Towards a Child-friendly Justice System in Latvia

IMPLEMENTING THE BARNAHUS MODEL

OECD

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Foreword

Latvia has been making consistent efforts to transform its justice system to be more people- and child-friendly in recent years. These include declaring a commitment to “leaving no child behind”, in line with Latvia’s 2030 Sustainable Development Agenda, implementing the 2020 National Development Plan, and presenting a vision for the Latvian justice system by 2027. It has also partnered with international institutions such as the OECD, the European Commission, and the Council of Europe to establish a people-centred and child- friendly justice system and implement the Barnahus model - an interagency service delivery model - to provide joined-up services to children and young people who are victims or witnesses of abuse and violence.

Abuse and violence against children and young people has been increasing at considerable rates in recent years – and during the COVID-19 pandemic – in several countries, including Latvia. In addition, children and young people are becoming more exposed to online crimes such as online sexual exploitation, abuse and cyberbullying.

This report takes stock of Latvia’s efforts to date and offers an assessment of the child-friendliness of current justice policies and programmes. It also makes specific policy recommendations to Latvia for putting children’s needs at the centre of the justice system, including the implementation of the Barnahus model. The analysis relies on data collected during online fact-finding missions and multi-stakeholder and individual interviews, including Latvian public officials, medical staff, social workers, school principals, legal professionals, members of civil society organisations - both at the national and local levels. In addition, the report drew on the results of a Legal Needs Survey of Children in Latvia to integrate the voices of children and young people and estimate the costs and benefits of introducing the Barnahus model in Latvia under four different scenarios. The recommendations are tailored to the specific needs of children and young people in the Latvian context, and seek to support Latvia in making its justice system more child friendly by prioritising children in service design and delivery, promoting democracy and the rule of law.

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Executive summary

In recent years, Latvia has been taking steps to transform its justice system ensuring that it works better for children. Rising cases of abuse and violence against children and young people, including during COVID-19 pandemic, have made these efforts more urgent. Building on the commitment to "leave no child behind" as part of 2030 Sustainable Development Agenda, the 2020 National Development plan and the 2018-2020 Health Improvement Plan for Mother and Child, there is clear ambition to develop a more effective, efficient and user-friendly justice system. Indeed, the legislative framework provides for equal access to justice for children and for safeguarding their rights and including them in all proceedings affecting them. Latvia has implemented several policies and programmes focussed on preventing crimes against children, including abuse and violence. It is also taking steps to improve co-operation and planning among institutions and professionals in protecting children's rights and enabling children's access to justice, including the establishment of joint planning structures at both national and local levels. In addition, it is piloting the Barnahus model to help establish child-friendly and multi-agency services for child victims and witnesses of abuse and violence. Regarding equality and inclusion in legal proceedings, Latvia reports prioritising cases involving abuse or violence against children. The efforts made by the State Inspectorate for Protection of Children's Rights and the Ombuds Office to develop informational materials and educational programmes for children on their rights are also worth noting.

At the same time, while current efforts are critical to strengthening the overall performance of the justice system and to protecting the rights and interests of child victims and witnesses of crime, a range of important challenges remain. There is scope to strengthen a child rights culture in Latvia by recognising that in addition to children's rights, which recognise their specific circumstances and needs, they also have the same human rights as adults. There is room for a more child-centred vision for the justice system and for greater inter-institutional co-operation and co-ordination. In addition, implementing sound governance mechanisms with horizontal distribution of roles and responsibilities, investing in robust data collection methods, increasing human and financial resources, and capacity building are needed to deliver more targeted and accessible child-friendly justice services in Latvia. This would help improve integrated service delivery for children more broadly, including victims of abuse and violence. In addition, Specific measures, such as evidence-based planning and gaining a better understanding of the legal needs of children and young people, would help Latvia further transform its justice system. This, along with specific policies and practices for both children and young people, could help develop a child-friendly and accessible continuum of justice services, based on the principles of equality, inclusion, prevention and empowerment, to leave no child behind.

Finally, Latvia is strongly encouraged to continue implementing the Barnahus model as a child-friendly and interagency one-stop shop to support children who are exposed to or witness violence and/or abuse. Besides providing protection and integrated services to children, the Barnahus model will also reduce revictimization and help protect children's', as well as broader human rights. Moreover, the case for action in this area is backed by cost-benefit analysis, which shows that the Barnahus model will generate more benefits than costs after 20 years and that the benefits will increase along with the number of children supported per year by the programme, even when accounting for extra costs for additional staff to support an increased number of children.

1 Assessment and recommendations for a child-friendly justice system in Latvia

This chapter outlines the main assessment and the specific policy recommendations resulting from the OECD analysis of Latvia's justice system and its effectiveness for children and young people. The recommendations aim to support the ongoing efforts by Latvia to transform its justice system to be more responsive to the needs of children and young people and to implement child-friendly policies and service delivery, including the Barnahus model.

1.1. Leaving no child behind: towards a vision for child-centred justice

The Latvian authorities have pledged their commitment to addressing the vulnerabilities and the legal and well-being needs of children and youth. To that end, Latvia's sustainable development strategy of 2030 focuses on "leaving no child behind", which translates into fulfilling children's rights through sustainable development goals and aims to offset the main obstacles that children and young people face in Latvia. These obstacles include poverty, hunger, health, education, gender equality, inequalities, violence as well as limited access to justice among other issues. In addition, Latvia's current National Development Plan, approved in 2020, articulates a vision for the Latvian justice system by 2027, which provides the foundation for developing programmes to tackle existing inequalities, exclusion and violence against children and young people and to improve their access to rights and justice systems; in line with its 2030 development agenda. This includes the implementation of the Barnahus model, one of the key initiatives to deliver joined-up legal and social services to children and young people who are victims or witnesses of abuse and violence.

Recent data shows that cases of abuse and violence involving children and young people have been constantly increasing since 2016 in Latvia (Government of Latvia, 2022[1]). Indeed, abuse and violence appear to be some of the most serious issues that children and young people face and have devastating consequences (World Health Organization, 2022[2]). Violence not only affects the physical and mental well-being of children and young people, but also prevents them from enjoying their rights. In addition, it has crucial socio-economic and health consequences for children and young people, their families as well as societies if not dealt with properly or prevented through appropriate policy measures and early interventions (Council of Europe, 2016[3]).

Following established international standards and good practices in the development of national policies is the first step towards building a child friendly justice system. Latvia is a party to the UN Convention on the Rights of the Child (UNCRC) since 1992. While Latvia is required to undergo regular reviews on the implementation of the convention, the next review has been pending since May 2021. In addition, Latvia is party to the Treaty of the European Union and the Charter of Fundamental Rights. Therefore, in order to make sure that the main objectives of these standards are met and considered in the development of relevant policies and programmes, applying the targeted EU strategies and completing the National Action Plan to implement the European Union Child Guarantee are essential. Moreover, conventions such as the Istanbul Convention, which aims to protect the rights of women and children offer important examples to follow. Becoming a part of international agreements such as the Istanbul Convention, which was found to be compliant with Latvia's constitution in 2021, can further strengthen the rights of vulnerable groups, such as children and in particular girls.

Importantly, Latvia has put in place a comprehensive legal and policy framework – across sectors - related to the protection of children's rights. Yet a coherent, comprehensive, cross-government vision for children's access to justice as well as the overarching strategy for children's rights, or for child-friendly justice in Latvia are lacking. There are also limited interactions between various sectoral plans and strategies. As such, there is scope to strengthen cross-sectoral linkages and develop a clear mission statement for the Latvian justice system as a whole, and in particular the role of justice and access to justice – including for children and young people. The current vision for the justice system can also be broadened to encompass the role of actors beyond the formal justice system, recognise the benefits of legal empowerment, prevention and early intervention, and articulate the contribution of access to justice, especially for children and other groups in vulnerable situations.

Key recommendations

- Complete the second review for the UN Convention on the Rights of the Child (UNCRC), which includes an examination of a country report and submissions from national human rights and non-governmental organisations (NGOs), which have been pending since May 2021.
- Complete the National Action Plan to implement the European Union Child Guarantee.
- Become a party to the Istanbul Convention on Preventing and Combatting Violence against Women and Domestic Violence, which will also benefit children, and in particular girls.
- Develop a clear mission statement for the justice system, which could underline Latvia's commitment to fully embrace the role of justice -and access to justice, including for children and young people, and can facilitate the development of a more child-friendly justice.
- Put in place a coherent and comprehensive cross-government vision for children's access to justice and child protection, encompassing the role of actors beyond the formal justice system and recognising the benefits of legal empowerment, prevention and early intervention in justice matters regarding children and young people.

1.2. Co-ordination, governance and culture of a child-friendly justice system in Latvia

1.2.1. Towards a whole-of-state approach to child-friendly justice: strengthening inter-institutional co-operation and co-ordination

Latvia has made significant progress in developing the concept of child-friendly justice within the national context. Yet the considerable efforts in this direction are currently being hampered by a relatively complex co-ordination structure. For example, stakeholder interviews revealed that there is need to further clarify roles and responsibilities between different institutions, which could facilitate more effective co-ordination and leadership for the implementation of child-friendly justice policies. In addition, many stakeholders emphasised the need and the importance of political commitment for the implementation of child-friendly justice.

To support the implementation of a child-friendly justice system, the implementation of a whole –of-state approach is essential. A whole of state approach promotes strong leadership in the design and implementation of a child-friendly justice system that takes strategic action and effective responses by different levels of government that are responsible for the design, implementation and delivery of child-related services.

Yet, despite the existing efforts and attempts to protect children's rights, many stakeholders signalled that there is no clearly defined model of institutional co-operation, and co-ordination for strategy, policy and programme development with visible inter-sectoral impacts and accelerate the processes of implementing a justice system that prioritises children's rights. Limited overarching priorities and absence of a common agenda for children's access to justice can pose challenges to creating a child-friendly justice system and to improving child well-being more broadly. To respond to the unique pattern of children's needs, the inter-related nature of their legal and justice needs—and to overcome the fragmentation of services for this age group—it is vital to strengthen co-ordination and co-operation between relevant institutions, possibly through stronger role and significance of the centre of government in coordinating policies in this area.

Key recommendations

- Establish a clear governance structure to deliver child-friendly justice, supported by high-level political commitment, mechanisms for robust oversight and accountability and a whole-of-state approach that recognises the inter-relationship of children's needs that go beyond legal and justice institutions and extend to health, education, social and youth sectors.
- Establish a leadership role for coordinating the collective responses by different institutions and for ensuring overall accountability, possibly through entrusting a greater co-ordination role to the centre of government.
- Embed horizontal co-ordination and integration into policy design and implementation processes through clear distribution of roles and responsibilities across different government institutions, at different levels, possibly by upgrading the legislation to provide a clearer framework for co-ordination and collaboration, including at the service delivery level.
- Establish joined-up policy making initiatives, policy planning, joint working systems and a shared commitment for multidisciplinary and integrated services, such as the Barnahus model, among relevant stakeholders for a successful co-ordination for child-friendly justice. Improve referral and reporting pathways for service delivery.

1.2.2. Human and financial resources

Latvia is making considerable efforts to establish a child-friendly justice system, including through the efforts to establish a Barnahus model for children experiencing or witnessing abuse or violence. However, Latvia's efforts are challenged by limited resources, a staffing crisis, IT and data issues. Indeed, interviews with stakeholders revealed that resources within the child protection system are insufficient especially at the municipal level and in rural areas, which can prevent access to social and youth services. There is also uneven involvement of NGOs in the design and delivery of child protection and justice services, as well as limited funding available for civil society and NGOs. There is also limited identification of child-specific budgets in government strategies and financial plans across levels of government, and underdeveloped mechanisms for monitoring use of resources for child-friendly justice, including by civil society.

In addition, interviews highlighted that there is a widespread staffing crisis that negatively affects children's services within the justice system. Those include police officers and investigators, social workers, youth workers, mental health workers, including psychologists, psychiatrists and counsellors, who are often reported to have very low levels of pay. Moreover, challenges with IT infrastructure were reported to affect the ability of professionals in the justice system to assure child-friendly proceedings and create inefficiencies in the system. These include technological expertise available to investigators when computers of alleged perpetrators are seized, difficulties for prosecutors in distributing cases electronically, and low-quality video technology available for interviewing children (which can lead to loss of evidence). Moreover, lack of computers and large screens in courts hinders the ability to conduct hearings remotely. The on-going digital transformation in the country can help address some of the challenges, although concerted and dedicated efforts to advance digital transformation in the justice sector would be important.

Key recommendations

- Increase targeted investment and balance resources across the formal justice system, auxiliary services and preventive community-based services, including in less-populated, rural and poor areas, to facilitate evidence-based, cost-effective integrated child-friendly justice models. These should include such resources as adequate staffing and pay levels, buildings, IT and other infrastructure to service providers, including NGOs to ensure effective local implementation of child-friendly justice measures.

- Identify child-specific budgets in government strategies and in financial plans both at the national and local levels and implement transparent, effective systems to monitor the use of resources for child-friendly justice, including by civil society.

1.2.3. Status of children and child-rights culture in Latvia

Despite progress, a child-rights culture, defined as a culture where children's rights are prioritised by all within a society (UNICEF, 2023[4]), needs to be further developed in Latvia. There is scope to further recognise children as having the same human rights as adults in addition to the specific rights based on their specific circumstances and special needs (UNICEF, 2023[4]). It would be important for Latvia to strengthen the shift towards a child-rights culture from a reported tendency for child-blaming in Latvian society when abuse occurs. In addition, in accordance with stakeholder interviews, child abuse within families could sometimes be treated as a private matter by the broader society. Such instances can also make it challenging to establish a positive child rights culture and environment within the justice system, which currently seems to be more focussed on punishing offenders than on supporting victims. As such, Latvia could advance towards a more child-friendly culture by taking effective measures against negative attitudes towards abused children within society.

Moreover, several stakeholders reported that children often mistrust their parents or social services and may thus be wary to confide in them or even reveal abuse. Therefore, the cases often cannot be detected easily or can be often overlooked, which can make it hard to produce targeted policies for the establishment of a child-rights culture or defend children's rights in Latvia. Indeed, the 2022 OECD Legal Needs Survey (LNS) of Children in Latvia points out that one-third of children who responded to the survey either think that seeking help would not make any difference in terms of solving the problem they had, or they did not think that anybody would listen to them.

Key recommendations

- Make children's rights a cross-departmental priority by implementing child-rights culture and good practices in the justice system, across department agencies, in civil society and community. Alter existing laws, rules and regulations by prioritising child-rights culture.
- Take effective measures to address negative attitudes towards abused children or children exposed to violence, promote positive attitudes within the community for children's rights, uphold the protection of children's rights as a key value, implement community development programmes to enhance people's understanding and awareness of children's rights.
- Provide additional training and capacity building activities for professionals working with children to enhance their understanding of a child rights-based culture and strengthen interaction and communication with children.

1.3. Towards a child-friendly continuum of justice services

1.3.1. Evidence-based planning and understanding the legal and justice needs of children

Even though various statistical systems are in place in Latvia, stakeholders reported concerns related to the quality of data collection and the consistency of evaluations of programmes on child justice. In particular, stakeholder interviews revealed that data is collected in an unsystematic fashion through a range of uncoordinated separate mechanisms, such as police and school records, as well as those kept by social services and health workers. There appears to be no systematic way through which such records are collected and utilised to inform policy development. In addition, there is room to strengthen data quality,

sufficiency and governance, particularly at the municipal level. The uneven quality of data also poses a challenge to the capacity of policymakers and institutions to ensure that child protection and child justice programmes and services are informed by high quality evidence and analysis. Academic research in the field is also sparse.

Moreover, Latvia has had an opportunity to move to the forefront of research into children's legal needs by conducting a 2022 OECD LNS of Children in Latvia. Yet it would be important to ensure capacity to conduct these surveys on a regular basis, in order to inform service planning and improvement over time.

In addition, interviews with professionals working with children, including social workers, school staff, police officers also point to the need to strengthen evidence about the overall performance of the child protection and child justice systems. Limited detection, reporting and prosecution of cases such as abuse and violence against children, by professionals as well as delays in proceedings, systems that re-traumatise children and limited provisions for children's participation were all deemed to act against the achievement of fair and just outcomes for children. As such there is scope to enhance performance data collection with a view to strengthening fairness and effectiveness justice service delivery for children.

Finally, while there are examples of evaluations of state programmes that have informed subsequent programming for children, their consistency still need improvement. More broadly, there is also a need to strengthen culture of monitoring, evaluation and learning among public officials and practitioners working on child protection and justice issues, in order to foster continuous improvement.

Key recommendations

- Take stock of where the gaps and overlaps in data collection are; allocate resources more systematically and increase funding for the areas in need (e.g., different data collection methods), to understand the needs and experiences of children with the justice system and identify what works in preventing and responding to abuse and violence, child protection, rehabilitation and reintegration. Consider systematic use of LNS of Children to support the design and implementation of child-centred services. Strengthen collection of date on performance of child protection and justice system.
- Improve quality, sufficiency and governance of data from multiple sources, involving children, such as abuse and violence cases against children and young people; including by establishing robust protocols and systems for data collection and sharing.
- Invest in a high-quality independent evaluation of child-friendly justice initiatives to deepen understanding of what works and areas for improvement.
- Foster a culture of monitoring, evaluation and learning among public officials and professionals working with children by consistently engaging them in capacity building activities.

1.3.2. Equality and inclusion

While the legislative framework in Latvia provides for equal access to justice for children, this protection in law does not always fully translate into practice for all children, especially for those with special needs and disabilities. There are reports of enduring challenges faced by multiple groups of vulnerable and marginalised children, together with inequalities in access to justice services and complaints mechanisms, which present substantial barriers for many children in exercising their rights, leaving them on the edge of justice.

With regards to equality and inclusion in legal proceedings, Latvia reports prioritising cases involving abuse or violence against children but there is still a need for improvement in different types of proceedings involving children. While children are provided with access to interpretation services where required,

arrangements for children with disabilities appear to be limited. As such, there is scope for Latvia to strengthen equality and inclusion of its justice services for children.

Key recommendations

- Ensure rights and protection provided to children by law are fully translated into practice by coordinating with service providers and by enhancing reporting mechanisms for abuse and violence and services at the national, local and community levels.
- Ensure that cases involving abuse or violence against children are always prioritised by various services, including police, health and in court proceedings.
- Review arrangements for the inclusion of children with disabilities, as well as other groups of children in vulnerable situations, in legal proceedings.

1.3.3. Accessibility and availability of services for children

While important steps are being made in Latvia to provide a broad range of child protection and child justice services, a range of gaps remain. For example, evidence from Latvia shows that children's access to early information and advice is limited. As revealed by the LNS of Children in Latvia, children tend to lack trust in a range of professionals who could act as critical early problem identifiers. The results of the Survey show that when young people faced bullying, verbal and physical harassment, they had difficulty accessing a doctor or a psychologist/psychotherapist. 22% of the LNS for Children respondents indicated that they faced difficulties when accessing health and welfare services. In addition, 14% of the Survey respondents declared that they are unhappy with how their medical needs were with during the last 2 years.[1]

In fact, a high proportion of the respondents pointed out that they would benefit from free access to a mental health professional (e.g., a psychologist or psychotherapist) where the consultation is anonymous and confidential, which clearly shows that there is a need for improving free services by professionals. Several young people also pointed out that they are in need of easily accessible lawyers, youth day centres and social workers. Similarly, a small number or respondents included recommendations for providing free housing for those who are in poverty. More than one-quarter of respondents noted that they hoped that the treatment they received from social workers, teachers and psychologists would improve. They reported a lack of respect, unfriendliness, poor listening skills, low motivation and interest in their problems as the main issues they wished to be resolved.

In terms of advice and support to children, significant reliance is placed by the system on the Child and Adolescent Helpline. Yet several young respondents to the Survey highlighted that they could benefit from a helpline, which indicates that the existing helplines in Latvia are not well-known. Others argued that they would prefer a helpline that offers a chatroom because they disliked talking on the phone (Kendrick, 2011[5]).[2] There are also gaps in community-based information, advice, counselling and support services for young people in Latvia, including a lack of a co-ordination body in this regard. Similarly, there seem to be no specialist legal advice services available to children and young people, More broadly, there is scope to strengthen a range of services available to children, including community-based services, where they can turn to in person for age-appropriate help on a range of legal, social, emotional and health issues, or for specialist child-friendly legal advice.

In terms of systems for children complaints and reporting of abuse and violence, they seem to be limited. Where available, they seem to be difficult for children to navigate. For example, complaint mechanisms that are available to children in high-risk settings such as detention or institutionalised care centres, tend to lack child-friendly systems for submitting complaints and children appear to be unaware of them or, when they are aware of such centres, they do not trust them. There are also few reporting mechanisms in schools, in healthcare settings or in other institutions. In addition, while there are two well-respected national institutions that can pursue complaints on behalf of children: the Ombuds Office and the State

Inspectorate for Protection of Children's Rights (the State Inspectorate thereafter), neither seems to undertake much direct work with children (although both have Children's Rights departments). Better clarity is needed to understand how effective their efforts are to ensure that children can access them independently from their parents (i.e., without obtaining consent from their parents). There appears to be scope to delineate the two services more clearly from one another and to increase their collective focus on hearing, and acting upon, the voices of children and young people. Importantly, children may approach the State Police directly to submit complaints about violations of their rights, although it is reported that investigations usually take a long time and rarely result in prosecutions.

As such, in order to enhance children's and young people's trust in complaint receiving services, there is scope for Latvia to enhance investments in the establishment of a wider range of services, including consultation and complaint receiving centres (e.g., Barnahus houses). Such centres are also needed for the medical treatment of victims of abuse and violence, and for the rehabilitation as well as reintegration of victims. As the children who experienced abuse and violence need to feel safe to come forward with their most intimate secrets, the environment should be favourable to the physical and mental health, self-esteem and honour of a child. This concerns all stages of consultation, complaint making and court proceedings; as well as the broader justice system and related departments. More broadly, there is a need for more support for recovery, rehabilitation and reintegration for child victims and offenders.

Key recommendations

- Improve children and young people's access to early information, intervention advice and prevention programmes. Develop community-based services that children and young people can turn to, such as youth information, advice and counselling services – places where young people can turn to for age-appropriate help on a range of legal, social, emotional and health issues and specialist child-friendly legal counsel
- Improve awareness and accessibility of Child and Adolescent Helpline to children and young people needing support independently from parents including diversifying ways in which they can contact the helpline, including the chatbots
- Improve children and young people's access to child-friendly complaints systems, particularly in institutions (i.e. courts, healthcare facilities, schools, police).
- Clarify the respective roles of the Children's Rights departments at the Ombuds Office and the State Inspectorate, with a view to reducing any possible duplication and increasing their collective capacity to hear, and act upon the voices of children and young people. Strengthen the Ombud's Office's Children's Rights Department, increase its expert capacity and provide more differentiated services to children.
- Improve support for recovery, rehabilitation and reintegration for child victims and offenders - service planning should be joined up with planning of other support services for vulnerable children.
- Create safe environments (i.e., consultation/complaint centres for children and for young people) to report abuse and violence or ask for help when needed; ensure child-friendly practices are in place when gathering evidence and testimony (before, during and after court proceedings); design the physical settings of the medical examination (waiting, interview and court rooms) as well as places of detention in a way to protect children's privacy, confidentiality, safety and well-being.

1.3.4. Prevention, proactivity and timeliness

Latvia has implemented a range of policies and programmes focussed on preventing crimes by and against children. However, stakeholder interviews highlighted the limited effectiveness of measures taken to date, often as a result of limited resources, an absence of joined-up planning, and insufficient focus on the

provision of support to vulnerable children and young people. Limited long-term and in-depth support services leave children at risk with few trusted sources of support and puts unsustainable pressure on the few services that do exist. This in turn risks leading children into vulnerable situations or into criminal behaviour. More broadly, it was reported, there is a need for a greater focus on the provision of mental health support for children and young people and the role of NGOs in their delivery – and for recognition of such services as key to prevention as well as crisis support. As such, there is an opportunity to ensure that forthcoming policies and plans for children, young people and families integrate a broader and more joined-up approach to prevention, child safety and timely intervention in proactive manner. Much will depend on the successful co-ordination and delivery of these programmes.

Importantly, the justice system has made a concerted effort to prioritise cases involving children. However, cases are still subject to lengthy delays at various points of the investigatory and judicial processes, which can have a deleterious impact on the children involved and the delivery of just outcomes.

Finally, while state compensation is available to child victims of crime, abuse and violence, the process for children to access compensation is reported to be complex and the level of compensation provided is low. In this context, it would be important for Latvia to step up its efforts to alleviate the barriers that children face and improve prevention, proactivity and timeliness of justice delivery.

Key recommendations

- Ensure that policies and programmes focussed on preventing crimes by and against children have adequate resources, are joined up, and have a greater focus on the proactive and timely targeting of children and young people in vulnerable situations, as well as prevention.
- Improve the provision of long-term, in-depth support services - from early years to youth service - in local areas to address the entrenched and multiple issues that may lead children into vulnerable situations or criminal behaviour.
- Provide better access to early intervention and prevention and mental health support, including through NGOs .
- Continue prioritising cases involving children by the justice system and simplify complex court procedures that slow down cases.
- Simplify the process for child victims to access compensation and consider increasing the level of compensation.

1.3.5. Appropriateness and responsiveness

Child-friendly justice systems need to be age-sensitive and tailored to children's needs. This calls for enabling a child-friendly environment and arrangements, such as physical settings, interaction and support to children before, during, and after proceedings. Although protection of child rights well established in the legal and policy framework, there are reports of uneven professional practice and limitations in resources, including expert paediatricians for forensic examinations of child victims of abuse and violence and social workers. To this end, there is scope to emotional support, access to counselling and capacity building for professionals dealing with cases of child abuse and violence. There is also room for improvement in specialization, flexibility and expertise in investigating sensitive cases. More generally, there is a strong need to increase overall resourcing of the child protection and justice system and increase attractiveness of the field.

Finally, it was reported that the judicial system does not contain specialised child-friendly facilities, protocols or support staff such as psychologists. There are also no specialist children's judges, although it was noted that cases involving children tend to be assigned to judges with relevant experience. In addition, stakeholders highlighted the challenge of repeat interviewing of children, which can lead to their re-traumatisation. To this end, Latvia can consider deepening court and judicial specialisation and friendliness

to deal with child-related matters, as the absence of a child justice system, with specialist child courts and child-friendly premises, can make it difficult to achieve child-friendliness in a system designed primarily for adults.

Key recommendations

- Invest in strengthening capacities of and provision of support services to professionals working with children (e.g., social workers, police, prosecution, judges), including through enhanced training offer, sharing best practices, and discussing effective service delivery models in multidisciplinary teams such as workshops, as well as access to counselling and emotional support.
- Increase overall resourcing of the child protection and justice system and increase attractiveness of the field
- Strengthen the specialisation and friendliness of services, such as courts, to deal specifically with children and family cases.

1.3.6. Empowerment and participation

As in many other countries, efforts in Latvia to develop children and young people's legal capability by providing education and information about rights, responsibilities, justice services and democratic systems remain in their early stages. Nevertheless, the inclusion of rights education in the school curriculum provides a promising foundation for teaching children many key concepts, although in accordance with stakeholders, there is still scope to enhance effectiveness of this approach in schools in Latvia.

In addition, the efforts made by the State Inspectorate and the Ombuds Office to develop informational materials and educational programmes for children on their rights are worth noting, yet they may not have reached far enough to ensure vulnerable children are aware of their rights, responsibilities and the services available to them. For example, about 40% children and young people responding to the OECD LNS of Children reported having heard about the Ombudsman.[3] As such there could be scope to continue developing ongoing initiatives, through co-design with young people and harnessing the skills of NGOs, so that they become more relevant, interactive and accessible to marginalised young people.

With regards to children's participation in proceedings, the LPCR provides a robust underpinning framework for ensuring participation of the child in all proceedings affecting them. However, these provisions are challenged by other legislation that sets limits on children's participation. In particular, the role set out in legislation for children's representatives and other institutions, such as the Orphan's and Custody Courts, can have the effect of watering down the right of children to be heard as a voice separate from that of their parents. Overall, the law can be confusing for professionals to interpret when deciding how and when children's views should be sought directly. Indeed, while the Orphan's and Custody Courts and courts of general jurisdiction aim to ensure that the views and opinions of children are fully heard and represented in proceedings, it was reported by stakeholders that most often children's voices are mediated by a parent or other adult acting as their representative. A small number of young people reported that they wished for a faster response from institutions such as the Orphan's and Custody Court or professionals like social workers or lawyers when dealing with their issues.

In addition, there is room for improvement when it comes to professional practice in facilitating a child's right to participate in proceedings. In accordance with stakeholders, even where there is clear scope to ask children for their views, this tends not to happen. Within relevant institutions, there appears to be a culture of relying on adults to mediate and relay children's opinions and wishes, rather than taking the time and effort to listen to children directly where this would be possible. Children do not currently have access to an effective system of trusted 'support persons' or guardian *ad litems* to support their participation in proceedings. Thus, children are reported to be often left out of proceedings. As a result, court decisions

affecting children's lives in fundamental ways can be made without the court being in possession of all the evidence required. In addition, courts appear to have limited resources to enable them to provide children with child-friendly information about procedures and decisions made by the court.

Moreover, increasing children's procedural rights to initiate civil or administrative cases independently from their parents could help make services more accessible for children. It was reported that children whose interests may differ from those of their parents, and children in residential institutions, have limited options to either take an independent action against violations of their rights or challenge institutional limitations to provide care or services or to otherwise uphold their rights. The cumulative effect of underperforming complaints mechanisms and a court system that does not fully take into account the voice of children may mean that children have no one on their side at multiple critical stages of the problem resolution process. In such circumstances, child-friendly justice can become a remote concept.

With regards to the participation of children and young people in the design and development of policy and services, the recognition and promotion in both law and policy of the benefits of young people's involvement does not appear to translate consistently into practice. Therefore, there is scope for further child empowerment and for enhancing their overall experience while they participate in court proceedings.

Key recommendations

- Continue to develop education about rights, responsibilities, justice services and democratic systems as part of the school curriculum. Involve children, young people and NGOs in co-designing informational materials and educational programmes for children on their rights so that they become more relevant, interactive and accessible to marginalised young people.
- Provide support to the civil society sector to enable it to play a more influential role in the development and implementation of integrated, child-friendly justice services.
- Ensure the authentic views and opinions of children themselves are fully heard and represented in proceedings in the Orphan's and Custody Courts and in courts of general jurisdiction. Implement measures aimed at facilitating a child's right to participate in legal proceedings by making courtrooms more child-friendly, providing support to children before, during and after court proceedings and providing child-friendly information about procedures and decisions of the court. Improve arrangements for children to receive support during proceedings from a 'person of trust' or guardian ad litem who is guaranteed to act in their best interests.
- Increase children's access to independent, expert, age-appropriate legal advice, assistance and representation in judicial proceedings, particularly in civil and administrative cases. Increase children's procedural rights to initiate civil or administrative proceedings independently from their parents.
- Ensure that the participation of children and young people in the design and development of policy and services becomes routine across all relevant services and departments.

1.3.7. Collaboration and integration

Latvia has taken active steps to strengthen legislation, regulations and planning mechanisms to provide for co-operation between key institutions and professionals in protecting children's rights. For example, there are joint planning structures established at both national (Children's Affairs Co-operation Council) and local levels (Children's Rights Co-operation Groups), which are reported to be working well and appear to offer a sound basis for further strengthening co-ordination and co-operation, including at the service level.

Despite the strong foundations provided by legislation and joint planning structures, there is room for improvement at the level of professional practice and service delivery. Some institutions do not appear to understand or trust one other. At the service level, inter-institutional co-operation between social services

and the police appears to be limited, although this is a key relationship in the overall child protection system. It was also reported that there are instances when doctors and medical institutions under-report cases and that some institutions reportedly do not always co-operate with the Ombuds Office's investigations as expected. In addition, it was noted that there is no clear path for referral and reporting pathways for service delivery, which makes child-friendly service delivery for children a challenge. It was also highlighted that social services should be identified as a participant in the law for criminal proceedings to facilitate co-ordination and support for children. In cases where there are protocols and systems for joint working, more could be done to improve their implementation. In particular, stakeholders report instances of non-reporting, insufficient following of referral protocols and incomplete data entry into the information-sharing and statistical database systems, which can hinder problem detection and the capacity to understand the patterns and gaps in service provision.

