year 2012 the Centre has organized 104 seminars, training sessions and conferences were organized:</p> <ul style="list-style-type: none"> <li>• 16 seminars and conferences</li> <li>• 38 lectures in schools in Latvian and Russian</li> <li>• 44 creative workshops during summer camps</li> <li>• Participation in 6 national level events</li> </ul> <p>2283 children and youngsters were educated and informed (1072 in Latvian, 1211 in Russian), 1570 teachers/ social workers/ parents were educated and informed,</p> <p>249 librarians and teachers were trained, which are providing information on internet safety further on in their libraries.</p> <p>Each year the Centre supports the international Initiative of Safer Internet Day and organizes specific informative and awareness raising campaigns, for example, in 2010 “Think before you post!” and “Don’t be indifferent! Report illegal content!”; in 2011 “Internet is not a game, it’s your life”, in 2012 “Connecting generations” and in 2013 “Connect with respect!”.</p>

<b>Actions that WILL BE UNDERTAKEN</b>	
<b><i>Description of the actions that will be undertaken and timeframe</i></b>	<p><b>Overall regulation of criminal liability</b></p> <p>In order to implement Directive 2011/92/EU it is planned to conceptually change <i>corpus delicti</i> of criminal offences stated in Chapter 16 of Criminal Law. As a result of these amendments the Article 162<sup>1</sup> (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 will take force in 18<sup>th</sup> December 2013 the criminal offence stated in Article 162<sup>1</sup> will fall under the Article 162 “Leading to Depravity”. Therefore actions mentioned in 162<sup>1</sup> will be qualified as a crime (not a criminal violation as it is qualified now) and authorities will be able to use special investigative activities to investigate these criminal offences.</p> <p><b>Special investigation tools</b></p> <p>It is planned to gain access to INTERPOL database till 31<sup>st</sup> December 2013</p> <p><b>Awareness rising</b></p> <p>Net-Safe Latvia Safer internet Centre has signed agreement with EC in the frame of Safer Internet Program. The Centre will receive funding (75%) until October 2014 and awareness activities informing children, parents, teachers will be ensured.</p>

**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**

<p><b>Operational Goal:</b></p>	<p>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</p>
<p><b>Actions ALREADY UNDERTAKEN</b></p>	
<p><b><i>Description of the actions already undertaken</i></b></p>	<p>Since year 2006 Latvian Safer Internet Centre “Net-Safe Latvia” is the only body engaged in public awareness rising about internet safety issues and child safety online. The only body ensuring society the possibility to report illegal content on the internet to hotline via web site <a href="http://www.drossinternets.lv">www.drossinternets.lv</a> and helpline via telephone 80006008 or international number 116111.</p> <p>The work of Latvian Safer Internet Centre is coordinated by an NGO, Latvian Internet Association.</p> <p>The main activities are focused on awareness raising regarding the risks that children can face online. The main target groups of campaigns and activities are: children, adolescents, their teachers, parents, social pedagogues, librarians and other adults that can help children to be safe and responsible internet users.</p> <p>In year 2012 the Centre has organized 104 seminars, training sessions and conferences were organized:</p> <ul style="list-style-type: none"> <li>• 16 seminars and conferences</li> <li>• 38 lectures in schools in Latvian and Russian</li> <li>• 44 creative workshops during summer camps</li> <li>• Participation in 6 national level events</li> </ul> <p>2283 children and youngsters were educated and informed (1072 in Latvian, 1211 in Russian), 1570 teachers/ social workers/ parents were educated and informed,</p> <p>249 librarians and teachers were trained, which are providing information on internet safety further on in their libraries.</p> <p>Each year the Centre supports the international Initiative of Safer Internet Day and organizes specific informative and awareness raising campaigns, for example, in 2010 “Think before you post!” and “Don’t be indifferent! Report illegal content!”; in 2011 “Internet is not a game, it’s your life”, in 2012 “Connecting generations” and in 2013 “Connect with respect!”.</p>
<p><b>Actions that WILL BE UNDERTAKEN</b></p>	
<p><b><i>Description of the actions that will be</i></b></p>	<p>Net-Safe Latvia Safer internet Centre has signed agreement with EC in the frame of Safer Internet Program. The Centre will receive funding (75%) until October 2014 and awareness activities informing children,</p>

<b><i>undertaken and timeframe</i></b>	parents, teachers will be ensured.
--	------------------------------------



**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**

<b>Operational Goal:</b>	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.
<b>Operational Goal:</b>	Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation
<b>Actions ALREADY UNDERTAKEN</b>	
<b><i>Description of the actions already undertaken</i></b>	<p>Legislation in Latvia ensures the deletion of child pornography sites, but framework for blocking such sites is still to be developed. State police in cooperation with non-governmental organizations ensures the monitoring of the internet.</p> <p>Net-Safe Latvia Safer Internet Centre (coordinated by Latvian Internet Association) has set up and is running a hotline for reporting illegal internet content. It is accessible for anyone on the website <a href="http://www.drossinternets.lv">www.drossinternets.lv</a> and any report can be anonymous.</p> <p>Hotline is operating with the support of National Law Enforcement Agency – The State Police. The Cooperation between both parties is determined by signed Cooperation Agreement (signed 30/03/2010, the agreement is open-ended). In the framework of this Agreement the hotline is entitled to:</p> <ul style="list-style-type: none"> <li>- receive reports from public on possibly illegal content,</li> <li>- access, review and analyze the reports to assess the content of the reports according to the National Legislation and Guidelines approved by the State Police</li> <li>- in cases when the illegal content is hosted on Latvian Internet Association member ISP or ESP servers or if the ISP's has signed a specific Memorandum of Understanding and Cooperation with Hotline notify and request removal of the content.</li> </ul> <p>The Cooperation agreement also states that Law Enforcement has to provide progress reports on the reports sent to them by Hotline.</p> <p>There are regular co-operation and exchange of expertise meetings between the Hotline and The State Police representatives; The State Police is also an official Advisory Board member of the Safer Internet Centre in Latvia.</p>
<b>Actions that WILL BE UNDERTAKEN</b>	
<b><i>Description of the actions that will be undertaken and</i></b>	<p>Latvia is examining the possibilities to ensure blocking of sites containing child pornography.</p> <p>Hotline is an Integral part of the Safer Internet Centre and it is planned to receive 75% funding from the EC (within the framework of Safer</p>

<b><i>timeframe</i></b>	<p>Internet Programme) until October 2014.</p> <p>During this period the Hotline will continue its existing cooperation with the State Police and continue the work of receiving and processing the reports from public on possibly illegal content by sustaining the website <a href="http://www.drossinternets.lv">www.drossinternets.lv</a> and the hotline reporting platform.</p> <p>The Hotline will continue and widen 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.</p> <p>A multidisciplinary working group is being established by the Ministry of Transport of the Republic of Latvia in order to prepare proposals for the necessary activities that would enhance child online protection.</p>
-------------------------	---