As noted, addressing these issues requires strong leadership both at the policy and service delivery levels, including more clarity and reducing overlaps in roles and responsibilities. In this context, by piloting the Barnahus model, with plans for further implementation, Latvia has made an important step towards establishing child-friendly, multi-agency and interdisciplinary services for child victims and witnesses where children can be interviewed, examined, assessed and supported. The findings from the cost-benefit analysis research highlighted that the Barnahus model will generate greater benefits compared to its costs the longer it operates and the more children it serves. Given widespread existing support for the model, there is strong potential for further progress over the next few years.

Finally, the civil society, such as the Dardedze Centre, the Latvian Child Welfare Network or the Marta Centre, is playing an important role in the delivery of integrated services for children and the development of good practices in Latvia. However, inconsistent support and funding for NGOs, as well as limited opportunities to inform the design of child-centred policies and services are reported to serve as barriers for effective delivery of services. As such, there is clear scope to increase the role of civil society in the field of child-friendly justice with a view to responding to the needs of children in the most effective manner.

Key recommendations

- Continue strengthening joint planning mechanisms, such as the Co-operation Council in Children Affairs and Children's Rights Co-operation Groups, including through increased resources, overcoming role fragmentation, cultural attitudes and participation barriers for children and young people
- Strengthen trust and understanding between relevant institutions, including between social services and the police by improving conditions for joint work. Identify social services as a participant in the law for criminal proceedings and integrate the child protection system with criminal justice and other systems.
- At the service delivery level, strengthen mechanisms for co-operation between professionals, especially in smaller municipalities.
- Improve reporting of child protection cases, compliance with referral protocols and recoding of data by professionals.
- Pursue current plans to introduce an interdisciplinary and inter-institutional one stop model (i.e. Barnahus) for supporting and protecting child victims of violence and ensure its longer-term sustainability.
- Enhance the role of civil society in providing child-friendly justice services and protecting child rights, including through sufficient resources allocation.

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Notes

[1] 2022 OECD Legal Needs Survey of Children in Latvia.

[2] Legal needs surveys tend to show that young people are much less likely to access advice services by telephone than other age groups and tend to prefer face-to-face advice for many legal problems. See, for example, (Kendrick, 2011[5]), Young people's access to advice – the evidence, London: Youth Access, for a detailed analysis of legal needs data on preferred modes of access in England and Wales.

[3] 2022 OECD Legal Needs Survey of Children in Latvia.

2 Building a child-friendly justice system in Latvia: setting the context

This chapter aims to set the context for building a child-friendly justice system in Latvia. It then reviews the current justice needs of children and young people in Latvia, including their main vulnerabilities and challenges they face in accessing justice and legal services. Lastly, the chapter introduces the OECD child-friendly justice service framework and highlights the Report's methodology.

There is a common understanding that childhood is one of the most vulnerable periods of human life. Child vulnerability encompasses a wide range of individual and environmental factors that interact and compound, change and evolve over time. Individual factors stem from cognitive, emotional and physical capabilities or personal circumstances, such as: age, disability, or mental health difficulties (OECD, 2019[1]). Some of them can be invariable, for example, being a member of a minority, ethnic group or coming from an immigrant background; while others can be circumstantial, such as suffering from abuse, being an unaccompanied minor, or being in foster care. Environmental factors are observed both within one's family and community. Factors such as poverty, material deprivation of a family, parents' health and education levels, family stress and exposure to intimate partner violence are considered individual environmental factors. Community level environmental factors are those related to school and neighbourhood. They often reflect intergenerational facets and reveal that vulnerable children are concentrated in certain households, families and communities.

Given such factors, the situation of children should be further considered in light of intersectionality, defined as "different aspects of a person's identity that can expose the person to overlapping forms of discrimination and marginalisation" (Government of Victoria, Australia, 2021[2]) (Box 2.1). Those include, but are not limited to gender, disability, religion and sexual orientation. In the context of violence, the evidence shows that those intersections can lead to increased risks, severity and frequency of exposure to violence (The Equity Institute, 2017[3]). Various risk groups can be identified, including young children, children with disabilities, children belonging to ethnic minorities or marginalised groups, children living on the street, children in conflict with the law, refugee and displaced children (United Nations, 2023[4]). Different groups of children are in danger of falling victim to different forms of violence. While girls are at a greater risk of sexual violence, neglect and forced prostitution, boys are at greater risk of physical violence (Krantz, 2005[5]).

Box 2.1. Family violence and violence against women: example from Australia

Victoria government's "Free from violence strategy" reveals striking results about the rate of family violence and women facing violence. It aims to end family violence and violence against women. The strategy underscores that both family violence and violence against women have serious implications for children as they either experience family violence or become witness to it. According to the main findings, women who are over 15 years of age with disabilities are 40% more likely to be exposed to domestic violence than women with no disabilities. Similarly in Australia, 90% of women with an intellectual disability have been victims of sexual abuse, 68% of whom were reported to be under 18 years of age. In case of aboriginal populations, the strategy underlines that women and children experience considerably higher rates of family violence.

Source: (The Equity Institute, 2017[3]) Family Violence Primary Prevention: Building a Knowledge Base and Identifying Gaps for all Manifestations of Family Violence, https://www.vic.gov.au/free-violence-strategy-prevent-family-violence

2.1. Leaving no child behind: addressing vulnerabilities and legal and justice needs of children in Latvia

The key promise of the 2030 Agenda to "leave no one behind" translates into "leave no child behind". As such it attaches the biggest importance to the fulfilment of the rights of children through the universal goals and targets, and to acknowledging the relevance of all SDGs to children, their rights, well-being and development (OHCHR, 2020[6]). Children are at the forefront of many challenges at the global, regional and national levels, whether it is related to poverty (SDG 1), hunger (SDG 2), health (SDG 3), education

(SDG 4), gender equality (SDG 5), inequalities (SDG 10), violence or limited access to justice (Goal 16). Emerging evidence suggests an interrelated connection between unequal access to justice and socio-economic gaps. The close connection highlights that access to justice can both be a reason and an outcome of socio-economic status. (OECD, 2019[7]). In that regard, SDG 16 emphasises strengthening access to justice for all and SDG 16.2 calls to "end abuse, exploitation, trafficking, torture and all forms of violence against, children".

One of the objectives of the Sustainable Development Strategy of Latvia until 2030, which is a key and long-term policy planning document, is to promote long-term investments in human capital and to change the paradigm in education in order to preserve the base value of human capital, to increase its productivity and to reduce social inequality. Without dealing with violence against children in detail, the document highlights the range of important elements for children's well-being, such as: access to quality education and childcare, poverty eradication, social support to eliminate inequalities and exclusion, among others. The National Development Plan of Latvia for 2021-2027, which reflects the medium-term national perspective, provides several measures to establish a solid base for development from an early age, including the establishment of violence prevention programmes in educational institutions and among young people, improving the system for protection the rights of the child and ensuring co-operation by reassessing roles of national and municipal level authorities, including the Orphan's and Custody Court, and by reforming the juvenile crime prevention system. To better understand the legal issues faced by children and young people in Latvia, a Legal Needs Survey (LNS) of Children in the country (Box 2.2) has been undertaken by the OECD in the context of this Report.

Box 2.2. 2022 OECD Legal Needs Survey of Children in Latvia

In September 2022, a survey was carried out among Latvian respondents on behalf of the OECD "Towards a Child-Friendly Justice System in Latvia: Support to Barhanus Implementation".

The survey aimed to find out the following:

- What kind of issues and problems children and young people experience in their day to day lives. This includes issues to do with housing, education and crime, as well as family issues.
- How children and young people understand what they can and can't do concerning these issues.
- Where children and young people go for help when they need it.
- How things could be improved so that children and young people can get the support they need.

Out of the 409 children and young people (aged 12 to 18) that participated in this survey, 54% identify as male, 46% as female, two respondents pointed out that they were non-binary, and one did not wish to disclose their gender. All respondents reported to be residents of Latvia.

The majority of respondents are Latvian-speaking (73%), 30% listed Russian as their mother tongue, one respondent indicated that Ukrainian is his/her mother tongue. 30% of the respondents come from a household were both Latvian and Russian are spoken.

93% of respondents are students either at a primary, secondary school or university, 6% are enrolled in a remote-learning program and 2% of respondents are currently unemployed. Only one respondent reports having a job in order to earn pocket money.

Almost all respondents (97%) respondents live in a family home with their parents or other caretakers. From the respondents who do not live in a family home, four reply that they own their own home, two

live in an institution (e.g. care home, catered student hall, migrant holding centre) and two report that they are homeless.

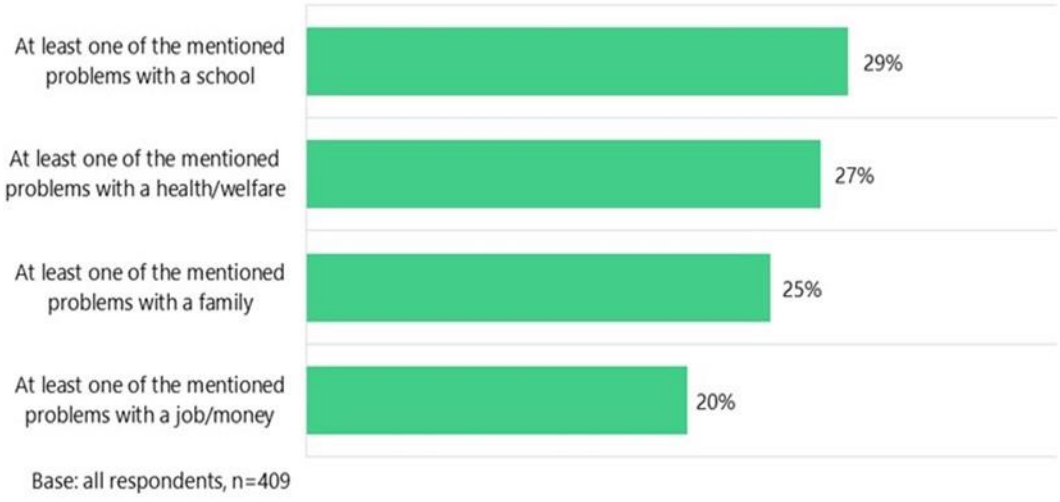
14% of respondents have a long-term illness or disability. 33% point out that they are currently taking care of a sick, elderly, or disabled person.

Source: 2022 OECD Legal Needs Survey of Children in Latvia.

2.1.1. Legal and justice needs[1] of children and impact on child well-being

Around the world, there is mounting evidence of a close association between experiencing legal problems and broader issues of health, social welfare and economic well-being (OECD, 2019[7]). Specifically, unresolved legal problems appear to have an adverse effect on different aspects of young people's lives. Most commonly such problems result in prolonged stress for young people, cause health problems, loss of income as well as loss of confidence. In addition, due to these problems young people are at a greater risk of experiencing violence, homelessness, relationship breakdowns, barriers to education and employment (Kendrick, 2011[8]).

Figure 2.1. Percentage of children in Latvia reporting at least one problem between 2020 and 2022



Note: Survey participants were provided with a list of issues related to school, financial resources, health, well-being and family that are often experienced by children. Respondents were asked to answer *Yes, No,* or *Not sure* about the different problems included in the list. Respondents were able to report more than one problem. 25% of all interviewed children have experienced at least one issue in the past two years. The survey did not include problems experienced by the child's parents, carers, and guardians, as well as situations where the child helped somebody else with their problem.
Source: 2022 OECD Legal Needs Survey of Children in Latvia.

Global estimations of violence against children show that half of children population, i.e. one billion children aged 2–17 years, experience physical, sexual, or emotional violence or neglect (Hillis et al., 2016[9])According to the evidence from the World Health Organisation's (WHO) Regional Office for Europe, around 55 million children in the WHO European Region experience physical, sexual, emotional, or psychological violence every year (World Health Organization, 2020[10]). Data from the Council of Europe shows that 1 out of 5 children in Europe becomes victims of sexual violence (Council of Europe, 2023[11]). It is a common understanding that many children are falling through the cracks and official statistics often do not correspond to the real numbers (WHO Regional Office for Europe, 2018[12]).

According to the results of the LNS of Children in Latvia, 20% of respondents have noted that they had experienced bullying or verbal/physical harassment at school. The rate of bullying is higher among girls (21%) than boys (17%).[2]

Bullying and verbal/physical abuse harassment are more prevalent in the capital city of Riga and the areas surrounding it, but less common in the northern and eastern regions of Latvia (Vidzeme and Latgale). In addition, young people who have had more experience with a variety of issues, rate their problems as more meaningful, which might suggest complex interconnected problems. For example, 23% of young people who rated their problem as average in seriousness (from 3 to 5, where 1 refers to less serious and 10 to the most serious), have had experience with bullying and verbal/physical harassment, in addition to 29% of respondents who rated their most recent problem from 5 to 10. On average, 25% of all interviewed young people have experienced at least one issue. The most common issues that respondents have reported are:

- difficulties accessing a doctor or a psychologist/psychotherapist (22%)
- bullying (20%)
- issues with goods or services they had paid for, for example broken products or bad service with a mobile phone contract (17%)
- a family dispute about money that is used or needed to support them (13%)
- being unable to get into the school of their choice (12%) [3]

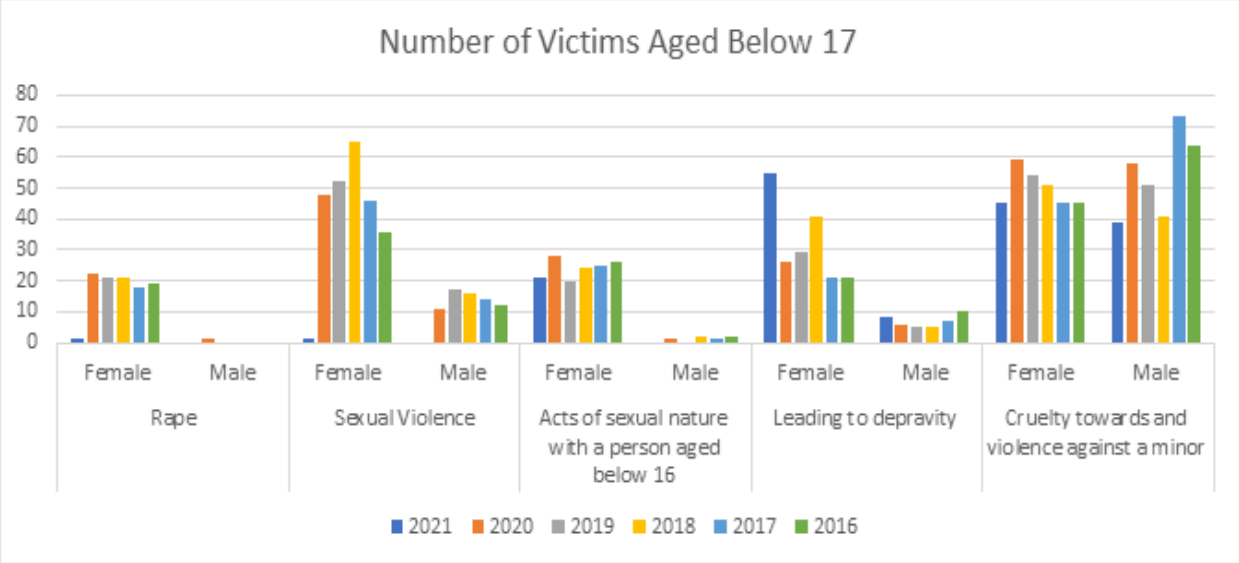
Bullying and access to a doctor or a therapist were also frequently mentioned when respondents were asked for recommendations on improving services in Latvia.[4] Access to a doctor is especially important for children who are experiencing legal needs, as they may not know how to express themselves or may experience physical or mental health problems. In addition, access to a doctor may be necessary to document any injuries or obtain a referral to other professionals or resources.

Latvian evidence between the years 2016 and 2021 inclusively shows that the numbers of female victims of rape, sexual violence, acts of sexual nature, acts leading to depravity, cruelty towards and violence against minors aged below 17 were consistently higher compared to male victims. However, in 2016 and 2017, the numbers of male victims of cruelty towards and violence against a minor exceeded the numbers of female victims. Between 2016 and 2021, the highest numbers both for female and male victims were recorded for cruelty towards and violence against a minor while the lowest numbers were recorded for rape and acts of a sexual nature with a considerable gap between female and male victims. Similarly, 407 criminal offences against minors were recorded in 2020, and 1 550 children who suffered from emotional, physical, and sexual violence and neglect received treatment (Central Statistical Bureau of Latvia, 2021[13]).

Earlier evidence suggests that more than one-third of young children in Latvia reported cases of emotional neglect, and around 25% reported physical neglect (Velika et al., 2012[14]). Based on a 2015 Ombuds Office's study, 47% out of 500 children aged 11-18 in Latvia reported having experienced some form of violence, including emotional, psychological and physical abuse (WHO Regional Office for Europe, 2018[12]). It is observed that violence against children in Latvia increased in 2021. In 2021, children most often suffered from crimes against morality and sexual integrity (54.3% of cases, a 15.7% increase since 2020) or cruelty and violence (15.4% of children, a decrease of 8.4%). There has also been an increase in the number of children who have been victims of pressure to take part in sexual acts (50 children, or an increase of 34 cases), leading to depravity (63 children, or an increase of 31 cases), violation of provisions regarding pornographic performances and materials (54 children, or an increase of 26 cases), and sexual abuse (76 children, or an increase of 17 cases).

It is also worth noting that the Statistics Portal of Latvia keeps track of the number of victims below the age of 17 (Figure 2.2).

Figure 2.2. Number of victims in Latvia between 2016-2021 below the age of 17 years old



Source: Developed from data derived from the Statistics Portal of Latvia (Government of Latvia, 2023[15]), Official statistics portal, Official statistics of Latvia, https://stat.gov.lv/en/statistics-themes/population/crimes.

Violence against children constitutes a violation of child rights, affects their enjoyment of other rights as well as their social development, has devastating mental and physical health consequences, and far-reaching costs for societies and economies (Council of Europe, 2016[16]). It can result in death, lead to severe injuries, impair the development of the brain and the nervous system, lead to the development of negative coping and health risk behaviours, unintended pregnancies, induced abortions, gynaecological problems, and sexually transmitted infections (including HIV). It can also contribute to a wide range of non-communicable diseases as children grow older, while impacting opportunities available to them and harming future generations (World Health Organization, 2020[10]). For instance, data shows that more than 50% of people who were abused as children experience domestic violence later in life (Office of National Statistics, UK, 2017[17]). At the same time, a child who was abused is more likely to abuse others as an adult, which adds to the multi-generational cycle of violence (World Health Organization, 2022[18]). Moreover, children who experienced violence in childhood have a 13% greater likelihood of not graduating from school (World Health Organization, 2022[18]).

In economic terms, the estimated global costs from the Overseas Development Institute (ODI) related to physical, psychological and sexual violence against children make up between 3% and 8% of global GDP (Child Fund Alliance, 2018[19]). The study highlights significant costs for individuals, communities, governments and economies, which far exceeds the investment required to prevent much of that violence. Another study in the USA indicated that child maltreatment costs at least USD 124 billion. However, a sensitivity analysis found this figure to run as high as USD 585 billion (Fang et al., 2012[20]). In Australia (New South Wales), there were estimated to be in excess of 150 000 cases of violence against children and youth aged between 0-24 years, which caused a financial burden of AUD 11.2 billion. This cost was shared by the NSW state government (2.3 billion), the federal government (600 million), as well as by individuals and the broader community (8.2 billion) (Deloitte, 2019[21]).

2.1.2. Barriers in accessing justice and related services by children

Children's vulnerability often impedes their capacity to recognise and address their legal and justice needs (OECD, 2021[22])[5]. The limited participation in the justice system coupled with a limited understanding, trust and confidence in institutions and services can place children outside of the effective protection of the law.

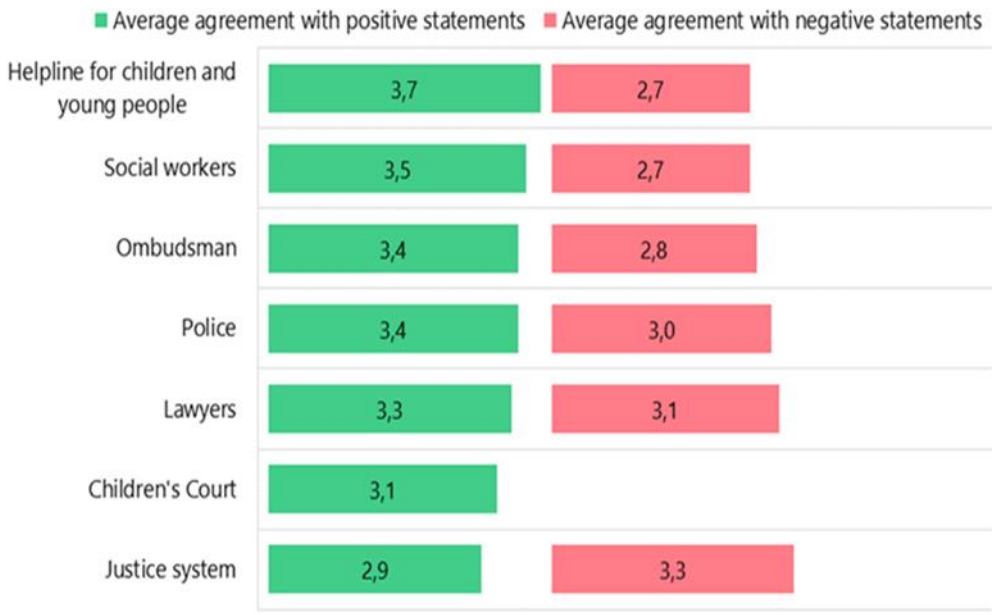
Children's special and dependent status creates challenges for them in accessing legal remedies and accessing justice generally (OHCHR, n.d.[23]), which include but are not limited to the following:

- Children face **general barriers** that affect them in a similar way as they affect adults. Poverty, inability to pay court and/or legal representation fees or travel expenses to reach courts or other venues, lack of information, inability to understand complex and technical laws and procedures, length of proceedings, lack of legal aid and support services, language barriers, and a distrust in authorities are among the barriers that children face.
- Children also face **child-specific barriers**. For example, in many cases they are not recognised as rights-holders due to their age, thus they are denied the legal capacity to initiate legal action. Children may not be supported adequately to overcome this barrier by parents, caregivers or other actors, and may lack independent representation and specialised legal assistance, which effectively limits their ability to participate in the legal system and to be heard. They may feel intimidated and threatened when attempting to access it. Some initiatives will soon start on behalf of the Ministry of Welfare to provide more social services to children. They will be able to access those services without having to get permission from their parents or to even inform them. There is also a growing consensus to allow children to vote at 16, at least in municipal elections.
- Where deliberate efforts are not made to develop child-friendly procedures, children may face **'child-insensitive' procedures** and may therefore be exposed to general disempowerment through victimisation, discrimination, stigmatisation and not having realistic access to the courts.
- Further, there is often **limited co-ordination** between different agencies and stakeholders responsible for the well-being and fair treatment of children, such as child protection authorities, health, justice and education services. Limited inter-agency co-ordination or lack thereof can result in a situation where there is no authority that is accountable for the overall treatment and well-being of children engaging (or potentially engaging) with the justice system.
- Certain **disadvantaged groups of children face additional and more specific difficulties** in accessing justice. Children with disabilities often face negative assumptions about their intellectual, psycho-social and physical capacities. Rather than being provided with additional support, they often face additional discrimination and limitations when they try to participate in the justice system. Indigenous children, children seeking asylum and children from minorities with different language and cultural practices than the majority can also face de facto discrimination and exclusion unless strategies targeting these disadvantages are implemented.
- Children **deprived of liberty in institutions** face an obvious lack of access to normal family, community and legal professional support. They often face additional discrimination and stigma and often do not have accessible, independent or fair complaint mechanisms.
- Finally, without access to appropriate and readily available information and support, children will often simply be **unaware of their rights** and how to acquire assistance and support when the legal needs arise.

The results of the LNS in Latvia also point out similar issues. When various services and institutions such as police, The Orphan's and Custody Court and Ombuds Office were contacted for their opinion in Latvia, the high frequency of 'neither agree, nor disagree' statements suggest that a significant number of young people in Latvia do not have a clearly formed opinion of institutions or professionals that could help them and could ensure that their rights are protected.

The institutions or professionals that are perceived most positively by young people are the helpline for children and young people, as well as social workers. In comparison, lawyers and the justice system are perceived most negatively by the respondents. It bears noting that statements about lawyers and the justice system also received a substantial number of 'neither agree, nor disagree' answers. Therefore, it is probably likely that because of their lack of experience with these services, young people have not formed a clear opinion of them.

Figure 2.3. Children's sentiment towards justice-related services in Latvia



Note: The 409 survey respondents have been asked about their views on the main services available to them in Latvia. The children have been provided with a list of statements, both positive and negative, about each service and asked to indicate to what extent they agree or disagree with these statements, based on a five point scale. An analysis of the average children's perception of each of the seven services included in the survey was conducted based on the children's responses. The survey contained only positive comments on the Court.
Source: 2022 OECD Legal Needs Survey of Children in Latvia.

Only 40% of young people who have experienced issues related to school, family/housing, work and money or medical professionals/social workers, look for information online or elsewhere that would help them with their problem. Respondents who are most likely to look for information are those young people who have experienced a problem getting support from social services (69%), whereas young people who have been bullied are least likely to look for information online or in a document (48%). In general, young people who have experienced issues related to medical professionals and social workers are more likely to seek information, whereas respondents with problems related to school, family/housing are less likely to do so.

A small proportion of young people (5%) turn to a professional or authority figure - all of these respondents noted that they decided to talk to a teacher and rated the advice they received as helpful. Other respondents, however, tried to look for information online (40%) and turned to friends (14%) or relatives (82%) for advice.[6]

Despite a progressive international human rights framework concerning child-friendly justice systems, only a limited number of children whose rights are violated around the world initiate certain legal action and seek redress, whilst even fewer obtain an effective remedy. For children and young people, access to legal support can be essential for successfully resolving their legal problems, and thus combating poverty and exclusion, by securing their rights to social protection, education and health care. The positive difference made by legal advice services appears to be greater for young people than for the general population, suggesting that targeted investment in counselling services for young people could be better value for money than all-age approaches (Kendrick, 2011[8]).

To this end, to help address these barriers and to build effective child-centred justice system, the OECD Framework on Child-friendly Justice (forthcoming) can provide a roadmap for Latvia to support its efforts. This forthcoming Framework builds on the OECD Framework and Good Practice Principles for People-

Centred Justice (OECD, 2021[22]),[7] which in turn supports countries to transform their justice systems by implementing a people-centred approach and by focussing on specific vulnerable groups (Box 2.3).

Box 2.3. OECD Framework for a Child Friendly Justice System (forthcoming)

Building on the OECD Framework and Good Practice Principles for People-Centred Justice, the OECD is currently developing a framework for a child friendly justice system aims to support countries in guaranteeing the implementation of children's rights and child-friendly policies and initiatives at the highest level. This focuses the people-centred approach to justice on key vulnerable groups-children and young people while making sure that justice is accessible and adapted to their needs and experience. Tailoring the justice systems to the specific needs of different groups improves access to justice in addition to creating policy outcomes that are not only visible for justice systems alone but also for other policy sectors.

The OECD approach to child-friendly justice is based on the four main pillars of the people-centred justice framework:

- *Designing and delivering children-friendly services* within a people-centred justice system focuses on policy design based on the identification and resolution of children's specific legal and justice needs.
- Governance *enablers and infrastructure* looks at the role of government, key justice sector actors and other governance enablers in establishing justice systems that are accessible and tailored to the justice needs of children.
- *People empowerment* recognises the importance of strengthening children's and justice stakeholders' capabilities on both sides of the justice service delivery systems to improve their understanding of the justice system and enable their participation in the design and delivery of justice and legal services.
- *Planning, monitoring and accountability* focuses on establishing and maintaining evidence-based mechanisms to support decision making, monitoring and delivery of a child-friendly justice system. It uses evidence-based mechanisms to support the implementation of child-friendly justice services. It deals with the establishment of processes and investment to ensure that essential data is available; there are ongoing systems of evaluation to fill the gaps in the existing knowledge about cost-effective service delivery to improve children's access and that progress can be monitored by governments through policy evaluation indicators.

Source: (OECD, 2021[22])*OECD Framework and Good Practice Principles for People-Centred Justice*, OECD Publishing, Paris, https://doi.org/10.1787/cdc3bde7-en.; (OECD forthcoming, 2023[24]) OECD Framework for Child-friendly Justice (forthcoming).

This calls for adapting the justice system in Latvia to be sensitive to children's vulnerabilities, needs and rights, and to be more responsive to children's participation in formal and informal decision-making procedures concerning them. The concept of a child-friendly justice system acknowledges not only children's particular vulnerability but also their capability to exercise their rights in a manner consistent with their evolving capacities (Box 2.4). For instance, when dealing with child abuse and violence cases, this approach further calls for coordinating with social, health and other services to ensure that children are adequately supported and protected throughout the process (including being protected from their abuser, and, importantly, from being revictimised by the system). Supporting services and pathways in the criminal context should involve a specialised child justice system and pathway. The utmost consideration should be given to their age and stage of development at all stages – but especially when children are placed in detention (OECD forthcoming, 2023[24]).

Box 2.4. Global definitions of child-friendly justice

Access to justice is regarded as a right clearly recognised under general international law (FRANCIONI, 2007[25]), as a "fundamental right in itself and an essential prerequisite for the protection and promotion of all other human rights" (Human Rights Council, 2013[26]). As noted in the OECD's Riga Statement, "equal access to justice and legal empowerment are intrinsic goods and foundational components of inclusive growth, transparent and accountable institutions and sustainable development" (OECD, 2018[27]).

Access to justice can be defined as the "ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards" while "proper access to justice requires legal empowerment of all children: all should be enabled to claim their rights, through legal and other services such as child rights education or advice and support from knowledgeable adults" (United Nations, 2008[28]).

Children at the centre of a justice service continuum: Leaving no one [child] behind in accessing justice requires rethinking the traditional approaches to delivering legal and justice services, focussing first and foremost on responding to people's [children's] needs. Services need to be "personalised" and responsive to the individual [child] and the situation (OECD, 2019[29]).

"Child-friendly justice" refers to justice systems that guarantee the respect and the effective implementation of all children's rights at the highest attainable level, bearing in mind the principles listed below and giving due consideration to the child's level of maturity and understanding and the circumstances of the case. This refers, in particular, to justice that is accessible, age appropriate, speedy, diligent, adapted to and focussed on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity" (Council of Europe, 2010[30]). In that regard, and very importantly, "[g]rowing evidence shows that tailoring justice services to the specific needs of the population matters not only for better access to justice but also for achieving policy outcomes that go beyond the justice sector" (OECD, 2019[29]).

Source: (FRANCIONI, 2007[25]), The Rights of Access to Justice under Customary International Law, 10.1093/acprof:oso/9780199233083.003.000; (Human Rights Council, 2013[26]), Access to justice for children, https://www.ohchr.org/sites/default/files/Documents/Issues/Children/ReportAccesstoJustice_Dec2013.pdf; (OECD, 2018[27]), Riga Statement "Investing in Access to Justice for all!", https://www.oecd.org/governance/global-roundtables-access-to-justice/riga-statement/; (United Nations, 2008[28]), UN Approach to Justice for Children, https://www.unodc.org/pdf/criminal_justice/Guidance_Note_of_the_SG_UN_Approach_to_Justice_for_Children.pdf; (OECD, 2019[29]), Equal Access to Justice for Inclusive Growth: Putting People at the Centre, 10.1787/597f5b7f-en; (Council of Europe, 2010[30]), Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, https://rm.coe.int/16804b2cf3.

2.1.3. Methodology

The report has been prepared as part of the project "Towards a Child-Friendly Justice System in Latvia: Support to Barhanus Implementation", funded by the European Economic Area (EEA) and Norway grants. The project aimed to support Latvia in re-thinking strategies to put children at the centre of the justice system and provide a comprehensive support system to tackle their complex needs. As part of this project, the OECD acted as a project partner, alongside the Children's Clinical University Hospital, the State Inspectorate and the Icelandic Government Agency for Child Protection. The OECD supported Latvia in reviewing its existing socio-justice services and in developing an integrated, coordinated and evidence-based model for justice service delivery for children.

As part of this work, the OECD carried out three types of data collection and analysis:

a) *Assessment of children's legal and justice needs*. To conduct this assessment, the OECD developed a Legal Needs Survey (LNS) of Children (see Box 2.2), taking into account the Latvian context and the level of development of 12-year-old children and above. It aimed to find out:

   - What kind of issues and problems children and young people experience in their day-to-day lives. This includes issues that have to do with housing, education and crime, and other family problems.
   - How children and young people understand what they can and can't do – their rights - concerning these issues.
   - Where children and young people can go for help when they need it.
   - How things could be improved so that children and young people can get the support they need.

   Aligned with the SDG 16 survey to support the country in their reporting commitment under the SDG Agenda, the survey has been reviewed by experts from the University of Cork, who also prepared a consultation session with a group of children (outside Latvia), to gather their views on the language, scope and design of the survey. It underwent extensive consultation on data protection issues to ensure necessary safeguards were in place.

b) *Assessment of justice pathways and experiences from children's perspective and justice service delivery for children*. In doing so, the OECD carried out online fact-finding missions and data collection, including with Latvia's governmental and public officials, medical staff, social workers, legal professionals, members of NGOs, and other stakeholders both at the national and local levels (July and October 2021 and in 2022).

c) *Cost-benefit analysis*, to understand the associated costs and benefits of the establishment of the Barnahus model in Latvia. The analysis includes social and economic impact over a twenty-year period (starting from 2021 to 2040) using different assumptions. It involves both measurable financial metrics and intangible costs/benefits (e.g., children's and families' well-being, safety and satisfaction). This study aims to provide evidence-based analysis and a case for the sustainability of the Barnahus model in Latvia.

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Notes

[1] In broad terms, legal and justice needs refer to people's justice priorities and may include a problem with a legal or justice dimension in any sector or any party, whether or not this is recognised by those involved, and to the subsequent demand to access (public) justice services and other dispute resolution mechanisms in order to obtain recognition of and remedy to such problem.

[2] 2022 OECD Legal Needs Survey of Children in Latvia.

[3] 2022 OECD Legal Needs Survey of Children in Latvia.

[4] 2022 OECD Legal Needs Survey of Children in Latvia.

[5] Legal and justice needs are defined as the specific problems with a legal dimension that individuals experience in various sectors such as health, family, business and to the subsequent demand to access (public) justice services and other dispute resolution mechanisms in a remedy

[6] 2022 OECD Legal Needs Survey of Children in Latvia.

[7] The framework with its four pillars, aims to determine the justice needs of societies, design and deliver accessible justice systems based on those needs while at the same time fostering accountability, people's empowerment and inter-agency cooperation. The framework builds on four pillars that include "1) designing and delivering people-centred services, 2) governance enablers and infrastructure, 3) people empowerment, 4) planning, monitoring and accountability".

3 Co-ordination, governance and culture of a child-friendly system in Latvia

This chapter describes the current situation in Latvia related to governance, co-ordination and culture on child protection and justice. It starts with providing an overview of the international standards, national legal frameworks and policies dealing with children's rights. The chapter then highlights key institutions involved in protecting and safeguarding children's rights in Latvia. Following that, the chapter provides an overview of practices undertaken by Latvian ministries and agencies to implement child-friendly justice, including roles and responsibilities, co-operation and co-ordination mechanisms, service delivery models, and accompanying resources. It also identifies challenges faced by different actors and institutions.

3.1. Status of children and a child rights culture: overview of the vision, the legal and policy framework

Developing a child rights culture requires working to address ingrained societal attitudes, for example regarding violence against children or towards children as rights bearers. Such societal attitudes or inherent biases can influence individuals who work in the justice system and act as significant barriers to achieving child-friendly justice. In order to embed a child rights culture, it is vital that justice officials and the wider community (in which the justice system operates) share a commitment to upholding children's rights in their work as well as day-to-day interaction with others.

Moreover, developing a child rights-based and child-friendly system requires the country to make children's rights a cross-departmental priority, so that it becomes everyone's responsibility to protect and promote a child-friendly system rather than a single institution. The collective effort will then help spread a child-friendly culture throughout Latvian society.

Additionally, it is critical that mutual trust be built between children and public services. Children need to encounter a safe environment in which they feel that they can ask for help, will be listened to and protected, particularly when they report abuse or violence. Equally, it is necessary to develop professionals' understanding of children and children's rights, so that they will believe children when they come forward and will trust in children's ability to exercise their rights responsibly. In order to strengthen a child rights-based approach to services, a number of focus points are highlighted in Box 3.1 below.

Box 3.1. Strengthening a child rights-based approach

Article 1 of the United National Convention on the Rights of the Child (UNCRC) defines a child as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" (OHCHR, 1989[1]). A child rights-based approach takes this definition as the base and brings together seven principles to identify the main approach to public services. These principles include:

Dignity

Dignity refers to the acknowledgement of the value, respect and nurturement of the inner dignity of every child and young person

Interdependence and indivisibility

'Interdependence and indivisibility' refer to the belief that rights cannot be picked based on the circumstances. In that sense, there is an emphasis for children and young people to enjoy all their rights regardless of the circumstances that might be present.

Best interests

"Best interests" underline that the best interests of children and youth must be prioritised in all decisions and actions that impact them and that children and young people should be active participants in decision-making processes that affect them directly.

Participation

"Participation" emphasises supporting children and young people to actively participate in their family lives, in their community and in broader society not only to be active participants in private and social spheres of life but also to get a chance to express their views and feelings in a free and frank manner.

Non-discrimination

'Non-discrimination' promotes treatment of every child and young person in a fair and non-discriminatory manner. In addition, non-discrimination involves supporting individuals who need to overcome barriers and difficulties, in line with the equity principle so that everyone is treated equally.

Transparency and accountability

'Transparency and accountability' stresses that open and transparent communication between children, young people, professionals, young people and politicians is needed to bring a rights-based approach into reality and to hold involved parties accountable

Life, survival and development

'Life, survival and development' indicates that every child has a right to life and each child and young person should be supported to enjoy the same opportunities to nurture safe, healthy growth as well as development (UNICEF, 2023[2]).

Source: (OHCHR, 1989[1]) Convention on the Rights of the Child, https://www.ohchr.org/sites/default/files/crc.pdf

As seen in the Box below, the legal definition of a child based on Latvian law highlights different conditions and exceptions of being considered a child (Box 3.2).

Box 3.2. Legal definition of a child in Latvia

The status of the child is embedded in the Law on the Protection of the Children's Rights (LPCR), which defines a child as a person who has not reached the age of 18. Similarly, Section 219 of Latvia states that "the minority of persons continues until they reach the age of eighteen".

Exceptions include persons who are declared to be of legal age in accordance with the law or have entered into marriage before reaching the age of 18. In accordance with sections 220 and 221 of the Latvian Civil Law, in special cases and upon confirmation by guardians or the minor's next of kin, an The Orphan's and Custody Court may declare a minor, who has reached the age of 16 years, as having reached the age of majority. Such a decision by the Orphan's and Custody Court must be approved by a court of general jurisdiction.

Administrative and criminal liability applies from the age of 14, in accordance with Section 57 of the LPCR, Section 11 of the Criminal Law and Section 6 of the Law on Administrative Liability.

Section 70, Part 1 of the LPCR stipulates that if there are doubts regarding minority of a person, the person shall be deemed a minor until his or her age is ascertained, and such person shall be ensured a relevant assistance.

Source: (LIKUMI, 1998[3])Law on the Protection of Children's Rights in Latvia, https://likumi.lv/ta/en/en/id/49096; (LIKUMI, 1937[4])Civil Law of Latvia, https://likumi.lv/ta/en/id/225418-the-civil-law; (LIKUMI, 1998[5])Criminal Law of Latvia, https://likumi.lv/ta/en/en/id/88966; (LIKUMI, 2018[6])Law on Administrative Liability, https://likumi.lv/ta/en/en/id/303007-law-on-administrative-liability.

3.1.1. International legal framework

Latvia is a party to seven out of nine core international human rights (OHCHR, n.d.[7]) which set down a solid set of principles to be followed by Latvia and hold it accountable (at legal, political and moral levels) for the respect, protection and realisation of the fundamental rights and freedoms (Box 3.3).

Box 3.3. Main International Human Rights Instruments and International Instruments Combatting Violence Against Children applicable in Latvia

- International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (15 November 2000)
- ILO Convention No.182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1 June 1999)
- ILO Convention No. 138 on the Minimum Age for Admission to Employment (6 June 1973)
- Hague Convention on the Civil Aspects of International Child Abduction (25 October 1980)
- Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (29 May 1993)
- Juvenile Justice (Care and Protection of Children) Model Rules (2016)
- UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (29 November 1985)
- UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (14 December 1990)
- UN Rules for the Protection of Juveniles Deprived of their Liberty (14 December 1990)
- UN Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules) (14 December 1990)
- Vienna Guidelines for Action on Children in the Criminal Justice System (21 July 1997)
- African Charter on the Rights and Welfare of a Child (June 2019)
- African (Banjul) Charter on Human's and Peoples' Rights (21 October 1986); American Convention of Human Rights (18 July 1978)
- Arab Charter on Human Rights (15 March 2008)
- European Convention for the Protection of Human Rights and Fundamental Freedoms (3 September 1953)
- European Social Charter and Revised Social Charter (26 February 1965)
- Cairo Declaration on the Convention on the Rights of the Child and Islamic Jurisprudence (23-24 November 2009)

Source: (OHCHR, n.d.[7])The Core International Human Rights Instruments and their monitoring bodies, https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies.

One of the instruments is the UN Convention on the Rights of the Child (UNCRC), to which Latvia acceded in 1992, followed by ratification of two optional protocols - on the sale of children, child prostitution and child pornography in 2016. Under the UNCRC, Latvia is required to undergo regular reviews on the implementation of the convention provision by the committee of experts. The last review of Latvia took place in 2016, encouraging Latvia to make further progress in the implementation of the Convention. For a summary of concluding observations, see Box 3.4

Box 3.4. Child periodic report of Latvia: 2016 concluding observations of the UN Committee on the Rights of the Child

The concluding observations of the 2016 Child Periodic Review of Latvia by UNCRC urged Latvia to make progress on the following: 1) to provide adequate resources to be allocated for the implementation of various laws in order to bring them in full compliance with the Convention; 2) to develop a comprehensive policy and strategy; 3) ensure co-ordination and complementarity among government entities; 4) provide the resources necessary for their effective implementation. The Committee also recommended to strengthen the Children and Policy Department of the Ministry of Welfare and the Children's Rights Division of the Ombuds Office, utilise a child-rights approach in the elaboration of state and municipal budgets, and organise campaigns to raise awareness about eliminating discrimination.

Source: (OHCHR, 2016[8]), CRC/C/LVA/CO/3-5: Concluding observations on the third to fifth periodic reports of Latvia , https://www.ohchr.org/en/documents/concluding-observations/crcclvaco3-5-concluding-observations-third-fifth-periodic-reports

The next review, including an examination of a country report and submissions from national human rights and NGOs, has been pending since May 2021 (see Box 3.5).

Box 3.5. Child periodic report of Latvia: 2016 recommendations of the UN Committee on the Rights of the Child

With regards to violence against children in Latvia, the Committee recommended to:

- Establish an integrated information system for the comprehensive analysis of violence against children, monitor the efficiency of targeted measures and develop an evidence-based policy to prevent and address violence against children
- Promptly investigate all reported cases of violence against children and prosecute and sanction perpetrators
- Establish a clear procedure for medical staff to record and report cases of violence against children
- Establish mechanisms, procedures and guidelines to ensure mandatory reporting of all cases of sexual abuse of children and educate children with mental health disorders about how they can identify and report incidents of sexual abuse
- Immediately investigate all cases of sexual abuse in institutions for children with mental health disorders and prosecute and sanction offenders
- Strengthen the monitoring of institutions for children with mental health disorders, including training health staff and social workers to detect signs of sexual abuse

- Ensure that the Helpline personnel receive regular training on the Convention and its operational protocols, to provide child-sensitive and child-friendly assistance and procedures for following up on complaints
- Complement the Helpline with a regular monitoring mechanism to ensure the quality of the support and advice provided
- Collect regular and systematic data on the number and types of complaints received and the support provided to victims

Source: (OHCHR, 2016[9]), Child Periodic Report of Latvia: 2016 Recommendations of the UN Committee on the Rights of the Child, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/049/25/PDF/G1604925.pdf.

Latvia's membership in the regional organisations – including the European Union as well as the Council of Europe – provides Latvia with additional instruments that strengthen the country's human rights framework. Latvia is required to respect the provisions of European Union treaties, including the Charter of Fundamental Rights, which guarantees the protection of children's rights. To ensure that those objectives are properly considered in all relevant policies and actions, the country is also encouraged to apply targeted EU strategies and to continue efforts to develop the National Action Plan to implement the EU Child Guarantee.

In addition, Latvia, as a state party to key conventions of the Council of Europe, has an obligation to promote and protect children's rights. For example, the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (known as the Lanzarote Convention) entered into force in Latvia in 2014. The implementation of the obligations under the Convention is coordinated by five ministries – Welfare, Health, Education and Science, Justice and Interior (none of the ministries has been assigned as the main coordinator) (Box 3.6). In 2021, the Constitutional Court of Latvia ruled that the Istanbul Convention on Preventing and Combatting Violence against Women and Domestic Violence was compliant with the country's constitution. Ratification of the convention is pending.

Box 3.6. Lanzarote Committee – recommendations for Latvia

The Lanzarote Committee assessed Latvia under the urgent monitoring round on "Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse" (Council of Europe, 2021[10])

Some of the recommendations included:

- To put in place effective mechanisms for data collection with a specific focus on children affected by the Ukrainian refugee crisis who are victims or presumed victims of sexual exploitation and sexual abuse and review the possible removal of obstacles to the collection of such data, in particular, where they exist, legal restrictions to do so, with due respect for the requirements of personal data protection
- To encourage the co-ordination and collaboration of the different actors who intervene on behalf of and with children affected by the refugee crisis to ensure that preventive measures in regard to protection from sexual exploitation and sexual abuse are in place and protective measures are taken as quickly as possible
- To encourage and support the setting up of specific information services such as telephone or Internet helplines to support child victims of sexual exploitation and sexual abuse affected by the refugee crisis as well as persons wishing to help them to provide advice in a language they understand

Source: (Council of Europe, 2021[10])Council of Europe contribution for the 38th UPR session (Jan-Feb 2021) regarding Latvia. Page 7, https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8704&file=EnglishTranslation.

3.1.2. National legal framework

Latvia's legal framework around child-rights is underpinned the Constitution of the Republic of Latvia (LIKUMI, 1922[11]) which calls on the state to protect and support the rights of the child. Furthermore, Section 110 of the Constitution sets the duty of the state to provide special support to disabled children, children left without parental care or who have suffered from violence.

The Law on the Protection of Children's Rights (LPCR), passed in 1998, is Latvia's main legal text on the protection of children's rights at the national level (LIKUMI, 1998[12]). Additional aspects of children's rights are regulated by other laws including Latvian Criminal Law, Criminal Procedure Law, Citizenship Law, Civil Law, Labour Law, Law on Administrative Liability and Law on The Orphan's and Custody Courts. Several Cabinet Regulations also define the competence of various public institutions and procedures by which the rights of the child shall be upheld. Table 3.1 provides an overview of selected laws and regulations in Latvia covering children' rights.

Latvia's Law on the Protection of Children's Rights

The LPCR (LIKUMI, 1998[12]) highlights the need to afford special protection and care for children, considering their limited physical and mental capabilities and specific vulnerabilities. It prescribes measures pertaining to juvenile rights, freedoms and protection. The law governs the parties responsible for protecting children: parents (or adopters, foster family, guardians of a child), different institutions (educational, cultural, health care, childcare, state and local government), public organisations and employers. In particular, parents are held liable for not fulfilling their parental duties and for abuse of custody rights, and the physical punishment or cruel treatment of a child. Some of the parental duties are also articulated in the Civil Law. It states that until reaching the age of 18, a child is under the custody of her or his parents and parents should care for the child and her or his property and should represent the child in her or his personal and property relations. Regarding civil law, care of the child extends to upbringing, supervision, provision of food, clothing, housing, healthcare, education and safety.

The LCPR places a duty on every citizen to safeguard children and report any cases of violence or any other criminal offence directed against a child to the police or another competent authority. Furthermore, institutions must be informed no later than the same day "with regards to any abuse of a child and criminal offence or administration's violation against a child, violation of the rights of the child or other threat to a child, and also when the person has suspicions that the child has articles, substances, or materials which may be a threat to the life or health of the child herself/himself or of another person". In particular, health care, pedagogical, social field or police employees, and elected state and local government officials are held liable for failing to report offences (Box 3.7).

Box 3.7. Definition of child abuse in Latvia

The LCPR (LIKUMI, 1998[12]) defines abuse as physical or emotional cruelty of any kind, sexual abuse, or any other form of mistreatment that endangers or may endanger the health, life, development, or self-respect of a child. This law distinguishes between four types of violence/abuse: sexual violence/abuse, physical violence/abuse, emotional abuse, and neglect. The law defines sexual abuse as the involvement of a child in sexual activities that the child does not understand or to which the child cannot knowingly give his or her consent. Physical abuse is the application of force that threatens the health or life of a child in connection with the child or intentional exposing of the child to harmful factors, including tobacco or smoke. Emotional abuse is the infringement of the self-respect of a child or psychological coercion (threatening, swearing, humiliating, abusing a relative of the child in her/his presence or otherwise harming the emotional development thereof). Neglect is also recognised as a

form of violence, which endangers or may endanger the health, life, development or self-respect of a child. Continuous or systematic negligence against a child may harm the child's development and cause physical or psycho-emotional suffering to the child. Protection from sexual abuse is specifically regulated in Sections 15, 51 and 52 of the LCPR as well as in the Criminal Law of Latvia, while neglect is regulated by Section 1 and Part 9 of the Law.

Source: (LIKUMI, 1998[12])The Law on the Protection of Children's Rights (1998), https://likumi.lv/ta/en/en/id/49096

The legal provisions also stipulate the set up of an emergency assistance free of charge, to a child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning act. It seeks to support a child in regaining physical and mental health and helps with reintegration 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. Such assistance is provided by special institutions (e.g., municipal social services) or dedicated sections in general medical institutions that are funded by the State.

Latvia's Criminal Law defines criminal offenses against children including rape, sexual violence, acts of sexual nature, acts leading to depravity, acts encouraging involvement in sexual acts. The law also specifies the punishments for each offense. The definitions of the offences against children based on the Criminal Law of Latvia can be found in the box below (Box 3.8).

Box 3.8. Latvia's Criminal Law

The Criminal Law of Latvia (LIKUMI, 1998[5]) defines criminal offenses against children, sets the punishments and outlines the main guidelines for the process. Importantly, definitions of emotional, physical and sexual violence provided in the Criminal Law differ from the ones set out in the LPCR. Criminalised forms of emotional and physical violence under general provisions applying to children include: intentional serious bodily injury (Section 125), intentional moderate bodily injury (Section 126), intentional slight bodily injury (Section 130), torture (Section 130[1]), threatening to commit murder and to inflict serious bodily injury (Section 132), human trafficking (Section 154[1]), causing condition of drunkenness of a minor, involving a minor in non-medical use of therapeutic medicaments and other means which cause intoxication (Section 173), cruelty towards and violence against a minor (Section 174).

Criminalised forms of sexual violence against children are:

- ***Rape*** – an act of sexual intercourse taking advantage of the state of helplessness of a victim or an act of sexual intercourse against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim (Section 159).
- ***Sexual violence*** - acts of a sexual nature for the purpose of sexual gratification in physical contact with the body of the victim, if such acts have been committed taking advantage of the state of helplessness of a victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim (Section 160).
- ***Acts of a sexual nature*** with a person who has not attained the age of sixteen years - an act of sexual intercourse, anal or oral act, or sexual gratification in an unnatural way, or other acts of a sexual nature in physical contact with the body of the victim, if it has been committed on a person who has not attained the age of sixteen years and if such offence has been committed by a person who has attained the age of majority (Section 161).

- ***Leading to depravity*** (of a person who has not attained the age of sixteen years or who is in a state of helplessness) - acts of a sexual nature without physical contact with the body of the victim for the purpose of sexual gratification or to arouse the victim's sexual instinct, if such act has been committed by a person who has attained the age of majority or it has been committed by taking advantage of the state of helplessness of the victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim (Section 162).
- ***Encouraging involvement in sexual acts*** - encourages a person who has not attained the age of sixteen years to meet with the purpose to commit sexual acts or enter into a sexual relationship using information or communication technologies or other means of communication, if such an act has been committed by a person who has attained the age of majority (Section 162).

Latvia's Criminal Law also establishes that the age of criminal liability starts at 14 years of age and stipulates the forms of punishment for minors - persons who have not reached the age of 18 - until who have been convicted of committing a criminal offence. The basic forms of punishment are deprivation of liberty (up to 10 years and, in some cases, up to 15 years), community service, fine (only to those minors who have their own income), among others. If a person commits a criminal violation before reaching the age of 18, their criminal record will be erased after they have completed their punishment.

Source: (LIKUMI, 1998[5]), Criminal Law of Latvia, (1998), https://likumi.lv/ta/id/88966-kriminallikums.

In addition to the laws defined above, there are other laws and regulations in Latvia that regulates criminal offences against children (see Table 3.1).

In addition, to facilitate a successful introduction of the Barnahus model, the Latvian government reports that it has prepared a series of amendments to the legal framework laws to ensure the coherence of national legislation and practice and compliance with international standards. For example, the draft amendments of the LPCR aim to recognise the importance of the Barnahus model in providing intervention measures in the best interests of the child, in assessing the situation of children, who have suffered from criminal offences and in ensuring coordinated responses by relevant institutions (International Labour Organization, 2000[15]).

Table 3.1. Selected laws and regulations in Latvia

Laws and regulations	Year	Description
Criminal Procedure Law	2005	It regulates the investigation process involving juvenile victims by describing the main stakeholders involved in criminal proceedings, the rights of a minor in criminal proceedings and the interview process of a minor. Criminal proceedings related to violence committed by a person upon whom the minor victim is financially or otherwise dependent, or regarding a criminal offence against their morals or sexual inviolability, where the victim is a minor, take priority.
The Law on Orphan's and Custody Courts	2007	It regulates the rights and duties of The Orphan's and Custody Court - a guardianship and trusteeship institution established and financed by a local government. The Orphan's and Custody Court can terminate custody rights, decide to provide out-of-family care to the child, decide on adoption of the child, deal with property issues, settle disputes and perform other functions specified in the law.
Cabinet Regulations "Rules on the Minimum Amount of Child Support"	2013	It stipulates the minimum amount of means of support that each parent, regardless of his or her ability is obliged to provide to each of his or her children (in 2021 this amount was EUR 150 00 per month for children who have reached the age of 7 and EUR 125 00 for children under 7).

Laws and regulations	Year	Description
The Law on Administrative Liability	2020	It establishes the age of administrative liability to be 14 years. It prescribes compulsory measures of a correctional nature to minors between 14 and 18 years of age who have committed administrative offences. An alternative is an administrative penalty set out as a half of the fine which would be applied to a person of legal age.
The Law on Application of Compulsory Measures of a Correctional Nature to Children	2005	It defines the following compulsory measures that may be applied to children in Latvia: a warning, a duty to apologise to the victims, placing a child in the custody of parents or guardians and other persons, authorities or organisations, a duty to eliminate by his or her work the consequences of the harm caused, a duty to reimburse the harm caused, specific behavioural restrictions, a duty to perform community services, placing a child in an educational establishment for social correction.

Note: Criminal Procedural Law (2005); The Law on Orphan's and Custody Courts (2006); The Law on Administrative Liability (2020); The Law on Application of Compulsory Measures of a Correctional Nature to Children (2005). In 2023, there will be an increase in the minimum wage from EUR 500 to EUR 620 per month. The minimum amount allocated for children under 7 will be EUR 155 and for children who have reached the age of 7 will be EUR 186 per month.
Source: (LIKUMI, 2001[13]), Legal Acts of the Republic of Latvia, https://likumi.lv/about.php; (European Commission, 2023[14]), European e-Justice Portal, https://e-justice.europa.eu/47/EN/family_maintenance

3.1.3. Policy framework

The ongoing efforts to establish a child-rights culture also require setting up a solid policy framework that outlines the main actions by the government, the state institutions as well as stakeholders. Together with Latvia's national legal framework on children's rights, a number of policies are also relevant for the implementation of child-friendly justice policies as well as a child rights-based culture. As noted, the key and long-term policy planning document is the Sustainable Development Strategy of Latvia until 2030. but the document highlights the range of important elements for children's well-being, such as access to quality education and childcare, poverty eradication, social support to eliminate inequalities and exclusion, among other goals. The National Development Plan of Latvia for 2021-2027 in turn integrates measures to enhance violence prevention in educational institutions and among young people, improving the system for protection of the rights of the child and ensuring co-operation by reassessing the roles of national and municipal level authorities, including the Orphan's and Custody Court, and by reforming the juvenile crime prevention system.

The central political document in Latvia is the Declaration on the Intended Activities of the Cabinet of Ministers. A Government Action Plan for the years 2019-2022 had been developed to implement the declaration. It aims to make Latvia the most child-friendly country and society for families, by implementing a comprehensive long-term state support programme for families with children. The tasks have been assigned to the co-operation platform "Centre for Demographic Affairs". Building on these documents, each ministry develops its own mid-term and short-term policy planning guidelines.

Child related policy documents developed by Ministries in Latvia

There is a wide range of policy documents related to children's well-being in Latvia, which have been developed by different institutions in Latvia in the areas of their authority:

- The *Plan for the Prevention of Child Crime and Protection of Children against Crime for 2023-2024* and other documents (Box 3.9), developed by the Ministry of Interior, which is responsible for developing three-year programmes for the prevention of crime committed by children and for the protection of children from crime

Box 3.9. Policy documents by the Ministry of Interior

The Plan for the Prevention of Child Crime and Protection of Children against Crime for 2023-2024 (Ministry of Interior Republic of Latvia, 2023[16])was adopted on 23 March 2023. The decision to develop this plan was based on the 2020 evaluation report of the implementation of the Guidelines for 2013-2019.[1] The evaluation found that while most actions in the Guidelines had been successfully implemented, they were ineffective in reducing the number of crimes against children (Police of Latvia, 2019[17]). It pointed to data on a growing problem of sexual violence against children and online violence. Similarly, it stated that the results do not indicate an improvement in the co-ordination and planning of crime prevention and control measures.

The previous policy document, ***Guidelines for Prevention of Child Crime and Protection of Children against Criminal Offenses for 2013-2019,*** outlines various objectives related to tackling crimes perpetrated by children, prevention of factors that contribute to criminal behaviour, and improvement of safety of children by protecting them from health and life-threatening risks (Police of Latvia, 2019[17]). In total, the document included 49 actions to be implemented over a seven-year period and were divided into two sub-objectives: to improve the inter-institutional co-operation model and to promote a child-friendly environment. The document was drafted in accordance with international standards aimed to protect children from health and life-threatening risks.

- Policy documents, developed by the Ministry of Welfare, which is responsible for developing long-term policies related to the protection of child rights, including alternative care for orphans and children left without parental care, in line with the LPCR (LIKUMI, 1998[3])(Section 62, Part 1), as well as for approving the annual state programme for the improvement of the condition of children and family (Box 3.10).

Box 3.10. Policy documents by the Ministry of Welfare

Latvia's Family Policy Guidelines for 2011-2017 sought to promote family formation, stability, prosperity and birth rates, as well as to strengthen the institution of marriage and its value in society, articulated in 52 actions. Two action plans were developed for the implementation of the Guidelines, one for 2012-2014, another for 2016-2017. Each section included specific objectives and activities, namely promoting awareness about domestic violence, facilitating its detection, reporting, while improving inter-institutional co-operation of services and standardising the actions of specialists ("Family Stability"). Other goals included reducing the risks to the child's physical and emotional integrity ("Support for the Exercise of Parental Responsibility"). An ex-post evaluation report from 2018 concluded that "in general, existing policies can be seen as reactive rather than proactive, with a stronger focus on promoting the recognition and detection of violence and providing of rehabilitation" and "the least attention is paid to the prevention of violence".

The Ministry of Welfare has adopted the ***Guidelines for Development of Children, Youth and Family*** for 2021-2027, which was approved and came into force on 21 December 2022. The document is based on the National Development Plan for Latvia for 2021-2027 (Government of Latvia, 2020[18]) and sets the basic principles, goals and tasks of the state policy for children, youth and families. The main goal of the draft plan is the establishment of a child and family-friendly society that promotes the well-being of children and youth, healthy development, equal opportunities and the reduction of the risk of poverty and social exclusion for families with children. There are four objectives, one of which is to promote the

safety, development, psychological and emotional well-being of children and young people. One of the lines of actions under this objective is to reduce all forms of violence with the corresponding five tasks:

- Educational activities encouraging school children to recognise violence and respond to risks of violence;
- Public awareness-raising campaigns to reduce tolerance of all forms of violence (United Nations, 2016[19]);
- Expand protection and rehabilitation services for victims of violence;
- Activities to reduce discrimination and violence (harassment and abuse) in educational institutions and online;
- Establish an evidence-based and joint methodology-based violence monitoring system.

The draft plan also states that two additional policy documents will be developed: a "Plan to Promote Safety, Psychological and Emotional Well-Being of Children and Young People for 2022-2027"; and the adopted "Plan for the Prevention of Child Crime and Protection of Children against Crime for 2023-2024". (Ministery of Interior Republic of Latvia, 2023[16])

Furthermore, the annual State Programme for Improving the Situation of the Child and Family aims to improve the situation of children and families, as well as to implement targeted measures to protect and respect children's rights. The State Programme is jointly implemented by the Ministry of Welfare and the State Inspectorate for the Protection of Children's Rights.

Source: (United Nations, 2016[19]), Committee on the Rights of the Child, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=A%2F71%2F41&Lang=en, (Ministery of Interior Republic of Latvia, 2023[16]), Plan for the Prevention of Child Crime and Protection of Children against Crime for 2023 – 2024, https://likumi.lv/ta/id/340435-par-bernu-noziedzibas-noversanas-un-bernu-aizsardzibas-pret-noziedzigu-nodarijumu-planu-2023-2024-gadam.

- *Public Health Policy Guidelines for 2021-2027* and policy materials, prepared by the Ministry of Health, which is responsible for the development of policies related to children's health care, in particular medical rehabilitation, as stated in the LPCR (LIKUMI, 1998[12])[2](Box 3.11).

Box 3.11. Policy documents by the Ministry of Health of Latvia

- Building on the World Health Organization's Regional Strategy for Europe "Health 2020", the Latvian Ministry of Health prepared the ***Public Health Policy Guidelines for 2021-2027*** (LIKUMI, 2022[20]). The Guidelines included certain activities related to the prevention of violence, such as defining the necessary measures for regular training of health professionals on violence, identifying problems of inter-institutional co-operation and measures to address problems related to violence.
- The ***Latvian Health Improvement Plan for Mother and Child for years 2018-2020*** is another document that recognised the importance of tackling violence perpetrated against children. It provided for the education of 325 medical practitioners on preventing, recognising and reacting to violence against minors. The programme was not extended after 2020 but its activities were instead integrated into the Public Health Policy Guidelines for 2021-2027 (Ministry of Health Latvia, 2020[21]), while the Health Improvement plan for Mother and Child was not developed for the next period.

Source: (Ministry of Health of Latvia, n.d.[22]), Ministry of Health of Latvia, https://www.vm.gov.lv/lv.

- The ***Plan for the protection of minors against criminal offences against morality and sexual*** inviolability ***for 2018-2021***, prepared by the Ministry of Justice in co-operation with other ministries, institutions and NGOs (See Box 3.12).

Box 3.12. Plan for the Protection of Minors Against Criminal Offences, Against Morality and Sexual Inviolability for 2019-2020

The main objective of Plan for the Protection of Minors Against Criminal Offences, Against Morality and Sexual Inviolability for 2019-2020 was to reduce the risk for minors caused by crimes against morality and sexual inviolability by addressing global recommendations to promote the implementation of international conventions (of the United Nations and the Council of Europe). There are three actions outlined in the plan:

a. primary prevention measures (awareness of the general public – children, parents, family members, specialists who work with children);
b. secondary prevention measures (awareness of the high-risk target groups – children and parents, persons who fear that they could abuse minors, specialists that work with children);
c. tertiary prevention measures (support system for child victims and preventive coercive measures for former convicts).

The implementation of the plan was overseen by a supervisory committee formed by the institutions involved in the implementation of the plan.

Source: (LIKUMI, 2019[23]), Plan for the protection of minors from criminal offences against morality and sexual inviolability for 2019-2020, https://likumi.lv/ta/id/307955-par-planu-nepilngadigo-aizsardzibai-no-noziedzigiem-nodarijumiem-pret-tikumibu-un-dzimumneaizskaramibu-2019-2020-gadam.

Despite the comprehensive sectoral coverage of the protection of children's rights, a coherent, comprehensive, cross-government vision for children's access to justice in Latvia is still lacking. Significantly, there is currently no overarching strategy for children, for children's rights, or for child-friendly justice in Latvia. There is a need to strengthen the interactions between sectoral plans and strategies that could accelerate the process of developing the system for protecting children's rights. Any action in that regard could have a greater, inter-sectoral impact. To that end, the role and significance of the centre of government (e.g., State Chancellery), which operates under the direct authority of the Prime minister, which oversees the development of national planning and co-ordination, could be strengthened (Cross Sectoral Co-ordination Center, n.d.[24]).

3.1.4. Child-rights culture in Latvia

Stakeholders reported that Latvian culture, as well as the LPCR and Civil Law (LIKUMI, 1998[3]), put an emphasis on parental responsibility and family privacy. When children experience problems, their parents are considered responsible for their care and are held liable if they fail to protect or control them. Some of the attitudes that were highlighted concern the way adults behave. For example, it was mentioned that when children commit offences, adults may show little sympathy for the underlying reasons and they are often in favour of harsh penalties. When they need help and support, many children and young people were reported to not believe that adults would listen to them, take them seriously, or act in their best interests.

There is also widespread fear and shame in society about discussing child abuse and sexual violence against children, as well as a concern for confidentiality of such sensitive and personal information. Parents are often reluctant to talk about incidents with anyone outside the family, so they may not approach general practitioners or social workers. Violence within families is considered a private matter by a high percentage of the population (United Nations, 2006[25]). However, parents are often reported to be reluctant to talk about sensitive situations even within their family circles. Stakeholders reported that these phenomena reflect a mind-set that runs deep in the culture of Latvian society. For instance, there is often a lack of understanding and sympathy for children in vulnerable situations. Parents can become angry with their children and blame them for accessing illegal content online. Such attitudes within society can create a difficult environment for developing a positive culture towards children's rights within the justice system.

There is a risk that some of the attitudes found in wider society are also reflected within the Latvian justice and child protection systems. One study found that many professionals within law enforcement institutions shared the opinion that children and adolescents who had offended were solely to blame for their behaviour and deserved harsh penalties (Kronberga and Zermatten, 2012[26]).

Indeed, although the overall impression is that the justice system in Latvia is making progress in terms of developing a child rights-based culture, the system can appear, at times, more focussed on punishing offenders than protecting and supporting victims. For example, the resources allocated to investigating and prosecuting offenders vastly outweigh those expended on supporting victims.

A key area for development is creating safe environments for children and young people to feel comfortable to ask for help or report abuse and violence knowing that they will be protected. When asked to identify why detection rates in child abuse cases are low, both police and prosecutors sometimes pointed to children's reluctance to report, whereas other interviewees cited children's lack of trust in authorities. At the same time, some interviewees said that evidence submitted by children or their opinions and points of view were not always reliable, as they could be influenced by their parents. And indeed, while many professionals demonstrate a deep commitment, paternalistic attitudes may prevail where the child is deemed not to know what is in their best interest or that they cannot 'be right'.

While many professionals demonstrate a deep commitment, some highlighted that children's evidence and views were not always reliable as they could be influenced by their parents.

These attitudes can create an environment in which it becomes challenging to establish a positive child rights culture in a justice system that is currently geared more towards punishing offenders while offering insufficient support to victims. To that end, efforts to establish practices to change attitudes within society towards child victims of abuse, violence and crime are essential in creating a child rights-based culture.

3.2. Towards a whole-of-state approach to child-friendly justice

Supporting children's and young people's needs requires strategic action and effective responses by different levels of government and state. Unified under a whole-of-state approach, those responses need to be centred around children's specific needs, rights as well as their changing capacities and circumstances (OECD forthcoming, 2023[27]). Yet ensuring an effective whole-of-state response requires breaking down silos and embedding horizontal co-ordination and integration into policy design and implementation processes. The whole-of-state approach strongly correlates with integrated public service delivery. To enhance capacities to respond to children's unique and complex needs and problems, and to improve the effectiveness of traditionally fragmented service delivery, this model draws on the wide variety of joined-up services to serve children and young people, such as the Barnahus model. For the establishment of an effective child-friendly system governance, some guiding principles are stated in the box below, in line with the forthcoming OECD Framework for Child-friendly justice, see Box 3.13.

Box 3.13. Guiding principles for a child-friendly justice system governance

The OECD forthcoming Framework on Child-Friendly Justice recommends the following principles for the implementation of an effective child-friendly justice system governance.

- A clear leadership structure should be in place to deliver child-friendly justice, supported by high-level political commitment and a whole-of-government approach that recognises the inter-relationship of children's needs.
- Multi-dimensional, targeted, unified and coordinated responses by different levels of government are needed for effective design, implementation and delivery of services.
- Children's specific needs, rights and particular circumstances as well as their changing capacities should be considered for effective policy design and targeted service delivery. A clear vision for the desired outcomes as well as identification of conditions for long-term sustainability of child-friendly policies are essential for successful service delivery.
- In order to ensure a system of justice that is fair, impartial and trusted by children and wider society, the state upholds the rule of law by ensuring judicial independence and eradicating bias and corruption.
- Sufficient national investment in children's access to justice should be made with child-specific budgets clearly identified in government strategies and plans.
- Sufficient resources should be made available to local authorities and NGOs to ensure the effective local implementation of child-friendly justice measures.
- Adequate staffing, facilities, IT and other infrastructure should be in place to ensure the effective implementation of child-friendly justice measures.
- Effective systems should be implemented to monitor and scrutinise the efficient use of resources for child-friendly justice.

Source: (OECD forthcoming, 2023[28]) OECD Framework for Child-friendly Justice (forthcoming).

3.2.1. Key institutions involved in safeguarding children's rights in Latvia

The LPCR lays the foundation for inter-institutional co-operation stating that protection of the rights of the child shall be implemented in collaboration with the family, state and local government authorities, public organisations, and other natural and legal persons. This provides for a system-wide approach which recognises that all public institutions and branches of the state have a strong role to play in safeguarding children's rights.

In general terms, child protection and justice services are provided by a wide range of actors, including government ministries and agencies, independent institutions such as courts and Ombuds office, municipalities, NGOs, community-based organisations, and other stakeholders (see below).

Institutions formulating laws and policies and providing justice services

The LPCR specifies the competence of the Cabinet of Ministers, different ministries, local governments and other institutions to develop relevant laws, policies and necessary regulations to protect children's rights (See Table 3.2). The scope encompasses various areas of child well-being as well as institutional setups and service provision that require mobilisation of various stakeholders and their close co-operation.

Table 3.2. Main tasks and responsibilities of key institutions in Latvia

Institution	Main tasks and responsibilities
Ministry of Welfare	• **Directly competent in matters related to children and family policy as well as in implementation of initiatives to strengthen interdisciplinary co-operation** • Promotion and development of children-friendly and family-friendly environment and policies • Development of long-term state policies for the protection of the rights of children • Approval of the annual state programme for the improvement of the condition of children and family • Organisation and co-ordination of the observation of the laws and regulations as well as responsible for checking their conformity with the protection of the rights of children • Co-ordination of co-operation of state and local government institutions as well as the work of institutions for out-of-family care for children for the protection of the rights of children • Preparation of quality assessments for the process of the protection of children rights and for preparing the annual report on the condition of children in the state
Ministry of Justice	• Direct competence in matters related to the prevention of violations of children's rights • Organisation of the court work to ensure priority consideration given to matters related to the protection of the rights and the best interests of the child • Training for judges
Ministry of Education and Science	• Preparation of educational programs in the field of protection of the rights of the child (in co-operation with the Ministry of Welfare) • Development and co-ordination of state programmes for the preparation of social workers, social educators, and teachers for work with children with special needs and with children who require social and pedagogical correction of behaviour, as well as with the families of such children (together with the Ministry of Welfare and Ministry of Health) • Development of a state policy in the field of education and sports, ensuring the accessibility and quality of education • Identification of qualifying requirements and criteria for workers in the education sector • Promotion and improvement of qualifications of education sector employees
Ministry of Health	• Development of state policy projects in the field of child health care, in particular medical rehabilitation, • Organisation and co-ordination of children's health care
Ministry of Interior	• Development of the three-year programme for the prevention of child crime, the protection of the child from crime and co-ordination of programme implementation (in co-operation with the Ministry of Welfare and other institutions) • Taking measures in the fight against illegal relocation of children across the state border and non-return of children from foreign states • Training for police officers to prepare them for work with juvenile offenders, child victims of criminal offences, and with the victim's families

Institution	Main tasks and responsibilities
Municipality, local government and a town local government	• Analysis of the situation of the rights of the child • Development and implementation of programmes for the protection of the rights of the child in the administrative territory of the municipality or the city[3] • Provision of assistance and support to families with children, • Provision of out-of-family care, • Organisation of a secondary education to children, as well as parental education • Provision of primary health care for mothers and children • Development and implementation of programmes for work with children living on the streets

Source: Information provided by the Government of Latvia (2022).

Institutions engaged in child protection and justice

There are a number of institutions protecting children's rights in Latvia, with the main ones being: the Orphan's and Custody Courts, The State Inspectorate, the Ombuds Office and the Children's Clinical University Hospital.

The LPCR entrusts parents or child's guardians with the primary responsibility and duty of protection of a child and her or his rights. Where child's family is unable to fulfil its duties, the protection of and representation of the rights and interests of a child are guaranteed by the **Orphan's and Custody Courts** (LIKUMI, 2006[29]). Despite its name, the Orphan's and Custody Court does not belong to the judiciary but is positioned as a guardianship and trusteeship institution. It exercises its powers and perform its duties for custody rights, out-of-family care, adoption, property issues, and dispute settlement among others. The establishment, management (e.g., education and psychological support) and financing of the Orphan's and Custody Courts lie with the local governments (municipalities), though some functional supervision and assistance are provided by central institutions. For instance, the State Inspectorate oversees matters related to termination, deprivation, restoration of terminated custody and out-of-family care. It provides methodological assistance and organises the assessment of professional development of key employees. Likewise, the Ministry of Justice provides methodological assistance related to certification and settlement of inheritance matters. The decisions by the Orphan's and Custody Court may be appealed in court by the interested party in accordance with the Administrative Procedure Law. The Orphan's and Custody Court officials in turn have the right to talk to a child regarding some matters where it is necessary to hear child's opinion without the parent or a representative being present. In addition, social service representatives also have a duty to hear child's opinion when necessary, within the limits of their competence.

The **State Inspectorate** in turn is a central state institution responsible for the protection of children's rights. The functions of the State Inspectorate are twofold: first, it holds broader responsibilities related to monitoring, research, analysis, and training; second, it provides a direct support to children and adolescents, as well as to foster families. The major tasks of the State Inspectorate include monitoring compliance with the law regulating the protection of children's rights; researching and analysing the overall situation in the protection of children's rights; producing recommendations for ensuring and improving the protection and implementation of children's rights (both by national and municipal institutions); informing the public about children's rights; and providing training and seminars for professionals working with children. The State Inspectorate has the power to engage with children directly, i.e., it can conduct negotiations or interview children without the presence of other persons. It is further responsible for ensuring the operation of the helpline for children and adolescents; for examining complaints regarding children's rights; providing psychological and emotional support to children and their parents in critical situations (via helpline, e-mail or meetings); and working with foster families (i.e., co-ordination,

psychological help and support groups). The State Inspectorate also has the right to speak to children without parents or other representatives being present (State Inspectorate for the Protection of Children's Rights in Latvia, n.d.[30]).

Furthermore, in the context of a wider human rights protection system in Latvia and on the basis of the LPCR, **the Ombuds Office** plays an important role in informing the public of the rights of a child, examining complaints regarding violations of the rights of the child, paying particular attention to violations committed by state or local government institutions and their employees, and submitting proposals that ensure laws and policies are compliant with children's rights (Ombudsman Office of the Republic of Latvia, n.d.[31]). The Ombuds Office is a full member of the European Network of Ombudspersons for Children and acts as the Ombudsperson for Children.

Finally, the **Children's Clinical University Hospital** provides state-funded and targeted health care services to children at the out-patient clinic (outpatient department, multifunctional building) along with emergency and critical care services. At the end of 2021, the hospital had 2 007 employees, of which 533 were doctors, 632 were medical and patient care staff (certified/registered physician assistants, nurses, midwives, biomedical laboratory assistants, radiologist assistants, radiographers, masseuses, podiatrists), 279 were medical and patient care support staff (nursing assistants) (Children's Clinical University Hospital, Latvia, 2021[32]).

In addition, there are several institutions of the justice system in Latvia that deal with issues involving child rights and justice:

- **Court system** - the judicial power is exercised by city, district, regional and supreme courts. Civil and criminal proceedings are heard in 40 courts. There are 34 city/district courts, 5 regional courts and a Supreme Court. There is no special court system in Latvia that is designed specifically for children or that would only deal with matters related to children or families; all cases are heard in the ordinary courts. In case of violence against children, criminal justice institutions in Latvia are involved in the legal protection of children's rights. They perform their duties within their general mandates; although there is a lack of specialisation across police, prosecution office or courts, some efforts have been taken to improve the capacities of the system to assist children (see Chapter 4).
- **State police** - standard tasks of the state police include: to guarantee the safety of persons and the society, to prevent criminal offences and other violations of law, to detect criminal offences and search for persons who have committed criminal offences, to provide assistance to institutions, private individuals and associations of persons in the protection of their rights and performance of the tasks specified by law, to carry out administrative and criminal punishments. Within this mandate, any child can seek help directly from the state police. To assist children, police have developed informative and educational presentations for children and youth on safety on the internet, pointing out the possible dangers online, and in interpersonal relations – with special attention to violent behaviour. Only police officers with special knowledge regarding communication with a minor during criminal proceedings can interview minors.
- **The Prosecution Office** – the primary role of the Prosecution Office is to respond to violations of law and ensure that the case is decided in accordance with the procedures laid down by law. Prosecutors must have special knowledge and training in the field of protection of the rights of the child. The Prosecution Office is also responsible for ensuring that the rights of the child are complied with during pre-trial investigations.

All these institutions play a critical role in child protection and justice in Latvia. At the same time, stakeholders reported a certain level of fragmentation of roles and responsibilities, with some elements of overlapping responsibilities between the State Inspectorate and municipalities, as well as uneven coordination and collaboration between different actors. In recognition of these challenges, Latvian authorities have been taking active steps, including the creation of Co-ordination Council on Child Matters,

which includes representatives from the main public institutions, municipalities, NGOs and other stakeholders (see below). Yet further efforts would be beneficial, including the provision of a clear framework for action, developing clear policies and guidelines that define the roles and responsibilities of all involved stakeholders, enhancing inter-agency protocols, including processes for communication, referral, and collaboration, strengthening capacity, fostering a culture of collaboration and putting in place robust systems for monitoring and evaluation, including data collection on service delivery and child outcomes.

3.2.2. Role of NGOs and civil society

Civil society and NGOs can play a key role in designing and delivering joined-up policies and services that meet the holistic needs of children as opposed to the rigid structures of large institutions. The Government of Latvia reports providing opportunities for their involvement, for instance, as part of the Co-operation Council on Child Matters. As per the LPCR (LIKUMI, 1998[3])), the Council serves as an advisory collegial body with the objective of promoting a unified understanding on the conformity with the principle of priority of a child's interests in local government and State action policies. The Council also aims to promote coordinated activity of authorities, including cooperation groups, in the protection of children's rights (also see below).

Box 3.14. Examples of collaborative initiatives with NGOs and civil society

A few examples of collaborative initiatives are outlined below:

- The development of the Barnahus model in Latvia was driven by the Dardedze Centre initially, with support from the Government.
- The Latvian Child Welfare Network (Latvian Child Welfare Network, n.d.[33])is contracted by the Ministry of Welfare to lead the provision of social rehabilitation services for children (LIKUMI, 2009[34]) and has set up safe rooms for interviewing children in several crisis centres throughout Latvia.
- The Marta Centre provides joined-up support to girls and women involved in legal proceedings through a team of social workers, lawyers and psychologists.
- Social rehabilitation services for victims of human trafficking are provided by the Shelter Safe House and the MARTA Centre (Ministry of Interior of Latvia, 2023[35]).
- NGOs play an important role in other key services for children and young people.
- The “Plan for the Protection of Minors against Criminal Offences against Morality and Sexual Inviolability for years 2018-2021” involved NGOs in its development.
- The establishment of the NGO Fund in 2016, a State budget programme managed by the Social Integration Fund, aims to promote sustainable development in Latvia’s civil society (OHCHR, n.d.[7]).

Note: UN Office of the High Commissioner for Human Rights (OHCHR), *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Latvia*, 2021, A/HRC/WG.6/38/LVA/1
Source: (Latvian Child Welfare Network, n.d.[33]), About us, https://www.bernulabklajiba.lv/about-us/; (LIKUMI, 2009[34]), Procedure for providing the necessary assistance to a child who has suffered from illegal activities; https://likumi.lv/ta/id/202912-kartiba-kada-nepieciesamo-palidzibu-sniedz-bernam-kurs-cietis-no-prettiesiskam-darbibam; (Ministry of Interior of Latvia, 2023[35]), Informative Website about trafficking in human beings, http://www.cilvektirdznieciba.lv/lv/valsts-nodrosinatie-socialas-rehabilitacijas-pakalpojumi-cilvektirdzniecibas-upuriem; (OHCHR, n.d.[7]), The Core International Human Rights Instruments and their monitoring bodies, https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies.

Nevertheless, in 2016, the UN Committee on the Rights of the Child indicated that NGOs were "not systematically involved in the development, implementation and monitoring of actions regarding children's rights" and recommended that the State party establish an effective mechanism for doing so (United Nations, 2016[19]). The OECD's interviews with multiple stakeholders re-confirmed those challenges and found that state institutions' involvement of and co-operation with civil society and NGOs could be improved. There was a sense of a mutual distrust caused by limited funding and disagreements over practice and policies. Despite successful initiatives, consistent collaboration, support and adequate funding for civil society and NGOs are still required. To that end, there is scope to reconsider the budget available for the NGOs for the services they provide.

3.3. Inter-institutional co-operation and co-ordination at national and municipal levels

To respond to the unique pattern of children's needs, the inter-related nature of their legal and justice problems, and the common fragmentation of services for this age group, it is vital that co-ordination and co-operation between relevant institutions be continually strengthened. Indeed, the key aim of improving co-ordination and co-operation between institutions is to improve the support and services that children receive. This is particularly important in order to protect children who have suffered violence or abuse and need to be safeguarded from the risks of re-victimisation. Efforts in this area need to go beyond legal and justice institutions to extend across the health, education, social, children and families, and youth sectors as part of a whole-of-government approach to children's access to justice. Improved co-ordination is also needed at both policy and service levels, and at national, regional and local levels.

Sound co-ordination of systems and services for children and young people is a challenge in many countries, including in Latvia, as also underscored in the recent evaluation of a Ministry of Interior's programme on child crime prevention and protection of children against crime (Ministry of Interior Latvia, 2021[36]). It was reported that government departments and large institutions tend to end up operating in silos, each with their own responsibilities, aims, budgets and culture, with little capacity to focus on the broader picture. Ultimately, this was seen as resulting in services for children that are fragmented, inaccessible and inefficient.

The OECD country experiences show that successful co-ordination for child-friendly justice requires many elements covered elsewhere in this assessment to be in place, including:

- Joined-up policy-making and a shared vision for multidisciplinary and integrated services among all relevant stakeholders
- A child rights-based and child-friendly justice culture across all partners
- Mechanisms for building trust between different professions
- Clear leadership for child-friendly justice, a whole-of-government approach and adequate resources
- Early intervention and prevention approaches (OECD forthcoming, 2023[28]).

To this end, the next sections provide an overview of co-operation mechanisms at national and local levels, as well as referral and reporting protocols at the level of service delivery.

3.3.1. Co-operation mechanisms at national and local levels

The importance of co-operation between different institutions working in the field of protection of children rights in Latvia was underscored by the LPCR (LIKUMI, 1998[3]), (Cabinet Ministers Republic of Latvia, 2017[37]). It requires institutions to put in place the Co-operation Council in Children Matters (Ministry of

Welfare, 2020[38]) at the national level and Children's Rights Co-operation Groups (CRCG) at the municipal level.

Co-operation Council on Child Matters

The Co-operation Council in Child Matters is an advisory collegial institution, the aim of which is to promote a common understanding of the observance of the principle of the best interests of the child in local and state policies, as well as to promote coordinated action of authorities, including co-operation groups. The Council was established in 2017 and its tasks and composition have been approved by the Minister of Welfare. Regulations of the Council list members' representatives from 25 institutions and NGOs. This presents a promising practice to strengthen the co-operation between various stakeholders at national and municipal levels. Unfortunately, the frequency of the Council's meetings (one meeting in 2022, one in 2021, two in 2022) prevents it from unleashing its full potential and meaningfully contribute to the work on children's rights. The recent changes in the Council's structure (e.g., creation of thematic working groups) could present an opportunity to improve its functioning. Looking ahead it would also be important to overcome role fragmentation at the policy level among different stakeholders involved in child protection, ensure adequacy of resources to support its activities and programmes, as well as overcoming resistance to change by some stakeholders involved in child protection.

Children's rights co-operation groups in municipalities

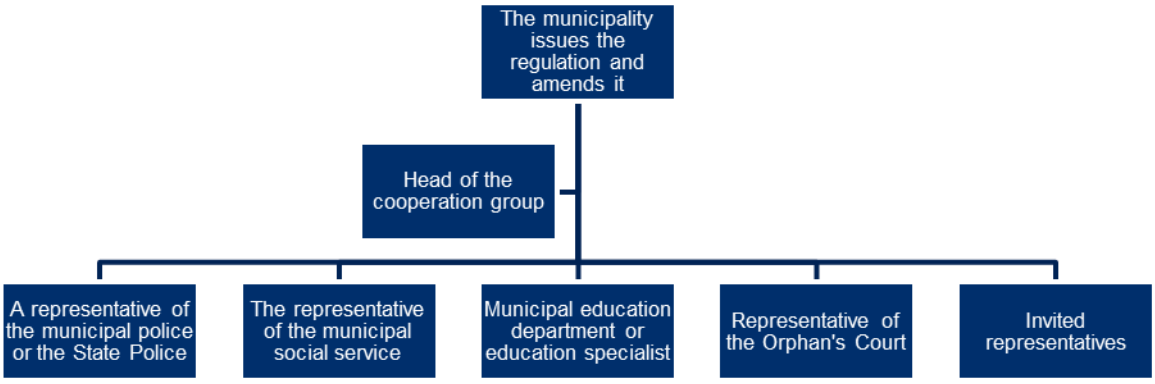
Given that most services and assistance are provided at the municipal level, the Children's Rights Co-operation Groups (CRCGs) play a crucial role for advocating for children's rights. These groups are consultative collegial institutions established by the local government and it operates within the administrative territory of the relevant county or city. The CRCGs operate in 42 municipalities as of 2021 in accordance with the regulations issued by the municipal council. Several co-operation groups may be established in one county or city. Alternatively, several local governments may establish one joint co-operation group. Therefore, three different operational models of the Group are possible:

- one Co-operation Group in one municipality;
- several Co-operation Groups of different levels in one municipality, among which the division of responsibilities is determined by the regulation of a municipal council;
- several local governments have agreed on the establishment of one inter-institutional Co-operation Group, which is responsible for the protection of children's rights in several local governments (Litvins and Kronberga, 2021[39]).

The established members of the children's rights groups are municipal police (or State Police if the municipality has no municipal police), social service office, municipal education board or education specialist, the Orphan's and Custody Court. Other representatives can be invited from educational institutions, childcare institutions, places of imprisonment, municipal pedagogical medical commission, municipal administrative commission, State Probation Service, State Police, or NGOs. For the examination of individual cases, the CRCG may invite other specialists or to examine individual cases or ask them to provide specific information related to cases.

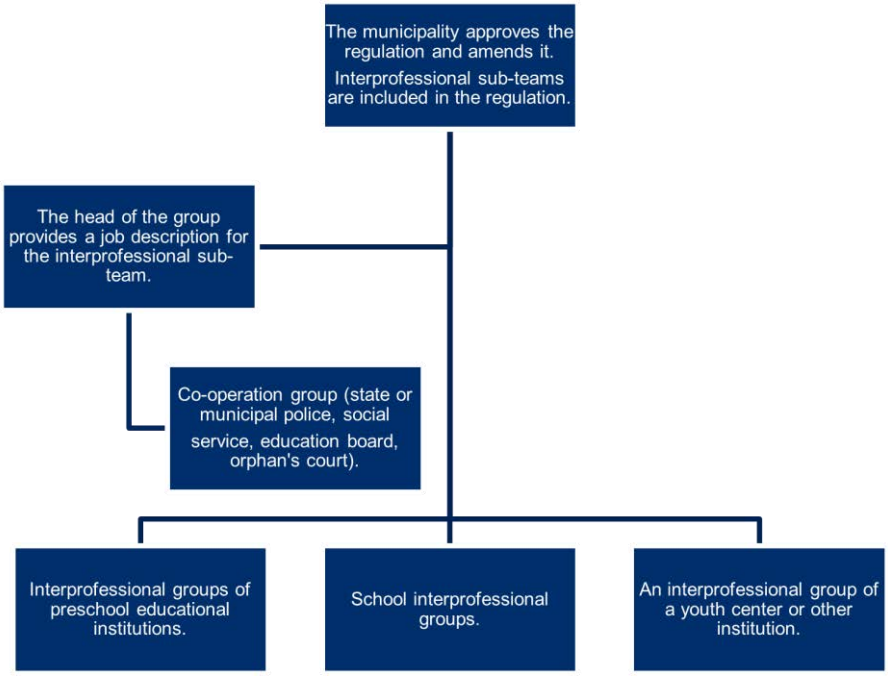
Several municipalities have agreed on the establishment of one inter-institutional co-operation group, whose mandate involves the protection of children's rights in several municipalities.

Figure 3.1. Co-operation group in one municipality



Source: Author's elaboration based on (Litvins and Kronberga, 2021[39]). Inter-institutional co-operation for the protection of children's rights in municipalities, https://juristavards.lv/wwwraksti/JV/BIBLIOTEKA/PRAKSES_MATERIALI/SARPINST_SADARBIBA_BERNU_TIESIBU_AIZSARDZIBAI_2021.PDF

Figure 3.2. Co-operation groups at different levels in one municipality



Note: The division of responsibilities is specified in the relevant regulations.
Source: Author's elaboration based on (Litvins and Kronberga, 2021[39]). Inter-institutional co-operation for the protection of children's rights in municipalities, https://juristavards.lv/wwwraksti/JV/BIBLIOTEKA/PRAKSES_MATERIALI/SARPINST_SADARBIBA_BERNU_TIESIBU_AIZSARDZIBAI_2021.PDF

Figure 3.3. Inter-institutional co-operation group

Source: Author's elaboration based on (Litvins and Kronberga, 2021[39]). Inter-institutional co-operation for the protection of children's rights in municipalities, https://juristavards.lv/wwwraksti/JV/BIBLIOTEKA/PRAKSES_MATERIALI/SARPINST_SADARBIBA_BERNU_TIESIBU_AIZSARDZIBAI_2021.PDF

The main task of the CRCG is to examine individual cases related to possible violations of the rights of the child, if prompt action and co-operation of several institutions are required, and/or if the situation cannot be resolved within one institution or has not been resolved in a long period of time. The Group agrees on the measures to be taken by each represented institution in line with their respective competence.

The Group also analyses the situation in the field of protection of children's rights and provides the municipality with proposals for the development of a programme for the protection of children's rights in the county or state city, including the necessary measures to improve the system of institutional co-operation and co-ordination. The group also submits proposals to the Ministry of Welfare for the improvement of regulations and co-operation in the field of protection of children's rights.

Box 3.15. Guidelines for municipalities in the protection of children's rights

To assist municipalities in organising the work of the Co-operation Groups, the State Inspectorate has published a document entitled "Guidelines for Municipalities in the Protection of Children's Rights", which encompasses the following:

- Co-operation groups are created by local governments to deal with particularly difficult cases and provide proposals for ensuring the rights and interests of children at the local and national levels.
- The municipal council, when developing the regulations of the co-operation group, should include information on the composition, competence, rights of the co-operation group, as well as on the work organisation including the procedure for the exchange of information between the members of the co-operation group. It should also indicate how matters are brought up during meetings. The council must determine the structural unit or employee responsible for the material and technical support for the co-operation group's work.

- The frequency at which the co-operation group reports on its work to the municipal council should be specified in the regulations governing the municipalities and local governments.
- If the municipal council forms several co-operation groups, then the regulations of each co-operation group must determine its own jurisdiction.

Additionally, the State Inspectorate has published methodological recommendations entitled "Competence of educational institutions, social services, the Orphan's and Custody Courts and other institutions in inter-institutional co-operation, performing preventive work and solving cases of violence against children", which provide detailed recommendations in the form of situation descriptions on how institutions should co-operate in solving cases related to violations of children's rights.

- When dealing with issues of protection of the rights of a child who falls victim to violence, it is necessary to take into account the following aspects:
  - immediate needs of the child, as well as long-term needs (need for safety, care and special assistance),
  - the need to share useful information that helps ensure the immediate and permanent safety of the child,
  - there is one specialist who manages the work with the specific case and coordinates co-operation, inter-institutional assessment and research planning best meets the interests of the child and ensures availability of resources.

Source: (State Inspectorate for the Protection of Children's Rights, n.d.[40]), Guidelines for Municipalities in the Protection of Children's Rights, https://www.cilvektiesibugids.lv/lv/temas/gimene/berns/berns-vina-aizsardziba-valsts-proceduras.

A study conducted in 2019 found that the establishment of the Co-operation Groups had been successful and that the groups had potential to develop further (Kronberga et al., 2019[41]). Various stakeholders repeatedly mentioned the CRCG during the interviews. While they are still fairly new and developing, they appear to offer a sound basis for further strengthening co-ordination and co-operation. To reach their full potential however, it would be important to ensure sufficient resources, especially in smaller municipalities, overcome role fragmentation among different stakeholders (e.g., multiple government agencies and non-governmental organisations), address cultural attitudes towards child protection and the role of children and young people in decision-making processes, overcome participation barriers for children and young people (e.g., language barriers, lack of transportation, lack of resources or support for participation, and stigma or discrimination), as well as put in place effective data protection mechanisms to address privacy concerns. This will help ensure sound functioning of CRCGs with a view to promoting rights of children and young people in municipalities.

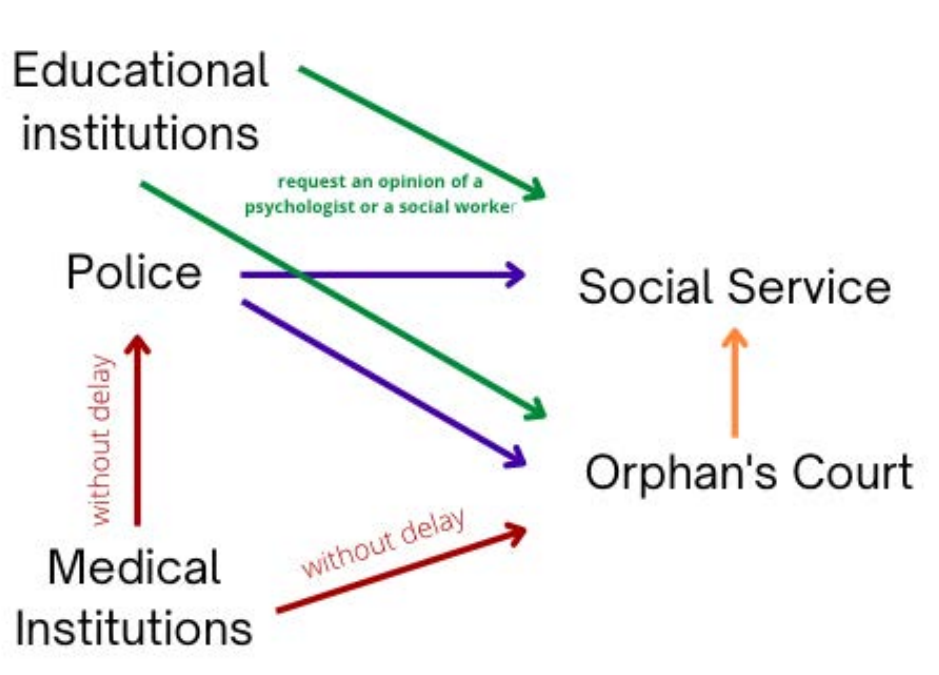
3.3.2. Reporting, referrals and information sharing

Reporting and referral obligations

The LPCR (LIKUMI, 1998[12]) states that the child her/himself and other persons have the right to seek assistance from state and local government institutions and these institutions are obliged to take action in order to prevent abuse or provide support and assistance to the child. The heads of childcare, educational, health care, and similar institutions have an obligation to determine the procedures for submitting and processing children's complaints and make those mechanisms and procedures known and accessible to children. Both the Ombud's Office and the State Inspectorate report to the responsible authorities by forwarding official information. The State Inspectorate is legally obligated to ask the child if s/he agrees that the information will be forwarded to other institutions. Sometimes, they have very little information and need to use other means of acquiring information if it is a serious case (e.g., speaking with school, social

service). The relevant institutions must then visit the family or perform other tasks and then report back to the State Inspectorate. The Law requires institutions to report violation of children's rights and refer cases to each other. Under the law, the four main identified entry points are: police, medical institutions, educational institutions, and The Orphan's and Custody Courts. At the national level, all state institutions are responsible for reporting the implementation of the UNCRC to the Ombuds Office and to the Ministry of Foreign Affairs. Figure 3.4 below provides an overview of the reporting pathways available for children in Latvia.

Figure 3.4. Reporting pathways available to children in the Latvian justice system



Source: (LIKUMI, 1998[3]), Law on Protection of Children's Rights, and Latvian civil law, https://likumi.lv/ta/en/en/id/49096-law-on-the-protection-of-the-childrens-rights.

- Police - under specific circumstances stated in the LPCR in relation to legal cases, a child is under the supervision of the police until handed over to parents, guardian, foster family, representative of a childcare institution, or their authorised contact person. If within a period of four hours it is not possible to determine the identity of a child and the child needs to be handed over to one of the four identified protectors and if detention is not appropriate, the child is placed with a foster family, a crisis centre, or a childcare institution. If this procedure is not fulfilled, no later than the next working day the police should inform the Orphan's and Custody Courts and the local government social service office. If a child is under the influence of alcohol or drugs or there is suspicion that the child is being sexually abused, a victim of illegal activities or has been coerced to panhandle or beg on the streets, the police should immediately determine the circumstances. In cases where the child is intoxicated, there is an unfavourable family environment or any other circumstances exist that may be harmful to the child, they need to inform the relevant the Orphan's and Custody Courts and the social service office. The police has an obligation to inform the Orphan's and Custody Courts also in cases where the police take the decision to separate the child from his or her parents (or any person who is permanently residing with the child) because of a threat of harm to the freedom, life, or health of the child.

- **Medical institutions** - medical institutions are often on the frontlines when it comes to providing emergency care or assistance to a child suspected of being a victim of violence. This requires them to notify without delay the police and the social service office of the local government. (Cabinet Ministers Republic of Latvia, 2010[42]) [4]
- **The Orphan's and Custody Courts** - of the Orphan's and Custody Court suspects a child is suffering from parental abuse, it informs the social service office of the local government and sends the child, after s/he receives the necessary treatment and medical rehabilitation, to a psychologist or a social worker who evaluates and determines whether the child needs social rehabilitation (Cabinet Ministers Republic of Latvia, 2010[42]).[5] According to the Law on Orphan's and Custdy Courts (Section 17 Part 4) – an the Orphan's and Custody Courts shall co-operate with police institutions in order to ensure the protection of the rights and interests of a child. In their guidelines, the State Inspectorate states that if the Orphan's and Custody Courts receives information about violence against a child, the Orphan's and Custody Courts evaluates which specialists to involve in the examination of the child's living conditions. If the inspection of the living conditions reveals violence or other types of danger, the child must be taken to a safe environment, the chairman of the Orphan's and Custody Courts or a member of the Orphan's and Custody Courts must make a sole decision on the deprivation of parental care rights. The fact of violence against a child must be immediately reported to the police in writing (State Inspectorate for the Protection of Children's Rights, n.d.[40]).
- **Education institutions** - if there are suspicions that the child has suffered from violence at a childcare institution, educational/correctional facility, or place of imprisonment, the head of the institution, parents, foster family or guardians of the child inform the Orphan's and Custody Courts, social service office of the local government and request an opinion from a psychologist or a social worker regarding the abused child (Cabinet Ministers Republic of Latvia, 2010[42])[6].

More broadly, stakeholders reported that all referrals and reports of suspected child abuse or violence are taken very seriously and treated as confidential. Yet, it was noted that there are nonetheless some challenges, related to underreporting (e.g., due to lack of awareness of child protection laws, reluctance to involve authorities, or fear of retaliation or stigma), limited resources (e.g., limited funding, and technology, to support the investigation and response to reports of child abuse and violence), limited inter-agency coordination, concerns related privacy and data protection (e.g., to share sensitive information related to child protection while respecting privacy) and cultural attitudes about family privacy, which might create barriers to reporting. Addressing these challenges calls for multi-faceted approach, including awareness-raising, education, resources, stronger coordination and communication, data, and culture change.

Data collection and information sharing

Legislation, regulations and guidance adequately provide for co-operation between key institutions and professionals in protecting children's rights. Six ministries (Interior, Education and Science, Welfare, Environmental Protection and Regional Development, Justice, and Health), the State Inspectorate and local governments are obliged to provide statistical information to the Central Statistics Bureau. Information is gathered on: the protection of the rights of the child in the state; parents whose care or custody rights shall be terminated or removed; families who have been evicted from their dwellings; child adoption; the placing of children in out-of-family care; the application of compulsory measures of an instructional or medical nature to children; children who committed criminal offences; children who are not attending educational institutions; and children who have become victims of violence or street-children. The Central Statistical Bureau compiles the information and submits it to the Ministry of Welfare and the Ombuds Office. An annual report is published setting out key data on children in Latvia. Annual reports are prepared by all state institutions in Latvia. The central statistics bureau is responsible for collecting the data. The Ombuds Office publishes the annual report, in which a chapter is dedicated to the rights of the child.

Furthermore, the "Integrated Information System of the Interior" has been established in Latvia, in which the information necessary for the protection of the rights of the child is included, integrating information on minors from state and local government institutions, as well as from medical practitioners. It is a separate data system for the issues concerning investigations of crimes, police work and the judicial system. The purpose of the information system is to promote the protection of the rights and interests of children, to ensure processing of the necessary information and promoting inter-institutional co-operation for the defence of the rights and interests of a child, to supervise the process of ensuring the rights and interests of a minor, to carry out preventive work, to provide social assistance and social services, to prevent and resolve criminal offences and other violations of the law, to search for a minor, to ensure execution of administrative penalties, criminal punishments, means of security, and compulsory measures of correctional nature, to implement settlements and to prepare evaluation reports on a probation client. As part of the system, Latvia has established an information system for the support of minors (NPAIS). The information necessary for the protection of the rights of the child is included in the system, which integrated information on state and local government institutions. It also include information on medical practitioners capable of helping minors who need support and on cases that show when preventive measures should be taken for the protection of the rights of children. While each ministry has its own database or other relevant information systems, some of them are directly connected to the NPAIS. However, this is not always the case as it may not always be needed or technically possible. The Cabinet Regulation No. 157 “Rules of the Juvenile Support Information System" (Cabinet of Ministers Republic of Latvia, 2014[43])[7] determines the amount of information to be entered for each institution, the periodicity and the conditions for the availability of information[8].

As mentioned, while protocols and systems for joint working have been reported as sound, implementation remains a challenge (e.g., joint database for registering, collecting, analysing data on violence against children). A number of bodies, including the UN Committee on the Rights of the Child and ECPAT International and interviewed stakeholders have expressed the need to improve the quality of data collection, analysis, monitoring and reporting of the situation of children in Latvia. Cases of failure to follow reporting protocols or entering complete data into the information-sharing and statistical database systems were reported. This hinders the ability of everyone in the system to understand patterns of need and gaps in service provision.

3.4. Overview of human and financial resources

Resources, capacities and infrastructure

In order to implement justice reforms effectively, human and financial resources are indispensable. In 2016, the UN Committee on the Rights of the Child stressed the ongoing impact of austerity measures on children’s rights in the post-economic-crisis period (United Nations, 2016[19]). There are numerous challenges in finding adequate financial and human resources. Most governments around the world are struggling to create or increase human and financial resources. Latvia is no exception to such challenges. According to an analysis conducted by the European Commission for the Efficiency of Justice in 2018, expenditure on the overall justice system is comparable to the European average in Latvia, although spending on legal aid was less than half the European median (Council of Europe, 2018[44]). In 2022, the State Inspectorate emphasised that the resources in the Orphan’s and Custody Courts were limited (nra.lv, 2022[45]).

Moreover, evaluations of relevant state programmes confirm that barriers to inter-institutional co-operation and limited resources have hindered efforts to prevent violence within families and improve child-friendly justice in Latvia (Police of Latvia, 2019[17]) (Ministry of Interior Latvia, 2021[36]). For example, the UN Office of the High Commissioner for Human Rights highlighted that in 2021, the police had insufficient resources to arrest human traffickers, and to identify and support victims (OHCHR, n.d.[7]).

Despite significant efforts to establish a child-friendly justice system such as an increase in the funding and staffing capacity of the Ombuds Office between 2017 and 2019[9], besides limited resources, Latvia's justice system has been affected by a staffing crisis, IT and data issues, all of which need improvement. Several stakeholder interviews revealed that there is a widespread staffing crisis, which affects service provision for children with justice needs. Among the most affected are:

- Police officers and police investigators
- Social workers
- Youth workers
- Mental health workers including psychologists, psychiatrists and counsellors

Adequate staffing, buildings, IT and other infrastructure would need to be in place to ensure the effective implementation of child-friendly justice measures. Stakeholders also emphasised that resources especially at the municipal level as well as in rural areas are insufficient, which prevent access to services, such as social services, youth services and other support. A recent reorganisation of local authorities is expected to enhance the ability of municipalities to procure good quality services for their areas. The major objective of the reform is to reduce the number of municipalities from 119 (110 municipalities and 9 cities) down to 35. It seeks to create a better spread of infrastructure and services, especially in some less-populated, rural and poor areas that struggled to perform their basic functions [10].

In addition, there are several examples of municipalities commissioning NGOs to undertake some of the functions of social care. There is potential for such an approach to be broadened in order to harness the ability of NGOs to deliver more joined-up, child-centred services.

In fact, it is noted that an NGO Fund was established in 2016. This is a state budget programme managed by the Social Integration Fund which aims to promote the sustainable development of Latvia's civil society. Funding provided to the NGO Fund increased from EUR 400 038 in 2016, to EUR 1 097 000 in 2020, and then EUR 1 888 088 in 2022 (United Nations, 2016[19]). In 2022, the biggest children rights organisations received funding ranging from EUR 3 000 to EUR 30 000/40 000 for a period of 10 months. The NGOs can also benefit from the Norwegian/EEA Grants in the current cycle until 2024. There are no examples of donations provided by individuals or private companies; the sector was also excluded from the Recovery and Resilience funds, but negotiations are on-going. More broadly, however, securing sufficient funding for NGOs providing child services in Latvia is a significant challenge that can impact the quality and availability of services, especially as NGOs can play a critical role in providing such services as counselling, support, and advocacy. As such, there is scope in Latvia to develop more sustainable funding models that provide adequate support for these organisations.

Importantly, issues with IT infrastructure also affected the creation of child-friendly proceedings and resulted in inefficiencies. Some challenges with the IT system include limited technological expertise available to investigators in cases where computers of the alleged perpetrators are seized, difficulties in distributing cases electronically, low-quality video technology for online interviews, which sometimes leads to loss of evidence; absence computers and large screens in courts, which prevents hearings from being conducted remotely. While current digital transformation in Latvia is expected to address some of those challenges, increased and targeted investment, balanced distribution of resources within the justice system, auxiliary, preventive community-based services, investing in staffing, infrastructure and IT services especially at the local levels are expected to help alleviate existing resource and capacity problems.

In order to use resources efficiently, effective systems should also be in place to monitor and scrutinise the use of resources for child-friendly justice. Regarding the robustness of financial management of programmes, the UN Committee on the Rights of the Child's highlighted that limited public participation in budgetary processes and partial availability of data to the Latvian State Audit Office, restrict its ability to assess public investment in social care areas (United Nations, 2016[19]). The UN commission recommended the following:

- The utilisation of “a child-rights approach when drafting State and municipal budgets by implementing a tracking system for the allocation and use of resources for children in the budgets”;
- Ensure “transparent and participatory budgeting through public dialogue, especially with children and NGOs working for children’s rights and proper accountability of the authorities at the municipal and State levels”;
- Ensure that “all official data is available to the State Audit Office” and provide it with “the human, technical and financial resources necessary to monitor and assess public investment in social care areas”;
- Carry out impact assessments of structural adjustment and austerity measures in areas that are directly and indirectly related to children’s rights;
- Take immediate measures to combat corruption and strengthen institutional capacities to effectively detect and investigate corruption and prosecute those responsible.

In 2022, the Latvian State Audit Office published a performance audit entitled "Does a child with behavioral problems and his family have access to the necessary support?" (State Audit Office of Latvia, 2022[46])

The UN Committee underlined the need for establishing comprehensive state and municipal systems for monitoring budgetary allocations and for implementing policies for all areas highlighted by the committee. In addition, identifying child-specific budgets in government strategies and plans both at the national and municipal levels, increasing public and civil society participation in the budgetary process, allocating sufficient national investment for key justice services for children, providing free legal aid for children will help maintain efficient use of resources by promoting targeted resource allocation, scrutiny and investment and will help establish a child-friendly justice system in Latvia.

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Notes

[1] The draft plan is prepared by the Ministry of Interior awaiting approval for the final version by the ministries

[2] The Law on the Protection of Children's Rights, section 62, Part 1

[3] If a child is found in dangerous conditions (for life and health) local governments and state institutions shall provide assistance. Section 67, Part 5 of the Law on the Protection of Children's Rights (LIKUMI, 1998[12]) define dangerous conditions as including lack of secure accommodation, warmth and clothing, and nutrition appropriate to the age and the state of health of the child, and violence against the child.

[4] Procedures for Providing the Necessary Assistance to a Child Who Has Suffered from Illegal Activities, Regulation No: 1613, Section 3.

[5] Procedures for Providing the Necessary Assistance to a Child Who Has Suffered from Illegal Activities, Regulation No: 1613, Section 4.

[6] Procedures for Providing the Necessary Assistance to a Child Who Has Suffered from Illegal Activities, Regulation No. 1613, Section 5.

[7] Rules of the Information System for the Support of Minors, Regulation No. 157, Section 5.

[8] The goal is to make all information about each child that is stored in different systems visible for the respective institutions under the Ministries of Justice, Interior, Healthcare, Welfare to make their work more effective. The information is collected from e.g., Criminal procedure information system, Probation case accounting system, State education information system, Municipal Social Benefits Administration Information Systems and others.

[9] The funding was EUR 1 344 645 in 2017; EUR 1 489 808 in 2018; and EUR 1 538 953 in 2019. The number of Ombuds Office staff positions had risen from 46 to 51 in 2018. Reported in UN Office of the High Commissioner for Human Rights (OHCHR), National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Latvia, 2021, A/HRC/WG.6/38/LVA/1.

[10] There are 43 administrative territories (36 municipalities and 7 local governments) in Latvia from the 1st of July 2021. The number of Orphans court will be the same as municipalities. Latvia is thinking merging some of them to create a one bigger institution.

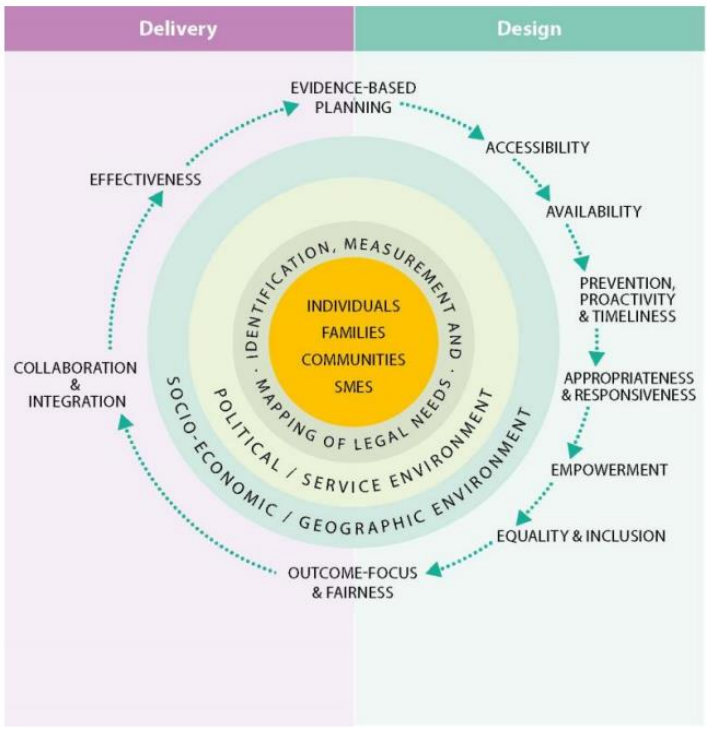
4 A child-friendly continuum of justice services: what works?

This chapter focuses on the assessment of the continuum of justice services in Latvia to respond to children's legal and justice needs against the OECD criteria on people-centred legal and justice services, including evidence-based planning, equality, discrimination and inclusion, accessibility and availability of services, proactivity, timelines, appropriateness, and responsiveness.

4.1. A continuum of justice services responsive to children's legal and justice needs

Besides the governance enablers and infrastructure for collaboration, integration and evaluation (Chapter 3), establishing a child-friendly justice system in Latvia calls for understanding of justice pathways and service experiences from the perspective of children and families. To that end, the OECD Common Criteria on People-centred Legal and Justice Services (Figure 4.1) provide a roadmap for Latvia to design, establish and maintain legal and justice service delivery to facilitate the implementation of the child-friendly justice system and service delivery in Latvia. In particular the criteria emphasise the importance of putting people at the centre of public services, with a focus on meeting their needs, respecting their dignity and rights, and ensuring that services are accessible, responsive, and effective. They emphasise that it would be critical for governments to design and deliver services that are based on the principles of evidence-planning, understanding of legal and justice needs, equality and inclusion, accessibility and availability, prevention, proactivity and timeliness, appropriateness and responsiveness, participation and empowerment, as well as collaboration and integration. The application of these principles to the child protection and justice services in Latvia is described in the sections below.

Figure 4.1. OECD Criteria for people-centred design and delivery of legal and justice services



Source: (OECD, 2021[1]), OECD Criteria for people-centred design and delivery of legal and justice services, https://www.oecd.org/governance/global-roundtables-access-to-justice/oecd-criteria-for-people-centred-design-and-delivery-of-legal-and-justice-services.pdf.

4.2. Evidence-based planning and understanding the legal and justice needs of children

Making effective evidence-based decisions about where to deploy resources for the development of child-friendly justice requires high quality data. It can also support clear accountability and reporting mechanisms to support decision-making and adequate service delivery. The starting point should be identifying and

understanding the legal needs of children, the groups of children who are most vulnerable, the barriers they face in accessing justice, and service models that are effective (OECD/Open Society Foundations, 2019[2]). The guiding principles for evidence based-planning within the child-friendly justice system involve identifying children's legal needs through high-quality research, collecting comprehensive administrative data across the child justice system, and making such data publicly available. In addition, policies and services must be planned on the basis of high-quality of evidence (OECD forthcoming, 2023[3]).

In different countries, detailed administrative data are collected by, inter alia: courts; legal aid agencies; the police and prosecutors; Ombuds Office and human rights institutions for the protection and promotion of the rights of children; child helplines; and local authority services for children. In Latvia, each of the different state institutions with responsibilities for the protection of children's rights collect and analyse administrative data. For instance:

- The Ministry of Interior's Information Centre collects data on criminal offences against minors, criminal offences committed by minors, support provided to children in vulnerable situations and crime prevention.
- The State Inspectorate collects data from the Orphan's and Custody Courts.
- The Ministry of Welfare collects data on the social rehabilitation of minors who have suffered violence.
- The Court Administration collects court data, including data on convictions of minors.
- The Prison Administration collects data on children in detention.
- The Central Statistical Bureau publishes an annual compendium of statistical data on children in Latvia from the above sources and other institutions, such as the Ministry of Health and the Ministry of Education and Science, as well as external sources such as Eurostat (Central Statistical Bureau of Latvia, 2021[4]).
- The State Inspectorate publishes an annual report providing detailed information on the results of the institution's work over the year, key programmes and initiatives and financial data on the implementation of the State Inspectorate's activities (Ministry of Welfare of Lativa, 2020[5]).

More broadly, adequate statistical systems seem to be in place. Yet, stakeholders identified several challenges in the data collected by state institutions, particularly at local level including the need for better quality, sufficiency and governance, particularly at municipal level were emphasised. It has been reported, for example, that some municipal police forces do not collect sufficient data on violence in families, meaning that the scale of the problem may be under-reported in official statistics. There is also limited and insufficient data available to municipalities upon which they could plan their service provision.

With such gaps in the existing evidence-base, making evidence-based planning and for the development of children's access to justice can be difficult. To help address this challenge, administrative data needs to be complemented by a range of other evidence, including legal needs surveys, evaluations, and research studies in the field of child-friendly justice.

As part of this project, Latvia had the opportunity to be at the forefront of research into children's legal needs as the OECD conducted a LNS of children in Latvia to identify the legal and justice needs. Its findings fed into this analysis and are hoped to inform the future development of child-friendly initiatives in Latvia. There is also an opportunity for Latvia to integrate this type of data collection more systematically in the process of policy-making and planning related to child justice and child protection services.

In addition, to ensure availability and robustness of data and evidence, many governments need to promote or invest further in high quality research into all aspects of child-friendly justice and dissemination of evidence. This can include funding academic institutions and NGOs to undertake independent research, as well as independent evaluations of government services, initiatives and programmes. In Latvia, it is noted that funding levels for research and innovation are below those in other countries and there is a

need to develop the capacity, quality, scale and co-ordination of research activity (European Commission, 2018[6]). Much of the research on child justice that has been conducted in recent years appears to have been carried out by NGOs and financed by international development funds.

Specific research gaps include:

- Ongoing research on children and young people's access to legal advice, assistance and representation
- Research on the sexual exploitation of children (ECPAT International, 2017[7])[1], in a broader context of sexual violence, so as to include estimates on unreported vs reported cases.

Moreover, there appear to be limited efforts to collect data on the overall performance of child-justice system in Latvia, including its effectiveness and fairness. Yet, these are among the crucial guiding principles for the development of child-centred justice, in accordance with the OECD Framework on Child-centred justice (OECD forthcoming, 2023[3]) (see Box 4.1). As such, there is clear scope to boost the collection of relevant data in this regard, both from administrative sources, as well as through asking children and young people for their views on services, and to use that evidence to evaluate what works and what improvements can be made. Overall, there is an opportunity in Latvia to take a leadership role by providing adequate resources for data collection, management, analysis, reporting and dissemination. In addition, common standards and minimum datasets need to be established (Chapman, P. et al., 2021[8]).

Finally, while it was noted that some relevant State programmes have been subject to evaluations, and that the findings from these evaluations have been used to inform subsequent programmes (e.g., the Ministry of Interior's current crime prevention programme), this is not a common practice. The implementation of policy planning documents is not systematically evaluated and as such there is a strong scope to strengthen this practice.

Box 4.1. Guiding principles: fairness and effectiveness

The OECD forthcoming Framework on Child-Friendly Justice recommends the following principles for the implementation of guiding principles on fairness and effectiveness:

- Effective systems should be implemented to monitor and evaluate the effectiveness of child justice services.
- Evidence from monitoring and evaluation should indicate the effectiveness of child justice services, what works and areas requiring improvement.
- Evidence from children and young people should indicate the extent to which they trust that actors in the justice system will treat them with respect, keep them safe, support them to obtain justice and act fairly.
- Evidence from professionals working in or with the child justice system should indicate their trust in the system to be fair and effective for children.

Source: (OECD forthcoming, 2023[3]), OECD Framework for Child-friendly Justice (forthcoming)

4.3. Equality and inclusion

Some of the practical barriers to access to justice for the population as a whole may disproportionately affect children. Thus, for children to have fair access to justice, not only must the general principles of justice apply equally to them—in the same way they apply to adults—but their access to justice should be

prioritised (see Box 4.2). Further, the effects of barriers to access to justice may be particularly acute for groups of children who are disadvantaged or facing discrimination, necessitating additional provisions and targeted services to ensure their inclusion.

Box 4.2. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice

Equal access to justice and protection from discrimination

To guarantee equal access to justice for children, it is important to:

- Ensure that the general principles of justice and due process that apply to adults, such as the rule of law, the principles of legality and proportionality, the presumption of innocence, the right to a fair trial, the right to legal counsel, the right to access to courts and the right to appeal, should apply fully and be guaranteed to children.
- Prioritise children's access to justice, so that specific barriers in accessing justice that only affect children, such as a failure to be treated as full bearers of rights or a lack of age-sensitive services and procedures, are addressed.
- Make additional provisions to protect marginalised groups and ensure no child is excluded from access to justice.
- Children should be considered and treated as full bearers of rights, enabling them access to national courts and other legal remedies necessary to exercise their rights.
- The rights of children should be secured without discrimination on any grounds such as sex, race, colour or ethnic background, age, language, religion, political or other opinion, national or social origin, socio-economic background, status of their parent(s), association with a national minority, property, birth, sexual orientation, gender identity or other status.
- Discrimination in law, policy or general society against marginalised groups of children should be actively addressed.

Services for marginalised groups of children

- Services should be designed to contribute to equality and social inclusion. Specific protection and assistance may need to be granted to more vulnerable children, such as migrant children, refugee and asylum-seeking children, unaccompanied children, children with disabilities, homeless and street children, Roma children, and children in residential institutions (Council of Europe, 2010[9]).

Equality and inclusion in legal proceedings

- In addition to implementing robust measures to ensure child-sensitive services and proceedings (see sections on 'Access & availability' and 'Appropriateness & Responsiveness' for further details), legal proceedings in which children are involved may need to be prioritised and dealt with expeditiously in order to ensure children enjoy equal access to justice (Council of Europe, 2010[9]).
- Alternative systems of representation may need to be developed for very young children and children without the full capacity to pursue their rights in order to avoid discrimination (Council of Europe, 2010[9]).
- Child-friendly translation and interpretation services should be made easily available to children speaking minority or foreign languages, and information should be adapted to children using non-verbal and alternative modes of communication.

- Arrangements need to include children with disabilities. Physical barriers that prevent children with disabilities from accessing judicial and administrative bodies should be identified and overcome. Provisions need to be set up to ensure the rights of children with intellectual or mental disabilities are upheld.

Source: (Council of Europe, 2010[9]), Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, https://rm.coe.int/16804b2cf3.

4.3.1. Equal access to justice and the legal framework for the protection from discrimination

The Constitution of Latvia establishes that: everyone in Latvia is equal before the law and the courts; human rights are respected without discrimination of any kind; everyone has the right to defend his or her rights in a fair court; everyone is presumed innocent until proven guilty under law; and everyone has the right to legal advice (Council of Europe, 2010[9]). The Constitution also establishes protection and support for the rights of the child as a priority, specifically mentioning the duty of the state to provide special support to disabled children, children left without parental care and children who have suffered from violence (Constitutional Court of the Republic of Latvia, 2020[10]).[2]

The LPCR incorporates many of the rights set out in the UNCRC into the Latvian law, including the law on non-discrimination:

> *"The state shall ensure the rights and freedoms of the child to all children without any discrimination - regardless of the race, nationality, sex, language, party affiliation, political and religious beliefs, national, ethnic or social origin, place of residence of the child, his or her parents, guardians, family members, country, property and health status, birth or other circumstances." (LIKUMI, 1998[11])*

In addition, the UNCRC takes precedence over national law and therefore all of the rights in the CRC can be directly enforced in courts, (Child Rights International Network, 2016[12]) with the effect that children should be treated by the law as full bearers of rights. Thus, the principle of equal access to justice for children is incorporated in the legislative framework in Latvia, although implementation remains a challenge.

4.3.2. Services for marginalised groups of children

The State has made special provisions in the LPCR and other Latvian laws and policies for the protection of specific vulnerable and marginalised groups of children, including orphans and children in out-of-family institutions, (LIKUMI, 2002[13]) refugees and persons who have been granted alternative status, (LIKUMI, 1998[11])[3] victims of human trafficking, (LIKUMI, 2002[14]) (Cabinet Ministers Republic of Latvia, 2022[15]) children with physical and mental disabilities, (LIKUMI, 1998[11])[4] and Roma children. (European Commission, 2018[16]) Another vulnerable group that would need special attention are juvenile asylum-seekers.

Nevertheless, stakeholders reported that services may not be reaching children in the most vulnerable and marginalised situations, including child victims of abuse and violence.

The Ombuds Office report mentioned the need to strengthen the effectiveness of rights of the following vulnerable groups:

- Children in out-of-family care institutions;
- Children with mental health issues, including those in psychiatric institutions;
- Children with disabilities, including those in institutions;

- Roma children, specifically with regard to their engagement in education.

However, despite progress in reducing the number of non-citizen children, in Latvia, non-citizen children and minorities continue to be marginalised and to experience discrimination (Box 4.2).

ECPAT International has previously highlighted a lack of support and protection for child victims of sexual exploitation and trafficking. (ECPAT International, 2017[7]) Moreover, the UN Committee on the Rights of the Child highlighted inequalities in access to health and education services for children with disabilities, children belonging to minorities, and children living in rural areas (United Nations, 2016[17]).

Children who are digitally excluded, or unable or unwilling to communicate by telephone for any reason, may struggle to access the Child Helpline. The services hope to reverse a slight decline in the number of calls from children since the start of the Covid-19 pandemic by increasing digital access (Ministry of Welfare of Lativa, 2020[5]).

Box 4.3. Challenges for non-citizen children and minorities defined by the Council of Europe:

- Reports from the UN Committee on the Rights of the Child, UN Office of the High Commissioner for Human Rights and the CoE-FCNM (Advisory Committee on the Framework Convention for the Protection of National Minorities.
- Several international reports and frameworks highlighted the following challenges for non-citizen children and minorities: discrimination and racist violence against Roma children and other minorities;
- the detention and treatment of, and prevailing negative attitudes towards, asylum-seeking and refugee children;
- the stigma and prejudice still endured by children with disabilities and a lack of specific legislation to protect the rights of children with disabilities;
- stigmatisation and discrimination of children in alternative care
- bullying in schools of children based on perceived gender or sexual orientation;
- a general problem of rising hate crime and intolerance towards minorities
- stereotypes and prejudices in political discourse.

Source: (Council of Europe, 2019[18]), National Minorities (FCNM), https://www.coe.int/en/web/minorities/country-specific-monitoring

As such, while the legislative framework provides for equal access to justice for all children without discrimination, this protection in law does not always fully translate into practice for all children. Enduring discrimination in society towards multiple groups of vulnerable and marginalised children, together with inequalities in access to services and complaints mechanisms presents substantial barriers for many children in exercising their rights, leaving them on the edge of justice.

4.3.3. Equality and inclusion in legal proceedings

Both prosecutors and judges reported that children's cases were prioritised by the justice system, particularly where abuse or violence against children is involved. Interpreters are provided to parties, including victims and witnesses, in criminal and administrative proceedings, as well as to parties receiving legal aid in civil proceedings (European Commission, 2023[19]). The European Commission for the Efficiency of Justice concluded that the essence of the right to a free interpreter is adequately guaranteed

in the Latvian judicial system, but that additional efforts could be made in order to improve the quality of translation and interpretation services. (Council of Europe, 2018[20])

Arrangements in the justice system for children with disabilities to secure their rights could be improved. For instance, rights violations against children with disabilities living in institutions, including cases of sexual abuse, seem to be unreported, and that there is a need for an effective complaints mechanism for these children. (Leimane-Veldmeijere, I., et al., 2015[21]) (Mental Disability Advocacy, 2015[22]) It is also noted that the Committee on the Rights of Persons with Disabilities noted that the forced institutionalisation of persons with intellectual disabilities remained legal in Latvia and that there many children with intellectual and psychosocial disabilities have died in social care institutions. (OHCHR, 2017[23]) Whilst regulations have been introduced obliging the police to provide for any special needs of children at police stations, (LIKUMI, 1998[11]), (Cabinet Ministers Republic of Latvia, 2014[24])[5] there are few special provisions for children with disabilities in court proceedings.

Although children may be provided with access to translation and interpretation services where required, arrangements for children with disabilities need to be improved. A few examples of good practices with regard to accommodating children with disabilities can be found in the box below Box 4.4.

Box 4.4. Good country practices to accommodate children with disabilities in the justice system

Australia uses pictures/communication aids to enhance understanding.

Bulgaria uses Augmentative and Alternative Communication (AAC) methods, a sign language interpreter, facilitated communication, auxiliary hearing devices; ensures physical accessibility; provides real-time captioning of court proceedings.

France uses interpreters; allows assistance by an expert or support person to explain the court process.

Germany uses interpreters; allows assistance by an expert or support person to explain the court process.

Ireland uses an intermediary, a sign language interpreter, AAC, closed-circuit television (CCTV) in court, facilitated communication and auxiliary hearing devices; obtains a victim impact statement; ensures physical accessibility; allows testifying via live video/television link and behind a screen as well as pre-recorded evidence, out of court testimony and judicial officers' intervention; makes information accessible for those with visual and hearing impairments to enable them to testify; removes requirements pertaining to official courtroom attire (e.g., wigs, etc.); provides information about the proceedings in plain language, braille and in accessible and child-friendly formats; provides real-time captioning of court proceedings.

Israel uses the AAC and AAC toolkit, interpreters and facilitators to simplify language; allows for the involvement of a special investigator, testifying behind a screen, testifying outside the courtroom, testifying not on the witness stand, testifying in judge's chambers, frequent breaks and linguistic simplification; conducts trial online; removes official attire requirements; involves an expert professional and an expert witness, provides support and explanations of proceedings in the courtroom.

Netherlands uses interpreters; allows for assistance by an expert or support person to explain the court process.

Spain uses an intermediary and appropriate and proper questioning strategies; allows for testifying behind a screen, via live video/television link.

South Africa uses an intermediary, CCTV in court, appropriate and proper questioning strategies, AAC, a sign language interpreter, facilitated communication, auxiliary hearing devices; ensures physical

accessibility; conducts informal court proceedings in a relaxed and non-adversarial environment; provides real-time captioning of court proceedings.

The United Kingdom uses an AAC, interpreter, a sign language interpreter, facilitated communication, auxiliary hearing devices, an intermediary, appropriate and proper questioning strategies; ensures physical accessibility; provides real-time captioning of court proceedings; allows for testifying via live video/television link, the functional assessment of individual, removing official attire requirement, pre-recorded evidence, judicial officers' intervention, assistance by an expert or support person to explain the court process.

The United States uses AAC, interpreter, a sign language interpreter, an intermediary, facilitated communication, auxiliary hearing devices (CCTV) in court, appropriate and proper questioning strategies; ensures physical accessibility; provides real-time captioning of court proceedings, allows guardian ad Litem, stuffed animals, and allows for leading questions, enough and extra time for testifying, a familiar person to help, assistance by an expert or support person to explain the court process; portions of the trial may be recorded; involves expert professional and expert witnesses; forbids protracted questioning of children and motions that cause needless delay of the trial.

Note: 1. AAC-Augmentative and alternative forms of communication, 2. CCTV-Closed circuit television
Source: (White et al., 2021[25]) Court Accommodations for Persons with Severe Communication Disabilities: A Legal Scoping Review, Psychology, Public Policy and Law, Vol. 27, No: 3, pp. 399-420. https://doi.org/10.1037/law0000289.

4.4. Accessibility and availability

For the vision of child-centred justice to be realised and for violations of children's rights to be addressed in practice, legal and justice services - from the provision of information, early advice and complaint procedures to legal advice services and court proceedings - need to be fully accessible in practice to children, both physically and psychologically.

Box 4.5. Good practices: accessibility and availability

In accordance with the forthcoming OECD Child-friendly Justice Framework, in order to actively overcome the barriers children face in accessing legal and justice services, age-appropriate entry points to all-age services should be developed and separate services that have been designed specifically around children's needs should be available.

Access to early information and advice

- Child-friendly materials containing information on children's rights should be made available and widely distributed, and special information services for children such as specialised websites established (Council of Europe, 2010[26]).
- A wide range of services and professionals that could act as critical first points of contact for children requiring help (e.g., the police, health practitioners, teachers and youth workers) should be accessible to and capable of building trust with children and young people.
- Free helplines for children should be established and should facilitate easy access for all children by providing a choice of contact methods (Child Helpline International, n.d.[27]).[6]

- Drop-in centres for young people offering information, advice, counselling and support on a wide range of legal, social, emotional and health issues should be established in community settings (European Youth Information and Counselling Agency (ERYICA), n.d.[28]).[7]
- Children should have free access to specialised lawyers for children and young people in places they feel comfortable. Such counsel should not only be available when children have already entered the justice system, but also for early intervention advice.
- Authorities should endeavour to ensure that children are aware of the services that are available to them.

Access to complaints mechanisms

- Children should have the right to access child-friendly, independent and effective complaints mechanisms whenever their rights have been violated by services or institutions.
- A national independent children's rights institution, such as the Ombuds Office for children or a children's commissioner, should be established with adequate powers and resources to pursue complaints on behalf of children and address systemic issues with State institutions.

Access to remedies, courts and the judicial process

- Children's rights, as enshrined in the law, are meaningless unless children can take action when their rights are violated. As bearers of rights, children should have recourse to remedies to effectively exercise their rights or act upon violations of their rights. The domestic law should facilitate where appropriate the possibility of access to court for children who have sufficient understanding of their rights and the use of remedies to protect these rights, based on adequately given legal advice (Council of Europe, 2010[9]).
- All obstacles impeding children's access to the courts, such as the cost of the proceedings or the lack of legal counsel, should be removed (Council of Europe, 2010[9]).
- In cases of certain specific crimes committed against children, or certain aspects of civil or family law, access to the court system should be granted for a period of time after the child has reached the age of majority where necessary. States are encouraged to review their statutes of limitations, making sure that no violence against children goes unaddressed (Council of Europe, 2010[9]).
- Children should have access to international human and children's rights protection mechanisms for the pursuit of justice and protection of rights when domestic remedies do not exist or have been exhausted.

Access to legal advice, assistance and representation in judicial proceedings

- If children are to have access to genuinely child-friendly justice, states should facilitate access to a lawyer or other institution or entity which according to national law is responsible for defending children's rights. They should be represented in their own name, including where there is, or could be, a conflict of interest between the child and the parents or other involved parties. Adequate representation and the right to be represented independently from the parents should be guaranteed, especially in proceedings where there is a conflict of interest between the child and the parents or other involved parties (UNICEF, 2018[29]).
- An effective system of legal aid is central to the rule of law. It ensures accountability in the event that public bodies breach the law, including those laws which breach children's rights, by allowing people to file complaints with the courts. Legal aid is crucial to ensuring that children are able to access the court to challenge breaches of their rights. Children should have access to free legal aid, under the same or more lenient conditions as adults (UNICEF, 2018[29]).

- Lawyers representing children should be trained in and knowledgeable of children's rights and related issues, receive ongoing and in-depth training and be capable of communicating with children at their level of understanding (Council of Europe, 2010[9]). A system of specialised youth lawyers is recommended, while respecting the child's free choice of a lawyer (Council of Europe, 2010[9]). Children should be considered to be full-fledged clients with their own rights, and lawyers representing children should bring forward the opinion of the child (Council of Europe, 2010[9]).
- In cases where there are conflicting interests between parents and children, the competent authority should appoint either a guardian *ad litem* or another independent representative to represent the views and interests of the child (Council of Europe, 2010[9]).

Source: (Council of Europe, 2010[26]), Passport to your rights, https://rm.coe.int/passport-for-your-rights-eng/1680a35876; (Council of Europe, 2010[9]); Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, https://rm.coe.int/16804b2cf3; (Child Helpline International, n.d.[27]) Child Helpline International coordinates a network of Child Helplines in 140 countries and territories around the world. https://www.childhelplineinternational.org/about/reports/; (European Youth Information and Counselling Agency (ERYICA), n.d.[28]), The European Youth Information and Counselling Agency (ERYICA) ,https://www.eryica.org/; (UNICEF, 2018[29]), Guidelines On Child-Friendly Legal Aid, https://www.unicef.org/eca/media/5171/file

4.4.1. Access to early information and advice

Children and young people in Latvia receive a certain amount of education about their rights at school. However, interviewees considered this was insufficient and ineffective in equipping children with the information they might need in the event of a breach of their rights (See also section on Empowerment for further information regarding rights education). There is some basic information about children's rights on the website of the Child and Adolescent Helpline (State Inspectorate for Protection of Children's Rights, n.d.[30]) and State Inspectorate, (State Inspectorate for Protection of Children's Rights, 2011[31]) as well as some child-friendly material on safety on the State Police website (State Police Republic of Latvia, n.d.[32]). Indeed, many such resources were found to be useful for children and young people, when they needed to find information for their problem. Thus in accordance with the LNS of children in Latvia[8], more than two-thirds of respondents (70%) reported that they had found helpful information. Websites (56%), social media (38%), and videos or podcasts (25%) were rated as most valuable. Leaflets, brochures, self-help guides (5%) and apps (7%) were rated as the least helpful. Among respondents with moderate issues (3-5 rating of the most recent problem), websites and social media were rated as the most useful. However, there are differences in answers when comparing girls and boys, age groups, and location, as well as the type of problems children and young people have faced. Girls are more likely to seek help (48%) than boys (31%); additionally, older respondents (15-18) are also more likely to look for information regarding their problem. Children and young people who live in regions outside Riga or its surroundings are more likely to look for information online. Respondents with more serious problems (5+ score of their most recent issue) are less likely to look for information to help them understand their issue.

More broadly, when children in Latvia need help or advice, they will usually turn to an informal source, most commonly a parent or a friend. Some will turn to a trusted adult professional, such as a guidance counsellor in school, a youth worker or an NGO. Thus. more than half of respondents of LNS of children in Latvia (69%) had turned to parents or guardians, 14% received advice from a friend and 13% got support from another family member. However, in general, few children and young people turn to professional services for advice and assistance, acting independently from their parents. For example, LNS of children in Latvia found that when asked whether they received support from professionals or organisations (e.g., a helpline, mental help expert, ombudsman, etc.), only 5% of children and young people replied that they had turned to a teacher for advice face-to-face. They rated the support they received as being helpful. The other 95% replied that they had not used any help from professionals or official organizations, explaining

that they had changed their mind about getting advice (44%) or that they did not know how to go about getting help (11%). Some 11% replied that their issue was not significant enough, they did not think it would make any difference (11%), they did not think anybody would listen to them (22%), or they did not want anyone to find out about their problem (11%).[9]

Indeed, common barriers preventing children from approaching services seem to include: fear; shame; guilt; a lack of awareness of services; and a lack of trust in adult services and professionals to listen to them, take them seriously and believe them. Among the list of professionals in whom children tend to lack trust, according to interviewees, are: social workers, the police, school psychologists and general practitioners. In accordance with LNS of children in Latvia, lawyers and the justice system are perceived most negatively by young people, while the helpline for children and teenagers as well as social workers are regarded most positively. Overall, children and young people have a more positive opinion of the police in comparison to lawyers. The average agreement rate with positive statements was 46% and negative statements received a lower strongly or mainly agree response rate. When asked their opinion on the Orphan's and Custody Courts, most respondents appear to have a limited understanding of it, as this question received the highest average rate of Neither agree nor disagree answers (63%). Children's reluctance to approach such professionals for help may limit the identification of children's rights violation and to be referred to the appropriate authorities at an early stage of the process.[10]

There are also notable differences in answers when comparing the types of problems children and young people experience and whether or not they seek help. Respondents who are most likely to look for information are those children and young people who have experienced a problem getting support from social services (69%), whereas children and young people who have been bullied are least likely to look for information online or in a document (48%). In general, children and young people who have experienced issues related to medical professionals and social workers are more likely to seek information, whereas respondents with problems related to school, family/housing are less likely to do so.

When asked where they looked for information that would help them with their problem, the most popular responses were social media (56%) and websites (51%). Videos or podcasts are the third most popular choice among all respondents (42%). Age differences are reflected in the choices of help resources. While social media is the most popular choice among both 12-14 and 15-18 year old respondents, the younger respondents are more likely to also rely on videos or podcasts (56%) in contrast to the 15-18 year old category (33%).

Similar to the practices in many countries (Child Helpline International, n.d.[27])[11], in Latvia, the service children are most likely to contact for help on a range of issues is the Child and Adolescent Helpline, which was established in 2006 by the State Inspectorate. The helpline provides toll-free counselling and support to children, parents and other adults supporting children. Since 2015, the service has been available 24 hours a day, 7 days a week. Children and adolescents can access the helpline by telephone, e-mail or, since 2019, webchat. In 2020, the Helpline was contacted 6 728 times, of which 61% were from children and adolescents directly, with 12-15 year olds the most likely age group to use the service. Telephone calls made up 95% of contacts, 3% by webchat and 1% by email (Ministry of Welfare of Lativa, 2020[5]). The low number of contacts made by digital methods may reflect the fact that the Helpline's website is fairly basic (State Inspectorate for Protection of Children's Rights Republic of Latvia, n.d.[33]). The State Inspectorate's annual report cites its "conscious and purposeful work promoting the Helpline" as a reason why children trust the service (Ministry of Welfare of Lativa, 2020[5]).

Since the start of the Covid-19 pandemic there has been a reduction in the number of calls to the Helpline directly from children, but the State Inspectorate reports that the issues presented have become more complex, with increases in calls about relationship problems between children and parents, emotional and physical abuse and neglect within families, and mental health and emotional problems (including a doubling of calls related to suicide or suicidal feelings to 118 in 2020). The changed pattern of issues has led to an increase in the number of referrals from the Helpline to social services, the Orphan's and Custody

Courts or the police for potential violations of children's rights (up from 132 referrals in 2019 to 177 in 2020). (State Inspectorate for Protection of Children's Rights, n.d.[30])[12] Calls to the Helpline can also be referred to the Inspectors of Children's Rights Department (BTAD) of the State Inspectorate, which can provide face-to-face, telephone and email consultations. The State Inspectorate also has the power to investigate complaints, initiate administrative violation cases, inspect institutions and issue sanctions (See further information below under 'Access to complaints mechanisms').

An alternative helpline is provided by the Safer Internet Centre, which provides counselling to children who have been exposed to illegal or inappropriate content and online sexual abuse and exploitation. The Centre also provides a hotline for adults and professionals to report illegal material. The Centre stated that few calls to the Helpline from children and young people are referred to other authorities, due to the fact that many callers choose to remain anonymous.[13] Other interviewees shared that children and young people are reluctant to report online abuse and exploitation, thus preventing such incidences from being further investigated.

Work on a framework for the development of youth information points in Latvia appears to have been initiated in 2008, based on ERYICA, Council of Europe and European Union best practice. (Council of Europe and European Commission, 2009[34]) However, OECD analysis did not identify any community-based information, advice, counselling and support services for young people in Latvia. (Youth Access, n.d.[35]) Many municipalities do have a youth centre, but stakeholders reported that these tend to focus on the provision of sporting activities rather than the provision of one-to-one advice and support. It is noted that no co-ordination body for youth information, advice, or counselling/support services exists in Latvia. Based on some good country practices shown in the box below, Latvia could establish centres that could provide one-to-one advice and support to youth. Some examples of youth centres can be found in Box 4.6 below.

Box 4.6. Good country practices: youth centres

Youth Legal is a community-based youth centre based in England. It was established in 2013 with a purpose to provide free legal advice either on their premises or online to young people and their advisors. The centre provides legal advice on community care, housing, debt and money, immigration and welfare benefits. The centre also supports young people through providing public legal education, organising training sessions and seminars. (Youth Legal UK, n.d.[36])

Child and Youth Legal Centre is a local youth organisation based in Vancouver, BC Canada. The centre provides free and confidential legal advice and legal representation to young people. It also refers them to other resources in matters related to family law, child protection, human rights among others. The centre helps young people up to 19 years of age. However, if the legal problem started before the person turns 19, the centre may still help. (Family Law Brtish Colombia Canada, n.d.[37])

Source: (Youth Legal UK, n.d.[36]), Youth Legal, https://www.youthlegal.org.uk/about; (Family Law Brtish Colombia Canada, n.d.[37]), Child and Youth Legal Centre, https://family.legalaid.bc.ca/visit/child-and-youth-legal-centre

Similarly, there are no specialist legal advice services available to children and young people who might need early advice in instances where their rights may have been violated but their case has yet to reach the formal justice system. It should be noted that there is a limited understanding among state institutions of a hypothetical scenario in which a young person might need legal advice in their own right following estrangement from their family due to becoming homeless or needing social care. It remains unclear whether this is because these situations do not arise in Latvia or because the concept of children needing legal advice in such situations is outside the scope of professionals in the country.

In summary, children reportedly often do not reach out to professionals who could act as critical early problem identifiers. The system relies on the Child and Adolescent Helpline to act as the main provider of advice and emotional support to children. However, whilst the service is used by children and young people in reasonable numbers, it is accessible largely by telephone – a mode of access that many children and young people are often reluctant to use (Kenrick, 2009[38]).[14] Indeed, several respondents to the LNS for children in Latvia highlighted that they would benefit from a helpline that offers a chatroom. As such, there is scope to establish a wider range of modes of service provision, including community-based services that children and young people can turn to in person for age-appropriate help on a range of legal, social, emotional and health issues, or for specialist child-friendly legal advice.

In addition, there is a clear scope for the improvement in available services, with varying satisfaction scores across different services (See Box 4.7). Moreover, more than one-quarter of respondents of the LNS of Children noting that they preferred that the treatment they received from social workers, teachers and psychologists would improve. In particular the respondents highlighted a lack of respect, unfriendliness, poor listening skills, low motivation and lack of interest in their problems as the main issues that they wished to be resolved. They also noted the need for faster response from institutions such as the Orphan's and Custody Court or professionals like social workers or lawyers when dealing with their issues. Respondents to the LNS of children also emphasised that there is too much bureaucracy in Latvia and not enough professional help from social workers, doctors and teachers when a child experiences serious issues such as dyslexia and ADHD. Given such results, involving children and young people in the design of justice services becomes extra important as their involvement ensures that existing services are tailored to the needs of the users of those services.

Box 4.7. Satisfaction with existing child-related services in Latvia

When it comes to satisfaction with existing services, more than half of the respondents to the LNS of Children had specific suggestions for improving legal and related services in Latvia:

- **Quick response** (2%). A small number of children and young people reported that they needed faster responses from institutions such as the Orphan's and Custody Court or professionals like social workers or lawyers, when in contact with them.
- **Treatmen**t (23%). More than one-quarter of respondents noted that they wished that the treatment they received from social workers, teachers, and psychologists would improve. They reported lack of respect, unfriendliness, poor listening skills, low motivation, and low interest in their problems as the main issues that they hoped would be resolved.
- **School** (2%). Two percent of respondents pointed out that bullying was a significant issue in their school and they thought that expelling those students who engaged in bullying from school would be a good solution.
- **Helpline** (6%). Several young people replied that they would benefit from a helpline, which the chatroom, because they disliked talking on the phone.
- **Professional help** (29%). A high proportion of young people pointed out that they would benefit from a free mental health professional's assistance (e.g., psychologist, psychotherapist), which clearly demonstrates that free psychological help is not available in Latvia. Several young people also replied that they are in need of easily accessible lawyers, youth day centres, and social workers.
- **No problems** (3%). A small number of respondents reported that they did not have any specific recommendations as they did not have any issues, or even if they did, they could be solved with the help of their parents.

- **Finances** (5%). Less than 10% of respondents argued that improving their financial situations would significantly help with their current problems.
- **Medicine** (0,5%). A small proportion of young people pointed out that they have had issues with health care, in particular, the long waiting lines for doctors.
- **Institutional improvement** (13%). A sizeable proportion of responses included recommendations for improving various institutions in Latvia. For example, several respondents remarked that there are significant issues with corrupt politicians and the education system. Others argued that there is too much bureaucracy in Latvia and very inefficient professional help from social workers, doctors and teachers whenever a child experiences serious issues (e.g., dyslexia, ADHD, etc.).
- **Housing** (2%). A small number of responses included recommendations for providing free housing for those who are experiencing poverty.
- **Family support** (2%). Five respondents pointed out that their problems are best solved with the help of parents or other relatives and argued that family support would be the best solution to the issues that young people are facing in Latvia.
- **Anonymous help** (2%). Several respondents expressed the need for anonymous, confidential psychological help. They also highlighted that lack of anonymity was a significant issue that they themselves had experienced.

Source 2022 OECD Legal Needs Survey of Children in Latvia.

4.4.2. Access to complaints mechanisms

Complaints to the police

Children can seek help directly from the State Police and can submit complaints about violations of their rights that may constitute a crime, either in person or by calling the 24/7 assistance telephone number 110. Stakeholders reported in interviews that investigations by the State Police into sexual offences reported by children tend to take a long time and rarely result in prosecutions. In 2020, 190 children were registered as victims of sexual crimes by the Police.[15]

Complaints mechanisms in services and institutions

Under the LCPR provisions, state and local government institutions in the fields of education, social care and protection, health care and the justice system are required to establish child-friendly systems for receiving complaints from individual children and to make these systems known and accessible to children. Institutions are required to review complaints from children immediately, to provide assistance to children and to act appropriately to report and/or refer cases in which children's rights may have been breached. (LIKUMI, 1998[11])[16]

A detailed analysis of such complaints systems was published by the Latvian Child Welfare Network in 2017. (Latvian Child Welfare Network, 2017[39]) Most systems required children to complain in the first instance to the institution against which they were complaining. Generally, the systems were described as neither child-friendly nor accessible to children, and children tended to report having little trust in the systems or the adults administering them. In relation to specific service areas:

- In the field of education, children can submit a complaint directly to the management of their school or to the State Service for Education Quality (SSEQ). Children interviewed by the Latvian Child Welfare Network believed there was no point in complaining about schools because they didn't think it would change anything and none of the children had heard of the SSEQ.

- In the area of social care and protection, including the Orphan's and Custody Courts, residential social care institutions and Social Services, children can submit a complaint directly to the service provider or, if their rights have been violated, to the State Inspectorate or the Ombuds Office. Children in residential care institutions who were interviewed by the Latvian Child Welfare Network reported that their complaints to social workers were ignored and they were not aware that they could submit a complaint outside the institution.
- In the field of health care, children can submit a complaint to the Health Inspectorate through its website. There is no special procedure for complaints from children. The general procedure for submitting complaints appears to be complex and not always child-friendly.
- Children involved in judicial proceedings are required to submit complaints through their legal representative acting on their behalf. Children in detention can submit complaints to the management of the institution by following the same procedure that applies to adults. Young people who were in detention were aware of the procedure but did not believe that submission of complaints would change anything or that they would be taken seriously.

The Latvian Child Welfare Network concluded that, overall, *"*children are missing a protection mechanism that would shield the child against eventual negative consequences, pressure and would secure an objective mechanism for filing complaints. In particular, this refers to children who stay in institutions and where adults objectively have substantial authority, can impact children and apply various sanctions against them*"*. (Latvian Child Welfare Network, 2017[39]). A separate analysis found that children with learning disabilities experienced additional barriers to accessing an effective complaints mechanism, as there was rarely an easy-read version of the complaints form or any assistance to help children to submit complaints. (Mental Disability Advocacy, 2015[22])

National children's rights institutions

There are two main national institutions that are responsible for pursuing complaints about violations of children's rights.

- **The Ombudsman Office** performs the function of an ombudsperson for children, although it is not an institution dedicated to children alone. It has a mandate to examine complaints regarding violations of individuals' human rights, including children's rights, paying particular attention to violations committed by state or local government institutions and their employees. Complaints can be filed with the Ombuds Office by email or letter. (Ombudsman Office of the Republic of Latvia, n.d.[40]) There is no special access pathway for children.[17] Complaints from children are dealt with by the Ombuds Office's Children's Rights Department, which consisted of five staff members in 2020. In 2020, the Ombuds Office received 1 009 complaints regarding the rights of children and young people. Only one of these complaints was submitted directly by a child. In 2019, the Ombuds Office received 964 complaints, including three from children. The vast majority of complaints concerning breaches of children's rights are made by parents on behalf of children. Focus groups with children held by the Latvia Child Welfare Network found that very few children were aware of the Ombuds Office or how it could help them. (Latvian Child Welfare Network, 2017[39]) The Ombuds Office said that children are not involved in most cases concerning them. However, if the child wishes, the Ombuds Office can hear the views of a child in confidence, without the presence of their parent(s) or guardian(s) or any staff from any institution that is a subject of their complaint. (LIKUMI, 2006[41])[18] The Ombuds Office also has a mandate to visit children and young people in institutions, such as prisons and care homes, as part of its investigations. If a breach is detected, and if it is necessary for the benefit of society, the Ombuds Office may represent the rights and interests of a child in an administrative court. It should be noted that filing a complaint with the Ombuds Office does not prevent any other concurrent legal action by a court from proceeding. The

Ombuds Office can also refer cases to the State Inspectorate, as the latter has the authority to issue sanctions, a power that the Ombuds Office does not possess.

- **State Inspectorate** – is the institution, which amongst other functions, provides advice to individuals and organisations about violations of children's rights, and has the power to investigate complaints, initiate administrative violation cases, and inspect and issue sanctions against state institutions. One of the main functions of the State Inspectorate is to ensure operation of a national helpline. It provides psychological and emotional support in critical situations to children and their families; and offers answers related to the rights and duties of children, their parents and teachers, children's development, addictions and other issues. The Department for the Protection of the Rights of the Child (DPRD) of the State Inspectorate can also receive complaints from children and others about violations of a child's rights. In 2021, the DPRD received a total of 474 reports and complaints (570 in 2020) and provided 805 consultations to individuals and institutions (737 in 2020). (State Inspectorate for the Protection of Children's Rights, 2022[42]) In 2020, 95% of consultations were by telephone or email and 5% were face to face. Reports and complaints were most likely to be received from parents, followed by other relatives of children, schools, social services, pre-school institutions and out-of-family care institutions. The number of complaints from children, if there were any at all, is not reported. (Ministry of Welfare of Lativa, 2020[5]) Complaints in 2021 were most likely to be lodged against educational institutions and pre-school educational institutions and to relate to episodes of emotional or physical abuse on the part of staff in institutions where children were staying. (State Inspectorate for the Protection of Children's Rights, 2022[42]) Similar to the Ombuds Office, the DPRD has the right to interview children without the presence of other persons, investigate state institutions and look into systemic issues. Unlike the Ombuds Office, the DPRD is also able to initiate investigations that are not based on a specific complaint and can investigate the actions of NGOs and individuals as well as state institutions. (Mental Disability Advocacy, 2015[22]) However, in cases involving violence against children, the State Inspectorate will only intervene if the violence has taken place at a state or local government institution. In other cases involving violence, the State Inspectorate will refer the case to the police or another relevant institution. In 2021, the DPRD initiated 91 administrative violation cases for the physical and/or emotional abuse of a child by employees of institutions, mostly related to pre-school education institutions and educational institutions, with small numbers related to the Orphan's and Custody Courts, out-of-home care institutions and sports camps.

While mandates of both institutions are very important and they may identify and conduct investigations into systemic issues affecting children, neither seems to undertake much direct work with children. Moreover, there appears to be scope to delineate the two services more clearly from one another to ensure that there is no overlap or duplication of roles and responsibilities between them. This may require establishing clear protocols and procedures for collaboration, coordination and referral pathways between both institutions, as well as possibly defining more clearly areas of responsibility and strengthening mechanisms for information-sharing.

4.4.3. Access to remedies, courts and the judicial process

Although there are limitations to their procedural rights (see below), children can bring cases in domestic courts to challenge violations of their rights under the CPRL, the CRC (which is directly enforceable in courts), or any other legislation that protects children's rights. (Child Rights International Network (CRIN), n.d.[43]) Depending on the nature of the case, children's rights are considered in the Orphan's and Custody Courts or adjudicated in district or regional courts.

The Orphan's and Custody Courts ensure protection of children in family cases and represent their rights and interests where this cannot be done by the child's family. They deal with issues concerning guardianship, custody, contact, adoption and out-of-family care and protect the personal and pecuniary rights and interests of children.[19] Despite their name, the Orphan's and Custody Courts are actually

institutions established and financed by municipalities and staffed by municipal workers. Although it is theoretically possible for children to access the Orphan's and Custody Court independently - by turning up at their offices or sending an email, for instance - it is much more common for children to be referred, for example, by a social pedagogue, a doctor or an NGO.

In accordance with stakeholders and as highlighted in the Ombuds Office's 2020 annual report, (Ombudsman Of the Republic Of Latvia, 2020[44]) the effectiveness of the Orphan's and Custody Courts in protecting children's rights could be strengthened through: 1) greater training of staff; 2) making sure children's views are properly heard; 3) ensuring that the interests of adults are not prioritised over those of children; 4) addressing staff members' fear of the potential overturning of their decisions; and 5) strengthening the Orphan's and Custody Courts independence. In this regard, a reform programme is currently underway to address quality concerns, transparency and accountability; to promote higher professional standards, to give more room to children to express their opinions; strengthening qualification requirements for staff and bringing the Orphan's and Custody Courts under the functional supervision of the State Inspectorate from July 2021 to increase their independence from municipalities in small communities as in serious cases urgent action is needed. (Ministry of Justice Republic of Latvia, 2021[45])

Cases concerning violations of children's rights can be filed in the district court, which is the court of first instance for most civil and criminal matters. The regional courts handle appeals from district courts and are also the courts of first instance for certain criminal and civil matters, including sexual offences committed against children. There are no specialist children's or family courts in Latvia.

In civil cases, the procedural rights of children to bring their cases before a court of law by themselves in their own name is limited. Court proceedings can normally only be brought on behalf of children by their 'legal representatives'. Until reaching the age of 18, a child is legally deemed the responsibility of his or her parents, (LIKUMI, 1937[46])[20] who are deemed the child's legal representatives, with an obligation to safeguard the child's rights and legal interests. (LIKUMI, 1998[47])[21] Where children are between the ages of 15 and 18 and have been deemed to have capacity to act, the court is required to invite them to participate in proceedings. (LIKUMI, 2005[48])[22] In cases when children are "entitled to independently exercise their civil procedural rights" in "cases prescribed by law"[23], the court has the discretion to call upon a legal representative to assist the child in conducting the case. (LIKUMI, 2005[48])[24] In practice, however, judges and lawyers reported that civil cases brought by children in their own right, independently from their parents or carers, rarely, if ever, end up in court. It is also understood that it is practically unheard of for children, acting independently, to sue state institutions for violations of their rights or a failure to provide services to which they are lawfully entitled.

Children's ability to initiate legal proceedings is similar in administrative proceedings as it is in civil proceedings.[25] A child has procedural rights from the age of 15. Yet these rights are exercised by their legal representative, usually their parents, unless the law has conferred on the child the right to independently have recourse to an institution, in which case the child has the right to independently appeal an administrative act or actual action of an institution to a court. (LIKUMI, 2004[49])[26]

In theory, children have the right to appeal a civil or an administrative decision to a district administrative court. A district court judgment may be appealed in the regional court, and a regional court judgment may be appealed to the Senate of the Supreme Court. A legal challenge may also be brought before Latvia's Constitutional Court. However, a complaint to the Constitutional Court is the ultimate remedy for protection of human rights and all other legal avenues must be exhausted first—unless the Constitutional Court considers that the matter is of public interest or that other avenues cannot prevent harm to the complainant. (Child Rights International Network, 2016[12])

In practice, children's rights of appeal against court decisions are limited by their understanding of the process, their capacity to access and instruct lawyers and a culture in which children are not expected to exercise such rights. In relation to decisions of an The Orphan's and Custody Court, whilst parents have a right to appeal in the regional administrative court, children may only appeal through their legal guardian

who may have a conflict of interests. Thus, a child who has been placed in a residential care institution against their wishes, for example, would require the institution to appeal that decision on their behalf, which does not happen in practice. (Latvian Child Welfare Network, 2017[39])

In criminal matters, the duty to initiate proceedings lies with public prosecutors. Child victims have the right to participate in court proceedings and are represented by a parent, a guardian, a caregiver or a representative of a governmental or nongovernmental organisation working in child protection. Children under 15 may provide witness testimony and express their views to the court, but must otherwise be represented by their representative acting on their behalf. For children over 15, the representative shall represent the interests of the child victims together with them. In deciding who to allow as a child victim's representative, the person presiding over the proceedings should take into account the interests and wishes of the child, in order to "truly protect the interests of the victim".[27]

The statute of limitations governing the period within which a case of sexual violence against a child can be addressed by the courts was increased in 2015 to 20 years.[28]

In civil cases, the remedies available include monetary damages, recovery of property (in kind or in value), and imposition of a duty to perform a remedial action. In administrative cases, the court may order an institution to take specific remedial or preventative actions and may impose financial penalties on the institution or the responsible official.[29]

Latvian nationals, including children, can turn to international and regional complaint mechanisms, when they feel their rights have been violated. These include the UN Treaty Bodies' complaint mechanisms, the European Court on Human Rights, the European Social Charter and the Committee of Social Rights, the Commissioner for Human Rights, the European Committee for the Prevention of Torture, the Ombuds Office of the European Parliament and the UN HRC.[30] Complaints to some of these bodies, including The European Court of Human Rights, will be admissible only if all domestic remedies have been exhausted.[31]

4.4.4. Access to legal advice, assistance and representation in judicial proceedings

Children's rights to receive legal advice, assistance and representation in proceedings depend on the type of proceedings, the procedural status of the child and the child's age.

Child victims who have been granted procedural status of a victim are normally represented in criminal proceedings by a 'representative'. This is not a lawyer. The representative is usually a parent, guardian, other family member or trustee. (LIKUMI, 2005[48])[32] A child can also be represented by an authority, an institution or an NGO that protects children's rights, (LIKUMI, 2005[48])[33] most commonly the Orphan's and Custody Court.[34] The representative of the child acquires all their rights and may participate in proceedings alongside the child. (LIKUMI, 2005[48])[35] When deciding on the recognition of a person as the representative, the judge shall take into account their suitability for the role and their ability and willingness to genuinely protect the interests of the child. (LIKUMI, 2005[48])[36] Whilst parents are most likely to act as children's representatives, they do not always act in children's best interests. They often have conflicts of interest, for example in cases where the alleged perpetrator is their partner whom they may be trying to defend. In other cases, the parent might not make efforts to represent the child at all, again leaving no one to protect the child's interests.

Child victims are also entitled to a court appointed lawyer, if this is necessary to guarantee the child's rights. (LIKUMI, 2005[48])[37] This can be done when their representative decides one is needed or if the judge insists that one is necessary. (LIKUMI, 2018[50])[38] The provision of legal assistance to a minor victim and their representative is mandatory in sexual violence cases and in cases where violence has been committed by a person upon whom the juvenile victim is financially or otherwise dependent. (LIKUMI, 2005[48])[39] However, judges rarely assign legal representation to the child. In addition, children cannot instruct a lawyer in civil cases before the age of 18. Thus, whilst supposedly representing the child, the sworn attorneys actually seem to consult the parents, not the child in such cases.

In civil and administrative proceedings, children are normally represented by a representative (as above, most commonly a parent) or an institution (such as the Orphan's and Custody Court). (LIKUMI, 1999[51])[40] In family proceedings, whilst parents may be represented by lawyers, it is common for children's views and opinions to be presented to the court second-hand by a member of staff from the Orphan's and Custody Court, such as a psychologist..

In compliance with an EU directive, Latvia is obliged to provide legal assistance without delay to a child who is in a **police station** and is under arrest. Children have a right to legal assistance during interrogation; a right to communicate with their.[41] There is some anecdotal evidence on cases where children were not informed about their rights in a police station. However, according to the law, there is an obligation to inform children about their rights during any meeting with authorities.

During criminal proceedings, the rights of a child accused of a crime or a child victim to defence or representation are provided for by the Criminal Procedure Law. Where children have been accused of a crime, their right to a defence counsel is mandatory in criminal proceedings. (LIKUMI, 2005[48])[42] Legal aid covers the pre-trial and trial period, representation and defence at pre-trial and trial stages, as well as legal advice before the court hearings. The provision of legal aid in criminal matters is organised by the Latvian Council of Sworn Advocates. Sworn attorneys are allocated to cases according to a roster and it is not possible to ask to have a particular lawyer. (Fair Trials Initiative, 2015[52]) However, sworn attorneys allocated to children's cases must complete training in child protection.[43] Latvia can further reflect on how to provide legal aid to children that is age-appropriate and child-centred. It can draw inspiration from legal aid schemes for children that have been set up in other countries.

Box 4.8. Examples of legal aid and legal assistance schemes for children

Scottish Legal Aid Board

The Legal Aid Board regulates distribution of legal assistance to children. In order to receive benefits, children can apply directly to the board. A solicitor acts on a child's behalf provided that explicit and direct instructions have been given directly by the child. In cases where the child cannot instruct a solicitor, a guardian could be appointed by a court to protect the interests of the child.

United States: legal assistance for young people at parole hearings

Children and Family Justice Centre was launched in 2010 and provided legal assistance at their parole revocation hearings via the Parole Revocation Representation Project. The pilot case involved the representation of over 150 young people and secured release in 83% of the cases.

Thailand: legal clinic for stateless children

Thailand implemented a new clinic programme to support stateless children in Thailand aged between 13-20. The programme aimed to inform stateless children about their legal rights, in particular about their right to apply for a birth certificate under the Civil Registration Act of 2008. As of 2012, 120 youth leaders were trained to help children navigate Thailand's bureaucracy and spread awareness about stateless children's rights.

Australia: online legal assistance for children

The National Children's and Youth Law Centre (NCYLC) provides online free legal advice to children and young people for a range of legal problems that involve criminal law, child abuse, bullying, and discrimination.

Source: (Child Rights International Network (CRIN), n.d.[43]), Examples of legal assistance that has helped Children, https://archive.crin.org/en/home/law/legal-assistance/examples-legal-assistance-has-helped-children.html.

In civil and administrative proceedings, children are normally represented by a representative (as above, most commonly a parent) or an institution (such as the Orphan's and Custody Court). (LIKUMI, 1999[51])[44] In family proceedings, whilst parents may be represented by lawyers, it is common for children's views and opinions to be presented to the court second-hand by a member of staff from the Orphan's and Custody Court, such as a psychologist. Legal aid provided by sworn attorneys is also available in civil and administrative cases under procedures set out in the State Ensured Legal Aid Law and administered by the Legal Aid Administration (LAA). (Cabinet of Ministers Republic of Latvia, 2009[53])[45] Provided children satisfy a means test, which is applied to all persons, they may receive state-provided legal aid in civil cases and in certain types of administrative cases, including asylum appeals and appeals against decisions of the Orphan's and Custody Court regarding protection of the rights of the child. The State also provides legal aid to victims of violence to submit a request for temporary protection against violence, to contest a court ruling to fully or partially deny the provision of a temporary protection measure, or for the resolution of a civil dispute.[46]

In practice, children rarely access legal assistance in civil and administrative cases (European Union Agency for Fundamental Rights, 2017[54]). Indeed, an evaluation of the Latvian judicial system found that overall, *"the Latvian justice system provides for a rather low level of legal aid, limited both in terms of available budget and in terms of categories of persons who can qualify to receive legal aid".* (Council of Europe, 2018[20]) In addition, there are common views in Latvia that the quality of legal representation received by children through legal aid is variable, with children having no choice of lawyer. There is no system of specialist children's or youth lawyers in Latvia, apart from specific NGOs[47].

Challenges in the current arrangements for adequate representation for children, whether from a representative or a lawyer, may leave many children without effective support from an adult who is acting in their best interest, particularly in cases where prerogatives differ between parents and children. It was reported that not only does this act as a major barrier to children accessing justice, it can also lead to cases getting stuck in the courts for an intractable period. Many interviewees considered that there was a need for Latvia to adopt a system of guardian *ad litem*, or another similar model in which children can be supported by a 'person of trust' who can provide consistent practical and emotional support, act as an intermediary between institutions and courts, and represent the child's views and interests throughout the proceedings. It was felt this role should be financed by the state, but independent from the Orphan's and Custody Court and social services. Since children's voices are at risk to be mediated or misrepresented by a parent or legal guardian, service quality from the Orphan's and Custody Courts and other courts could benefit from further direct representation of children to hear their views and opinions.

There is also scope to strengthen children's access to independent, expert, age-appropriate legal advice, assistance and representation in judicial proceedings, particularly in civil and administrative cases. Similarly, the support to children during proceedings from a 'person of trust' who is guaranteed to act in their best interest could be improved.

In addition, children have limited procedural rights to initiate civil or administrative proceedings independently from their parents. Moreover, children whose interests may differ from those of their parents, and children in residential institutions, have limited options when it comes to taking independent action in respect of violations of their rights or challenging institutions' failures to provide them with care or services or to otherwise uphold their rights.

The cumulative effect of a lack of early advice, a lack of child-focussed complaints mechanisms and a court system that does not prioritise listening to the voice of the child throughout the process is that children may have no one on their side at multiple critical stages of the problem resolution process (also see section on Empowerment and participation).

4.5. Prevention, proactivity and timeliness

Child-friendly justice services within a people-centred justice system aim to proactively contribute to the prevention of legal problems and a timely resolution. Indeed, it helps address recurring legal problems on a systemic basis to address underlying causes thereby preventing reoccurrences.

Box 4.9. Guiding principles: prevention, proactivity and timeliness

The OECD forthcoming Framework on Child-Friendly Justice recommends the following principles for the implementation of prevention, proactivity and timeliness:

Preventative and proactive approach to justice for children

- The state's approach to justice for children should recognise that the root causes of children's legal needs are linked to social, health and economic factors and that a joined-up, cross-departmental approach, with early intervention and prevention at its core, is more effective than waiting until children have ended up in the justice system. (OECD, 2021[55]))
- Effective age-appropriate, multidisciplinary support should be provided to children and young people in the community to address a range of psychosocial issues, including family and relationship problems, emotional and mental health issues, substance abuse, housing problems, violence and offending behaviour.
- Effective crime prevention programmes should be implemented, emphasising the social development and well-being of children and young people.
- Effective measures for preventing and detecting sexual offences against children should be implemented.

Alternatives to judicial proceedings

- The minimum age of criminal responsibility should not be set too low and should be clearly determined by law. (Council of Europe, 2010[9]) Alternatives to judicial proceedings such as mediation, diversion (of judicial mechanisms) and alternative dispute resolution are encouraged whenever these may best serve the child's best interest. However, the preliminary use of such alternatives should not be used as an obstacle to the child's access to justice. Alternatives to court proceedings should guarantee an equivalent level of legal safeguards. (Council of Europe, 2010[9])

Timeliness of proceedings – avoiding undue delay

- In all proceedings involving children, the urgency principle should be applied to provide a speedy response and protect the best interest of the child, while respecting the rule of law. (Council of Europe, 2010[9]) Children's cases should be prioritised and dealt with expeditiously.
- National authorities should take all necessary steps to facilitate the execution of judicial decisions/rulings involving and affecting children without delay. (Council of Europe, 2010[9])

Rehabilitation & reintegration

- Where children have been victims of sexual abuse and exploitation, they should have the right to compensation. See note below
- Child victims of neglect, violence, abuse or other crimes should receive high quality support, including health care and appropriate social and therapeutic intervention, to enable their recovery. See note below

- Children in detention should have the right to receive education, vocational training, medical care, legal support and access to appropriate programmes that prepare them for their return to their communities. On release, children should receive employment, housing and legal support and other services necessary for their reintegration into society.

Note: The Council of Europe guidelines state that the child's lawyer, guardian or legal representative should have a mandate to take all necessary steps to claim for damages during or after criminal proceedings in which the child was a victim, and that, where appropriate, the costs could be covered by the state and recovered from the perpetrator. For a full exploration of this issue, see ECPAT International (2017*) Barriers to Compensation for Child Victims of Sexual Exploitation: A discussion paper based on a comparative legal study of selected countries*, Bangkok: ECPAT International.
Source: (OECD, 2021[55]), *OECD* Framework and Good Practice Principles for People-Centred Justice, 10.1787/cdc3bde7-en; (OECD forthcoming, 2023[3]), OECD Framework for Child-friendly Justice (forthcoming); (Council of Europe, 2010[9]), Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, https://rm.coe.int/16804b2cf3; See Part IV B and Guidelines 50, 76 and 80.

4.5.1. Preventative and proactive approach to justice for children

Policy and planning

As discussed earlier, Latvia's plans and strategies for improving access to justice focus heavily on the formal justice system and contain little recognition of a joined-up, cross-departmental approach to access to justice for children. However, there are several policy programmes, across various government departments, focussed on preventing justice problems among children and young people. Almost exclusively, over the last decade, such programmes have promoted the importance of the family and focussed on prevention of criminal justice problems, with an emphasis on preventing criminal behaviour by young people and violence against young people. As in many other countries, this trend is evolving into the holistic approach to child-friendly justice, considering a wide range of legal needs (including those of a civil and administrative nature), and throughout the justice pathway (from prevention to post-resolution support).

Several new policies and programmes are currently in development that provide opportunities for a broader approach to prevention to be embedded. The draft 'Guidelines for Development of Children, Youth and Family for 2021-2027' (Ministry of Welfare of Latvia, n.d.[56]) is based on the 'National Development Plan for Latvia for 2021-2027' and sets the basic principles, goals and tasks of the state policy for children, youth and families. The main goal of the draft plan is a child and family-friendly society that promotes the well-being of children and youth, healthy development, equal opportunities and the reduction of the risk of poverty and social exclusion for families with children. There are four objectives, one of which is to promote the safety, development, psychological and emotional well-being of children and young people. One of this objective's area of intervention is to reduce all forms of violence through:

- Educational activities for school children about how to recognise violence and respond to risks of violence;
- Public awareness-raising campaigns to reduce tolerance of all forms of violence;
- Expanded protection and rehabilitation services for victims of violence;
- Activities to reduce discrimination and violence (harassment and abuse) in educational institutions and online;
- Establishment of an evidence-based and joint methodology-based violence monitoring system.

The draft plan also states that two additional policy documents will be developed: a "Plan to Promote Safety, Psychological and Emotional Well-Being of Children and Young People for 2021-2027"; and a draft "Plan for the Prevention of Child Crime and Protection of Children against Crime for 2022-2024". (Ministry of Interior Latvia, 2021[57])

Preventative services

Latvia faces several challenges related to measures of child and youth well-being, physical and mental health, violent relationships with peers, social tensions and inequality. (Latvian Child Welfare Network, n.d.[58]) One of the most consistent messages received from interviewees was that there was a critical lack of preventative services available to children and young people in local areas. Stakeholders reported that the problem is particularly acute in smaller municipalities and rural areas, where a lack of financial resources leads to poor provision of social services, youth services, mental health services, parenting programmes and other support.

It is also noted that the draft 'Guidelines for Development of Children, Youth and Family for 2022-2027' outline plans to develop a comprehensive range of preventative support services, including prenatal and early childhood programmes; intervention programmes for children and young people with disabilities and special educational needs; and education programmes for parents to increase family literacy. (Ministry of Welfare of Latvia, n.d.[56])

Looking first at the role of schools in the wider prevention ecosystem, high rates of bullying[48] and truancy[49] persist. (Central Statistical Bureau of Latvia, 2021[4]) Whilst social pedagogues seem to play an important role in supporting and guiding children in school, stakeholders consider that social and relationships education delivered by schools could be improved. Indeed, much of the work conducted in schools to counteract bullying and violence is led by NGOs. (Central Statistical Bureau of Latvia, 2021[4])

Box 4.10. Initiatives offered by NGOs in Latvia

Centre Dardedze is an NGO that advocates for a childhood free from abuse and has set a strategic priority: the prevention of children sexual abuse and exploitation for the period of 2018–2022. Dardedze implements several prevention programmes for children, parents and professionals. For example the Dzimba Safety Program (Dardedze, n.d.[59])focuses on the prevention of sexual abuse of preschool and primary school children and their parents. Program Guardian Angel (Dardedze, n.d.[60]) includes group sessions for parents who are raising a child aged 0-2 years. Dads Can! (Dardedze, n.d.[61])includes group sessions for fathers who are raising children aged 3-8 years. Program Child Safe and Friendly Kindergarten (Dardeze, n.d.[62]) is implemented together with the association

SOS Children's Villages Latvia and focuses on timely identification and prevention of risks of violations of children's rights; building positive co-operation between children, parents and staff of the institution; and maintaining a positive environment in which the child's interests and needs are central. More than 40 pre-school educational institutions in Latvia have been involved in the implementation of the programme.

Association MARTA Centre is a children and women's rights NGO with offices in Riga, Liepaja and Rezekne. MARTA implements prevention programmes with a gender perspective for youth aged 12-18 years on relationship violence, sexual bullying and similar topics. Its youth group methodology and pilot mobile application, which has been rolled out in some schools, connects youth to psychologists and other specialists outside of schools. Their Youth Group Methodology consists of 17 lessons, delivered once a week and aims to help young people acquire life skills that will help them build healthy and mutually supportive relationships with peers and adopt non-violent conflict resolution approaches when they face injustice. (MARTA Centre, n.d.[63])

Latvian Safer Internet Centre is coordinated by the Latvian Internet Association. The Centre has developed a website (DROSS Internets.lv, n.d.[64]) that includes educational and informative materials on various child safety matters on the internet, including sexting. Several educational tests, videos and informative materials for children (up to 11 years old), youth (12-18 years) and parents, are available

on the website together with a compilation of resources developed by other organisations. The Centre has a Youth Council that meets 2-3 times per year and helps to reach children and youth, develop informative materials and plan activities throughout Latvia. The Youth Council is formed by 12-15 active young people between ages 13 and 18 from different regions in Latvia.

Association Papardes zieds works in the field of sexual and reproductive health. The association offers educational programs for grades 5-7; 8-9; and 10-12 that include topics on safe relationships. (Papardes zieds, n.d.[65])

Source: (MARTA Centre, n.d.[63]), MARTA Centre, Interview with MARTA Centre" on July 30, 2021, https://marta.lv/lv/marta-darbiba/jaunatnes-programmas/kops-2010-gada-marta-aktivi-strada-ar-jauniesiem-vecuma-no-12-lidz-18-gadiem-veidojot-un-vadot-nodarbibas-skolas-un-jauniesu-centros-visa-latvija-30/; (DROSS Internets.lv, n.d.[64]), DROSS Internets.lv, https://drossinternets.lv/; (Papardes zieds, n.d.[65]), Papardes zieds, https://papardeszieds.lv/

A significant and growing area of need amongst children and young people is mental health. In 2016, the UN Committee on the Rights of the Child highlighted the high level of youth suicide in Latvia and recommended strengthening psychological counselling services. (United Nations, 2016[17]) Since then, there has been mounting evidence that the Covid-19 pandemic has led to a severe worsening of mental health problems amongst children and young people. One study found that the majority of adolescents in Latvia had experienced clinically significant mental health decline during the pandemic and that 37.6% of young people reported needing counselling or psychotherapy. (Konstantinovs and Lapa, 2021[66]) The Child and Adolescent Helpline has reported dealing with increasing numbers of children and young people with depression, suicidal ideation and eating disorders. (State Inspectorate for Protection of Children's Rights, n.d.[30])[50]

There was a consensus amongst stakeholders that there was an urgent need to improve access to mental health support for children and young people in community settings. Responsibility for funding such services lies with municipalities. There are currently long waits for help in some towns, and there is a severe shortage of child psychologists and psychiatrists across Latvia. In response, the Children's Hospital is developing early intervention mental health services for young people and a free drop-in service for 12–25-year-olds is being trialled in Riga. (ENGLSM.lv, n.d.[67])

Interviewees reported pressures on social services due to a lack of resources and severe shortages of social workers. This is impacting efforts to provide children, young people and families with long-term, in-depth support to address multiple and entrenched problems, as well as the quality and safety of the care in residential social care settings that children receive. The Orphan's and Custody Courts contribute to family support by running parenting training programmes (both mandatory and voluntary programmes) and parent support groups.

Crime prevention programmes

Stakeholders reported that young people may get involved in crime due to the lack of early intervention support and preventative activity programmes, as outlined above. The LPCR makes clear that specific crime prevention measures are the primary responsibility of municipalities, working in collaboration with parents, schools, the State Police and other institutions. (LIKUMI, 1998[47])[51] Generally, local areas have discretion to organise crime prevention work as they see fit, which has led in the past to a range of different approaches being adopted. (Kronberga and Zermatten, 2012[68])

The State Police established a crime prevention unit in 2014 and have developed programmes related to issues such as substance abuse, violence and school safety. Often these programmes have involved training for practitioners and awareness-raising talks in schools, although it was acknowledged that there was a need to replace traditional police-led 'lecture' approaches with cooperative work with municipalities,

schools and NGOs that are better placed to engage effectively with key target groups. Stakeholders reported that there has been major progress in recent years in embedding prevention into the day-to-day responsibilities of police officers, although the reality on the ground varies across the country. In 2022, this work is planned to expand through the establishment of new teams of prevention officers.[52]

Latvia has implemented a range of policies and programmes focussed on preventing crimes by, and against, children. However, the effectiveness of measures taken to date is reportedly limited. Generally, prevention programmes suffer from a lack of sufficient resources, joined-up planning, and focus on the provision of support to vulnerable children and young people.

Prevention, identification and detection of sexual offences against children

With prevention of abuse in Latvia having been identified as the weakest link in tackling the issue of violence against children in Latvia, there has been a significant focus in this area in recent years. (SAFEGE Baltija, 2018[69])

A 'Plan for the Protection of Minors against Criminal Offences against Morality and Sexual Inviolability for years 2018-2021' was a cross-departmental plan led by the Ministry of Justice. (LIKUMI, 2019[70]) The aim of the plan was to reduce the risk for children, by addressing international recommendations to promote the implementation of the children's rights treaties. The plan contained a host of prevention measures, with a greater focus than in previous policy on the target groups of children and young people, specialist professionals and abusers, and less focus on parents, potential abusers and the wider community. (Linde-Ozola, 2019[71]) Expected outcomes by 2021 included: a system where high-risk target groups would be informed about how to receive help; a stable support system for children who have suffered from sexual abuse; and a system of compulsory measures for convicted abusers after serving their sentences. There is no evaluation available yet to assess the effectiveness of the programme.

Stakeholders reported that the police are struggling to detect sexual offences against children. The State police themselves acknowledged that children often do not come forward to report offences; and those professionals, such as social workers, psychologists, teachers and youth workers, needed further training to improve their identification of potential cases of abuse. Other interviewees felt the lack of children's access to trusted sources of early support in the community meant there was insufficient long-term, skilled work taking place that would enable children to open up about their experiences and to support families to break cycles of violence. It was also suggested that the reporting systems in place in schools were ineffective and insufficient, and that medical professionals were reluctant to report cases for fear of becoming embroiled in time-consuming proceedings. Particular challenges include the detection of online abuse, child victims not accessing support and a police force that is overwhelmed by the scale of the problem.

Despite challenges faced by various institutions, there is an opportunity to ensure that forthcoming policies and plans for children, young people and families, crime prevention and children's safety and well-being take a broader and more joined-up approach to prevention.

4.5.2. Timeliness of proceedings – avoiding undue delay

According to the LPCR, any motions or complaints connected with children's rights protection shall be reviewed immediately. (LIKUMI, 1998[11])[53] In addition, criminal proceedings involving child offenders shall take priority over similar criminal proceedings involving adults or where the victim is a minor, (LIKUMI, 2005[48]) (LIKUMI, 1998[11])[54] meaning they must be dealt with first and within a reasonable timeframe. (ECPAT International, 2017[7]) (LIKUMI, 2005[48]) [55] In practice, police, prosecutors and judges report that cases involving children are given priority and 'almost always' are started without delay, although other stakeholders expressed some scepticism that the police would always prioritise cases involving juvenile victims of violence.

It is understood that various amendments have been made to the civil, administrative and criminal procedural laws in the past decade to improve the efficiency of the court system. However, several stakeholders reported that cases involving children can still take too long to resolve. Whilst some cases can progress quite rapidly, it is not uncommon for complex cases to take two or three years.

Several reasons for delays in proceedings were cited by interviewees, including:

- Delays in police identifying perpetrators, for example due to the police being overwhelmed with cases or children needing a long time in therapy before disclosing details about the offender.
- The sheer number of bureaucratic processes that the justice system needs to go through.
- Waits for psychologists and psychiatrists to conduct assessments with children and then deliver their reports, due to shortages of these experts.
- A lack of support for children in family disputes, which can slow down the whole process.
- Failures by perpetrators to show up in court.

In many cases, such delays can have a detrimental impact on the well-being of the children involved or the outcome of the case. The process can feel very long and confusing for children; being expected to keep re-telling their story can have the effect of re-traumatising children. More broadly, timeliness of services is crucial for children who are involved in the justice system, to ensure that their rights are protected, that they have timely access to appropriate support services and to meet the variety of their needs. In addition, delays could give perpetrators in child abuse cases more opportunity to manipulate the evidence put forth by children or other witnesses. In some instances, however, it was felt by judges that justice would be better served by giving more time to explore the situation of the family and hear from children directly.

Overall, the analysis reveals that the justice system in Latvia tends to prioritise cases involving children and new amendments to criminal procedural law were introduced in 2020 to speed up the court proceedings. Yet, the impact of the reform is still to be investigated and cases are still subject to lengthy delays at various points of the investigatory and judicial processes, which can have a deleterious impact on the children involved and the delivery of just outcomes.

4.5.3. Rehabilitation & reintegration

Compensation for victims

Any citizen whose rights have been violated without legal justification has a right to claim compensation. (LIKUMI, 1922[72])[56] The Code of Criminal Procedure (LIKUMI, 1998[73])[57] and the Law on State Compensation to Crime Victims (LIKUMI, 2006[74]) [58] provide for the right of victims of any criminal offences to request compensation for injuries, which include moral injury, physical suffering or financial loss. Where a victim believes that the entire harm caused has not been compensated, they have the right to request compensation.

Where the perpetrator(s) of a crime cannot be identified or held criminally liable, the victim who suffered from severe or moderate offences, including sexual abuse, may be entitled to state compensation. (LIKUMI, 2006[74]) [59] In 2021, the maximum amount of state compensation was EUR 2 500. Some stakeholders felt that such a level of compensation is often insufficient to cover the cost of rehabilitation for child victims of sexual abuse and exploitation.

Furthermore, the UN Committee on the Rights of the Child has noted that children and their legal representatives often lack information about the procedure for and possibilities of receiving compensation. (OHCHR, 2016[75]) ECPAT International have reported that few victims of human trafficking, for example, are successful in claiming compensation. (ECPAT International, 2017[7])

Importantly, while state compensation is available to child victims, the process for children to access compensation is reportedly not straightforward and that the level of compensation provided is low.

Support to child victims for recovery and rehabilitation

Children and young people who have been victims of crime may need to receive services for many years in order to aid their recovery. Social rehabilitation for child victims of violence has been provided in Latvia since 2000. (ECPAT International, 2017[7]) [60] The LPCR states that a child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning act shall be provided with emergency assistance so that they may regain physical and mental health and reintegrate into society. Such support should be provided free of charge and should take place in a confidential, child-friendly environment. (LIKUMI, 1998[11])[61] Specific resources are required to establish specialist services for child victims. (LIKUMI, 1998[11])[62]

4.6. Appropriateness and responsiveness

When children encounter justice systems, they are often in great distress, experiencing trauma or in need of protection. Yet all too often they encounter professionals they find hard to trust, settings they find intimidating and procedures they find confusing – or, worse, that re-traumatise them.

In order to obtain just outcomes for children, justice systems must treat children with dignity, respect, care and fairness. This requires justice systems to be age-sensitive and tailored to children's needs. (Council of Europe, 2010[9])

At all stages of cases involving children, including child victims, witnesses and offenders, it is important that the justice system provides a child-friendly environment and child-friendly arrangements, guided by the best interest of the child. (OECD, 2019[76]) This means that specific measures could be taken to ensure all of the following are child-friendly:

- The way professionals interact and communicate with children.
- The physical settings children will access, from entrance areas and waiting rooms, to interview rooms, medical examination rooms, court rooms and places of detention.
- The way that children's privacy, confidentiality, safety and well-being are protected.
- The methods used for gathering evidence and hearing testimony from children.
- The type of support that is provided to children before, during and after proceedings.

Box 4.11. Guiding principles: appropriateness and responsiveness

The OECD forthcoming Framework on Child-Friendly Justice recommends the following principles for appropriateness and responsiveness of the justice system.

Training and capacity-building

- Specialised training programmes and academic curricula should be developed to build a professional and competent workforce of child justice and child protection actors.
- Training needs to be systematic and ongoing - initial training and re-training.
- All relevant professionals working with children (including police, prosecutors, lawyers, judges, prison officers, mediators, social workers, professionals handling complaints, doctors,

psychologists and other experts) should receive adequate and appropriate interdisciplinary training on:
    - The rights, developmental needs and psychology of children of different age groups;
    - Communication skills for working with children at all stages of development;
    - And good practices in the implementation of child-sensitive justice procedures.
- States should consider creating specialist children's professional roles within key professions, including the judiciary, the police and the legal profession.
- Clear and robust protocols and guidelines should be developed to support professionals in implementing child-friendly justice procedures.
- Professionals working with children in the justice system should receive adequate supervision and support.
- There should be effective mechanisms for professionals to share best practices, including on a multi-disciplinary basis.

Treatment of children by the police

- Police officers should respect the personal rights and dignity of all children and have regard to their vulnerability, taking account of their age, maturity and any special needs.
- Whenever children are apprehended by the police, they:
    - Should be informed of the reason for being taken into custody in a manner and in language that is appropriate to their age and level of understanding.
    - Should be provided with access to a lawyer and given the opportunity to contact their parents or a person whom they trust.
    - Should be questioned or asked to make a statement in respect of criminal behaviour only in the presence of a lawyer, a parent or another person they trust.
    - Should be detained in conditions that are safe and appropriate to their needs.
    - Should not be detained together with adults.
- Police and prosecutors should ensure that child-friendly approaches are used throughout the investigation process.
- Subjecting children to torture or inhuman or degrading treatment or punishment should be prohibited by law and eradicated in practice.

Processes for securing evidence

- Interviews of children, the gathering of statements from children and medical examinations of children should follow detailed international guidance with a view to ensuring, whenever appropriate and to the extent possible, that:
    - Procedures are carried out by trained professionals in child-friendly settings and conditions.
    - Audio-visual statements are allowed and used.
    - The number of interviews and their length are as limited as possible.
    - Child victims and witnesses avoid direct contact, confrontation or interaction with alleged perpetrators and can give evidence without the presence of the alleged perpetrator.

Child-friendly arrangements in proceedings

- All premises where children are heard in criminal, civil or administrative proceedings –including police stations, prosecution offices, courts, administrative bodies, centres for social work, child protection agencies and other premises – should provide unintimidating, child-friendly settings. This may include establishing:
    - separate entrances for children;
    - safe child-friendly waiting rooms;
    - specialised child-friendly units within the police, the judiciary, the court system and the prosecutor's office;
    - specific youth courts or youth chambers;
    - dedicated child-friendly premises for multi-disciplinary work with child victims of abuse and violence.
- Court hearings involving children should ensure a range of adaptations and modifications are made to account for the child's age, level of understanding and well-being, which may include, inter alia:
    - implementing a system of specialised judges for children;
    - changing the layout of the court;
    - dispensing with formalities, such as the wearing of wigs;
    - enabling children to be accompanied by a person they can trust;
    - using child-friendly language and providing additional explanations;
    - holding shorter sessions with regular breaks;
    - conducting virtual hearings where appropriate.
- The security, privacy, confidentiality of the personal data of children involved in judicial or non-judicial proceedings and other interventions should be protected. Specifically, inter alia:
- Children must be protected from harm, including intimidation, reprisals and secondary victimisation.
- Whenever children are being heard or giving evidence, the proceedings should be filmed.
- All relevant authorities should adopt a comprehensive, holistic approach for children involved in proceedings that supports the psychological and physical well-being and legal, social and economic interests of the child.

Child-friendly arrangements after proceedings

- Inter alia, children should receive free child-friendly support from a lawyer, guardian *ad litem* or legal representative to understand any decision or judgment and any further action that could be taken, together with any psychological or other support they may need.

Deprivation of liberty

- Any form of deprivation of liberty of children should be a measure of last resort and be for the shortest period of time possible. Special efforts must be undertaken to avoid pre-trial detention.
- When deprivation of liberty is imposed, children should be held separately from adults. When children are detained with adults, this should be for exceptional reasons and based solely on the best interest of the child. Regardless of the circumstances, children should be detained in premises suited to their needs.
- Children's rights are respected and upheld when in detention or prison, including their rights:

- to maintain regular and meaningful contact with parents, family and friends;
- to receive appropriate education, vocational guidance and training, medical care, and enjoy freedom of thought, conscience and religion and access to leisure, including physical education and sport;
- to access programmes that prepare them in advance for their return to their communities, with full attention given to them in respect of their emotional and physical needs, their family relationships, housing, schooling and employment possibilities and socio-economic status.

- The deprivation of liberty of unaccompanied minors, including those seeking asylum and separated children, is never motivated or based solely on the absence of residence status.

Source:, The 2021 World Congress on Justice With Children: Global Declaration On Justice With Children, www.justicewithchildren.org; (Council of Europe, 2010[9]), Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, https://rm.coe.int/16804b2cf3; (OECD forthcoming, 2023[3]), OECD Framework for Child-friendly Justice (forthcoming).

4.6.1. Training and capacity-building

Training programmes and professional specialists

The LPCR requires professionals working with children in several areas of practice to have special knowledge in the field of the protection of the rights of the child. These professionals include, amongst others: teachers; social pedagogues; staff in children's care homes and other residential institutions; social workers; youth workers; psychologists; members and staff of the Orphan's and Custody Court; police officers, prison officers and probation officers; lawyers, prosecutors and judges; and staff at the State Inspectorate. (LIKUMI, 1998[11])[63]

The procedures for the acquisition of special knowledge in the field of the protection of the rights of children, as well as the content and quantity of training, are determined by the Cabinet of ministers. Many professionals, including police officers, prosecutors, lawyers and judges are required to undertake a 40-hour training programme on the rights of the child, with a 24-hour refresher course to be undertaken within five years. Courses typically cover topics such as the developmental needs of children, communication skills for working with children, identifying violence, and key principles for protecting children's rights.

The State Inspectorate is responsible for organising much of the compulsory training, although legislation provides for the Ministry of the Interior to organise training for police officers who work with child victims of criminal offences; the Prosecution Office for prosecutors; and the Ministry of Justice for judges. (LIKUMI, 1998[11]) [64] Policy guidelines also include provisions for regular training of health professionals on how to recognise and prevent violence ,and provide services in cases of violence against children. (Police of Latvia, 2020[77]) (LIKUMI, 2018[78])[65]

Some courses are organised on a multi-disciplinary basis. For example, lawyers and judges are trained on the standard 40-hour course together, which provides a useful opportunity for inter-disciplinary learning. Various organisations, including NGOs, deliver additional short continuous professional development courses on topics such as violence against children.

Stakeholders reported that the standard 40-hour course was critical to developing a child rights culture within key services. Generally, interviewees felt that the training was of good quality, was effective and had improved over time as participants and trainers had shared experiences. However, some felt that the training failed to sufficiently ingrain a culture of listening to the voice of the child at all stages of the judicial process. Some stakeholders felt that the training was insufficient for certain staff with sensitive duties, including police officers dealing with initial reports from child victims of abuse and violence, and police

officers and psychologists responsible for conducting interviews with children. In addition, there was a view that the gap of five years between undertaking the initial 40-hour course and the refresher course was too long, particularly given how fast practices and case law involving children's rights are evolving in Latvia.

It should be noted that certain professionals are required to undertake more in-depth training. For example:

- a specific qualification for children's social workers;
- call handlers at the Child and Adolescent Helpline are psychologists with a Master's degree , supplemented by training on both crisis intervention and the rights of the child;
- psychologists hold a master's degree and have five years' experience working with children and families before they can provide an expert opinion to a court, the Orphan's and Custody Court, police or Prosecution Office. (LIKUMI, 1998[11]) [66]
- personnel of the Orphan's and Custody Courts must attend a 190-hour course.

Despite such provisions for ensuring the expertise of specialists in the wider child justice system, the judiciary does not contain any judges specialising in children's cases and there are no formalised child or juvenile courts. In practice, however, cases involving children tend to be assigned to particular judges with experience in the field.

While the mandatory training of different professionals dealing with children in Latvia puts the country on solid footing, there is scope to further enhance this approach by providing more regular training in line with international standards. (Council of Europe, 2010[9]) In addition, there may be a need to develop supplementary training and other capacity-building activities for certain professionals in key roles, in order to accelerate these improvements. This is critical to efforts to develop good practices in the provision of appropriate and responsive child-friendly services and embed a child rights culture across the child justice system.

Protocols, practice, supervision and support

Generally, the view of stakeholders was that the protection of children's rights was well-regulated through legislation, regulations, protocols, guidance and codes of ethics for specific professions. Most problems in the system appear to come down to uneven professional practice and culture. For example, cases of failures to record and investigate all incidents of violence against children were attributed to attitudes found within the police and a need for further training to comply with systems rather than effective systems not being implemented in the first place.

Several interviewees mentioned that there was insufficient support available to professionals working in the child protection system. Many staff dealing with distressing cases of child sexual abuse experience high levels of stress and burn-out and need regular debriefs, clinical supervision and access to emotional support or counselling. However, despite such support being available in principle, stakeholders reported that there was not a widespread culture of accepting emotional support in many professions.

There are also few opportunities for professionals to develop their practice and inter-institutional understanding and trust through multi-disciplinary knowledge exchanges. Lawyers, prosecutors and judges need to come together to learn from each other and discuss how to potentially improve practices with regard to judicial proceedings.

Professional practices are sometimes reported to be hampered by an insufficient focus in some services on staff supervision, emotional support to deal with workplace stress, and opportunities to share good practices within professions and on a multi-disciplinary basis. A greater focus on developing professional practices in these ways would represent a cost-effective way of improving services without major additional investment.

4.6.2. Treatment of children by the police

Employees within the State Police reported that, in general, police officers' attitudes towards children and young people were reasonably good and that most children and young people trusted the police to treat them well. Other stakeholders were less confident about this, mentioning that in some instances the police tended to lack flexibility in executing their function.

A general view was expressed that the standard training for police officers on the rights of the child and working with child victims was effective at raising the standard of police officers' interaction with children. Nevertheless, some felt that greater specialisation in the police should be considered, and that this could potentially include the development of a group of police officers who are experts in investigating sensitive cases involving children and young people. Interviewees reported that the investigation process can be long, confusing and traumatic for child victims. There are few special child-friendly premises at police stations, which means that children may need to travel to see doctors, psychologists and psychiatrists.

In relation to the treatment of children following arrest, the LPCR stipulates that children may be held at a police station until given over to their parents or guardian (LIKUMI, 1998[47]). In addition, the police are obliged to provide immediate legal assistance to a child who is being detained in a police station. Moreover, children have a right to legal assistance during interrogation, investigation and collection of evidence. (EUR-Lex, 2013[79])[67] At the same time, it remains unclear the extent to which monitoring of these practices is actually being carried out.

Generally, legislation and regulations provide a strong basis for ensuring appropriate child-friendly procedures. The reality on the ground, however, is more variable, despite widespread commitment from many people working in the child justice system to implement best practices. In addition, there is scope to improve the child-friendliness of police interview techniques and facilities.

4.6.3. Processes for securing evidence

Forensic examinations

Where a child has been a victim of sexual abuse or violence, the police will order a forensic expert to conduct a medical examination. The expert should be of the same sex as the victim unless the victim or their representative agrees to be examined by an expert of the opposite sex. (LIKUMI, 2016[80])[68] Regulations spell out the procedure for examinations. (Cabinet Ministers Republc of Latvia, 2018[81]) Where possible, examinations take place in a medical institution such as the University Children's Hospital in Riga, which has developed its own network, thus making the procedure much more child-friendly than it has been in the past. However, research has found that due to a shortage of expert paediatricians, the medical experts appointed by the court would benefit from having specialised training to work with children who have suffered from sexual violence. [69]

Where appropriate, a psychologist is present during the examination to ensure the procedure does not adversely affect the child's mental well-being. (LIKUMI, 2016[80])[70] Stakeholders reported that a lawyer is also usually present, although this is not a requirement mentioned in regulations.

Interviews in criminal procedures

The Criminal Procedure Law sets out the procedure for interviewing children in criminal proceedings in some detail, (LIKUMI, 1999[51])[71] and provides special protection for child victims and witnesses. (LIKUMI, 2005[48])[72] Whether they are offenders, victims or witnesses, children are usually interviewed by a State police investigator, who needs special training and knowledge in the area of children's rights. Interviews take place in a room that has been suitably adapted for interviewing children when possible. When interviewing sexual violence victims, interviews should take place as soon as possible and the interviewer

should be a person of the same gender as the victim, unless the child consents to an interviewer of a different gender.

Where the investigator considers it is necessary, children may be interviewed in the presence of a teacher or a psychologist. This is necessary when the child is under the age of 14 or a victim of violence or abuse, and these interviews can be undertaken directly by a psychologist. The psychologist will examine the child and should explain the investigation process in a child-friendly manner. If the psychologist assesses that there is a risk of psychological harm to the child as a result of repeat interviewing, the interview can only take place if authorised by a judge or a court order is obtained.

Others who may be present during an interview include the prosecutor, who is entitled to participate in any investigatory activities carried out by the police and will often intervene during interviews to ask questions; and the child's lawful representative (usually a parent or guardian), provided the child consents to this and the person is not connected to the investigation. Although children have a right to receive legal support throughout the investigation process, it is understood that lawyers rarely have any involvement in the interview process. In administrative proceedings, children must be interviewed in the presence of a lawful representative, a specialist in children's rights, a psychologist or a teacher, and these persons may ask the child questions during the interview. (LIKUMI, 2004[49]) (LIKUMI, 2018[50])[73] It is noted that the Orphan's and Custody Courts (LIKUMI, 2006[82])[74] and the Ombuds Office both have the right to conduct interviews with children without the presence of anyone else.

Interviews with children under the Criminal Procedure Law cannot last for longer than six hours, including interruptions, during a 24-hour period. In practice, they usually take between 30 and 60 minutes in cases involving child victims.

Interviews can be recorded in writing, or, if it is in the best interest of the child, in audio or video format. In cases involving child victims of abuse and violence, it is usually deemed inappropriate by the psychologist for the child to be interviewed during the court process itself; in these cases, the prosecutor will usually use the recordings of interviews conducted during the investigation process and the previous testimony may be read or played in court.

Interviews with stakeholders highlighted a strong commitment to implementing good practices in interviewing children. However, there are some implementation challenges. Many stakeholders highlighted the common practice of repeat interviewing of children, with stories of child victims who had been repeatedly re-traumatised after being interviewed several times. The law does not specify the number of interviews permitted and, whilst investigators and prosecutors generally try to minimise the number of interviews, they may seek approval from a judge to conduct additional interviews. This can occur, for example, when new evidence has cast doubt on previous testimony or, where there are dual proceedings occurring in different courts, due to the fact recordings cannot usually be used in more than one proceeding.

Another challenge cited is a lack of appropriate interview rooms. Although some police stations have been equipped with child-friendly interview rooms in recent years, many premises are better suited to interrogation of adult suspects than sensitive interviews with potentially traumatised child victims. It has been reported that police interview rooms do not generally provide a safe environment where the best interests of the child come first nor do they enable children to feel comfortable to speak freely. They also tend to lack the provision of technical aids and can have problems with the quality of video recordings, which can even lead to evidence being lost. The Latvian Children's Foundation, an NGO, has established safe interviewing rooms with modern technical equipment within its Crisis Centres for supporting child victims. (Kronberga, I., and Logina, E., 2019[83]) There was a consensus that these premises tend to be much more appropriate than police station interview rooms and underscore the importance of establishing the Barnahus model in Latvia.

Some police interviewers and psychologists were thought to need further training or experience in children's rights and in interviewing children and young people in legal proceedings. The short-term nature of the contracts for the provision of psychologists and the general shortage of child psychologists were cited as challenging the sustainability of the system and undermining efforts to improve quality and continuity of juvenile testimony.

Finally, child-friendly terminology could be improved to create a safe environment. For instance, the term 'interrogation' was used not only in the Criminal Procedure Law but also by many of those implementing its provisions, even when referring to child victims when the term 'interview' would be more appropriate.

Looking more systemically, the absence of a formalised separate child justice system, with specialist child courts, child-friendly premises and judges specialised in juvenile affairs, can make it hard to shoe-horn child-sensitive procedures into a system designed primarily for adults. Procedures for forensic examinations and interviews of children generally make adequate provision to account for children's specific needs, although, again, the premises in which these procedures take place need to be improved, particularly within police stations where repeatedly interviewing child victims should be avoided.

Protection for witnesses

A child who is a victim or who testifies in criminal proceedings in sexual violence cases has the right to special procedural protection. (LIKUMI, 2005[48]) [75] This allows the person directing proceedings to keep suspects away from the child (LIKUMI, 2005[48]) [76] and ensures that children's evidence and data are kept confidential. (LIKUMI, 1999[51])[77] To ensure the privacy of child victims, the court may also decide to hold judicial proceedings in a closed session. (LIKUMI, 2005[48]) [78]

4.6.4. Child-friendly arrangements in judicial proceedings

As mentioned throughout the report, Latvian law establishes a number of general provisions aimed at ensuring child-friendly justice proceedings. For example, provisions in the LPCR require priority consideration to be given in court proceedings to the protection of the rights and the best interests of the child, (LIKUMI, 1998[11])[79] and provide that criminal proceedings involving children be heard in a court pursuant to special procedures. (LIKUMI, 1998[11])[80] Meanwhile, the Criminal Procedure Law states that proceedings involving a child must take into account the age, maturity and any special needs of the child. (LIKUMI, 2005[48]) [81] It also provides children with additional procedural guarantees and limits children's responsibility. For example, the safety and privacy of children involved in proceedings are protected in a number of ways, such as the requirement for closed court hearings in cases involving crimes committed by or against a child; (LIKUMI, 2005[48]) [82] separation of suspects from child victims; (LIKUMI, 2005[48]) [83] ensuring confidentiality of children's evidence and data; (LIKUMI, 2005[48]) [84] and allowing children to request anonymity when testifying. (LIKUMI, 2005[48]) [85]

Yet interviewees reported that the judicial system does not contain specialised child-friendly facilities, even in the Orphan's and Custody Court's Courts. Judges reported that if they wanted to speak to a child, there are no suitable rooms in the court buildings, and no support staff such as psychologists who could help prepare for the interview. There appears to be also a lack of protocols and resources to support judges and court staff to implement more child-friendly practices. There was a view that the establishment of a specialised child and family court should be considered, although it was reported that, at the time, a lack of resources may make this unfeasible outside Riga.

As noted during interviews, courts make few routine adaptations or modifications to the format of hearings to account for children's age, level of understanding and well-being. As noted earlier, there are no specialist children's judges, although cases involving children are normally assigned to judges with relevant experience. Judges expressed a willingness to dispense with formalities such as formal attire and to change the layout of the court, and said they would not ignore such a request, but this does not routinely

happen. There are limited tools and resources that would facilitate the provision of more child-friendly explanations to the child about the court's procedures, what is going on, what has been decided, why a decision was made and what it all means.

Holistic approach supporting the child's well-being

In terms of the provision of holistic support to children involved in proceedings, this is provided for by law, but, as detailed earlier, is not available for all children in practice. For example, whilst the provision of legal assistance to child victims in sexual violence cases is mandatory in criminal proceedings, (LIKUMI, 2005[48])[86] this is not the case in civil and administrative proceedings. (LIKUMI, 2018[50])[87] Meanwhile, child victims are highly likely to see a psychologist during proceedings, but this is more likely to be for a procedural interview or an assessment rather than for ongoing psychological counselling and support. Practical, emotional and financial support is also limited in practice. Challenges in routinely providing holistic support to children before, during and after proceedings mean that their legal, psychological and social needs are not fully met.

4.7. Empowerment and participation

Children's rights mean nothing without the knowledge and means to enforce them. In order to enjoy meaningful access to justice, children need to be empowered to exercise their rights, to participate in proceedings that affect their lives and to have a voice in the design and delivery of justice services. (OECD, 2019[76])

Box 4.12. Guiding principles: empowerment and participation

The OECD forthcoming Framework on Child-Friendly Justice recommends the following principles for empowerment and participation:

Information and awareness about rights

- All children and young people should be taught about rights and the law, including the framework of child rights and the justice system, as part of the standard national school curriculum.
- Children and young people, particularly those who are most vulnerable to experiencing legal problems, should have opportunities to learn about their rights and responsibilities, the services that can help them protect and exercise their rights and how to manage legal problems through accessible child- and young person-friendly programmes delivered in their local community.
- All children should be able to easily access child-friendly information on children's rights and responsibilities online through a single website.
- Child-friendly printed information on children's rights should be made available to children in police stations, courts, victim support services, residential institutions, places of detention and other places frequented by vulnerable children.

Participation before, during and after proceedings

Right to be informed

- From their first involvement with the justice system or other competent authorities (such as the police, immigration, educational, social or health care services) and throughout that process, children and their parents should be promptly and adequately informed of, inter alia: their rights;

the system and procedures involved; the support services, mechanisms and protective measures available to them; the appropriateness and possible consequences of the proceedings; progress and outcome of the proceedings or intervention; and their options for reviewing decisions and obtaining reparations.

- Children should be prepared for judicial proceedings by receiving age-appropriate information from a competent, trained professional about court procedures and their rights, including how to effectively use their right to be heard in the proceedings.

Right to be heard

- Children's right to be heard in all judicial and administrative proceedings affecting them, either directly or through a representative or appropriate body, should be provided and protected by the law.
- Guidelines on child participation in judicial and administrative proceedings should be provided by the relevant regulations.
- Judges should respect the right of children to be heard in all matters that affect them or at least to be heard when they are deemed to have a sufficient understanding of the matters in question. The means used for this purpose should be adapted to the child's level of understanding and ability to communicate and take into account the circumstances of the case. Children should be consulted on the manner in which they wish to be heard. A child should not be precluded from being heard solely on the basis of age.
- The views, needs and concerns of child victims should be presented and considered in proceedings where their personal interests are affected.
- Judgments and court rulings affecting children, and options for any further action, should be explained to them in language adapted to the child's level of understanding.

Guardians *ad litem*

- Where procedures do not enable children to be supported to present their authentic opinion without entering the courtroom, children should be provided with a guardian *ad litem* or other trained professional to support them throughout the proceedings.

Participation in service design and delivery

- Children and young people should be meaningfully involved in the design, development and delivery of policies and services that affect their access to justice.
- Professionals working in the justice system should feel empowered to influence the design and delivery of child-centred legal and justice services.

Source: (Council of Europe, 2010[9]), Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, https://rm.coe.int/16804b2cf3; (OHCHR, 2000[84]), Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child; (LIKUMI, 2018[50]), Law on Administrative Liability, section 53, part 6, https://likumi.lv/ta/en/en/id/303007-law-on-administrative-liability.

Low awareness of rights and services is one of the main reasons why young people may not fully resolve their justice problems and seek out the help they need. (Kenrick and Palmer, 2016[85]) Children need to be informed of their rights and where they can seek support and assistance when needed so that they can protect themselves from violations of their rights, manage their legal problems and provide support to their peers. For example, 56 % of LNS for children in Latvia respondents indicated that they *neither agree nor disagree* with the statement that it is easy to get help when they have a legal problem. This suggests that

many respondents do not have a firm understanding of the justice system in Latvia, either because they have not have been in contact with the Justice system or their is a lack of there is a lack of communication and awareness about children's right and services. Ultimately, more children participation and adequate monitoring would help collect meaningful information to adapt and improve service delivery.

Children's right to participate is not only a fundamental right, but also one of the guiding principles of the UNCRC which sets out children's rights to receive information and to be heard. Article 12 provides that children who can form their own views have the right to express those views freely in all matters affecting them, with their views being given due weight in accordance with their age and maturity. Further, they have the right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting them, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law. (LIKUMI, 1998[11]) (United Nations, 2009[86])[88][89]

Internationally, there is a trend away from a paternalistic approach to the implementation of Article 12, which states that professionals may speak on behalf of children, and towards a more autonomous approach in which children are heard directly or with the support in hearings of a guardian *ad litem* or other trusted support person.

Box 4.13. 2021 Global declaration on justice with children - World Congress on Justice With Children

The 2021 World Congress on Justice with Children called on all relevant stakeholders, including states and the civil society, to:

> *"16. Work hand-in-hand, as children and adults, to achieve equal, non-discriminatory, and inclusive access to justice for all children around the world, in a manner that partners with children as experts and central players in the pursuit of positive change, including in the normative framing of child justice and access to justice, the building and reform of legal and regulatory frameworks, the operation of systems and implementation of procedures, the capacity-building of relevant actors, and the enforced accountability of duty-bearers, communities, and the wider society;*
>
> *17. Improve the enabling environment for children as rights-holders to act as agents of change, and amplify the voices of today and of the future, by providing child-friendly, gender-sensitive, and disability-inclusive guidance and information about the law and legal procedures, improving the public understanding of children's rights for children and adults alike, pursuing child-targeted communication in a manner that is most effective for reaching children, and ensuring inclusive and accessible approaches to participation for children of all backgrounds and situations, including all children in contact with the law;*
>
> *18. Mandate child participation in the law and enforce this law to ensure that children are seated at the table, rather than merely encouraging child participation and engaging with children passively and solely as subjects of consultations, especially for the groups of children in contact with the law who are often excluded from the discussions due to discrimination, marginalisation, vulnerability, or the precarious situations they are in."*

Source: (Justice with Children, 2021[87])The 2021 World Congress on Justice With Children *Global Declaration On Justice With Children* www.justicewithchildren.org

4.7.1. Information about and awareness of rights

The LPCR stipulates that schools should ensure that children have the opportunity to acquire basic knowledge of children's rights and responsibilities (LIKUMI, 1998[11]).[90] Details of the curriculum to be taught in schools are set out in regulations (Cabinet of Ministers Republic of Latvia, 2018[88]). By the end

of the third grade, students are expected to understand some basic concepts about democracy, including why societies need rules, and how rights and responsibilities can help create a safe environment for oneself and others. By the end of the 6th grade, students should have learned about children's rights and responsibilities under the LPCR and be able to understand the purpose of laws and how they can contribute to people's well-being. By the end of the 9th grade, students should have learned about Latvia's Constitution, the roles of government, parliament and the judiciary in a modern democratic society, the hierarchy of regulatory enactments, the fundamental role of human rights in the modern understanding of the rule of law, and how to recognise and prevent human rights abuses (Cabinet of Ministers Republic of Latvia, 2018[88]).[91] In addition, the curriculum contains requirements and expectations covering pupils' learning about: relationships; dealing with unsafe situations; how the principles of equality can help reduce inequality, violence and conflicts; (Cabinet of Ministers Republic of Latvia, 2018[88])[92] and the benefits of participation in society and decision-making. (Cabinet of Ministers Republic of Latvia, 2018[88])[93]

The quality of rights education in schools is of a key importance in equipping children with the information they might need in the event their rights are violated. Yet stakeholders considered that there was generally low awareness of children's rights amongst children, parents and wider society.

Both the Ombuds Office and the State Inspectorate have mandates that include informing the public about children's rights (Cabinet of Ministers Republic of Latvia, 2018[88]).[94] The Ombuds Office has published a child-friendly version of the LPCR on its website. (Ombudsman's Office of the Republic of Latvia, n.d.[89]) Staff from its Children's Rights Department have conducted work to educate children about their rights and to raise children's awareness of the Ombuds Office's complaints mechanism, reaching more children since the beginning of the pandemic than usual through the delivery of online sessions on specific child rights topics. In addition, work is ongoing to develop a child rights council to inform the Ombuds Office's work on children's rights. The State Inspectorate has published some basic information about children's rights on its website (State Inspectorate for Protection of Children's Rights, 2011[31]) and a number of booklets. (State Inspectorate for Protection of Children's Rights, 2020[90]) There is also some basic information about children's rights on the website of the Child and Adolescent Helpline, though all state institutions have a duty to inform children provided that they are specialised in children's issues. (State Inspectorate for Protection of Children's Rights, n.d.[30])

The current provision of information and education on children's rights in Latvia has been insufficient by NGOs. It was also noted that there is scope to enhance its relevance, attractiveness and interactivity as well as to involve children and young people in the delivery of programmes (Latvian Child Welfare Network, n.d.[58])

As in many other countries, efforts in Latvia are still in their early stages to develop children and young people's legal capability by providing education and information about rights, responsibilities, justice services and democratic systems. Nevertheless, the inclusion of rights education in the school curriculum provides a promising foundation for teaching children many key concepts. Efforts made by the State Inspectorate and the Ombuds Office to develop informational materials and educational programmes for children on their rights should focus on outreach to ensure vulnerable children are aware of their rights, responsibilities and the services available to them. It is to be hoped that ongoing initiatives continue to develop, through co-design with young people and by harnessing the skills of NGOs, so that they become more relevant, interactive and accessible to marginalised young people. It is important to ensure that the responsibilities and services of the Ombuds Office and the State Inspectorate complement each other's so that resources can be used efficiently.

4.7.2. Participation before, during and after proceedings

Law

As mentioned earlier the LPCR defines children's right to participate in legal proceedings. For example, children have the right to freely express their opinion, the right to receive and impart any kind of information, and the right to be heard, amongst other provisions (Cabinet Ministers Republic of Latvia, 2010[91]).[95]

In civil and administrative proceedings, there is not yet a full guarantee of participation for children are not fully guaranteed to be able to participate in legal dealings pertaining to them. The LPCR stipulates that an opportunity to be heard is provided to the child in any litigation or administrative proceedings related to him or her either directly or via his or her legal representative or the relevant institution (LIKUMI, 1998[11]).[96] However, the regulations provide for representation of the child by a lawful representative or an institution, such as the Orphan's and Custody Court (LIKUMI, 1937[46]) (LIKUMI, 2018[50]), (LIKUMI, 1999[51]) (LIKUMI, 2018[50])[97] meaning that children's rights to be informed and to be heard may be mediated by a representative rather than exercised directly. Further, the court is only required to invite children who have reached the age of 15, and have been deemed to have capacity to act, to participate in proceedings; whilst children under the age of seven and children with disabilities affecting their capacity cannot be heard as witnesses. (LIKUMI, 1999[51]) (LIKUMI, 2018[50])[98] The procedures set out in law differ slightly in civil cases concerning custody, access and adoption, where the opinion of the child is usually sought, although this can be clarified by the child's representative where the child is unable to express their point of view directly. (LIKUMI, 1999[51])[99]

As noted, in criminal proceedings, child victims have the right to participate in court proceedings and are represented by a representative or an institution, (LIKUMI, 1998[73])[100] such as the Orphan's and Custody Court. The representative of the child acquires all their rights and may participate in proceedings alongside the child. (LIKUMI, 1998[73])[101] Child victims are not entitled to exercise these rights independently. Children under 15 may provide witness testimony and express their views to the court, but must otherwise be represented by their representative acting on their behalf. For children over 15, the representative shall represent the interests of the child victims together with them. (LIKUMI, 1999[92])[102] Child victims must also be provided with legal assistance in sexual violence cases and in cases where violence has been committed by a person upon whom the minor victim is financially or otherwise dependent. (LIKUMI, 1999[92])[103]

Practice: the reality in the courtroom

Interviews with stakeholders revealed that children are not systematically asked for their views at any stage of proceedings. For individual children, the experience of professionals not fully listening to them can start with social workers in the Orphan's and Custody Courts or children's homes and continue with judges in court hearings. Often, adults may mediate the child's views and make decisions about protecting them without involving them. Judges reported that they did not have any written materials that they could give to children to inform them about the court's procedures.

In civil proceedings in particular, and criminal cases involving child victims, children are rarely heard directly. Whilst older teenagers are more likely to be allowed to speak for themselves without an intermediary, it is common for the court to rely entirely on the child's representative or the Orphan's and Custody Court to present the child's opinion on their behalf. Yet these adults appear to have the discretion to put forward whatever views that they deem relevant. Where children have legal representation, the sworn attorneys acting on their behalf are reported to consult with parents rather than speaking with the child directly.

Some judges reported that they had never or only rarely heard a child in the courtroom. Judges said they were reticent to ask children to express their views in hearings as their training highlighted the risks of re-traumatising children in an unknown environment and the potential unhelpful influence of parents on children's testimony. Judges therefore tend to rely instead on the evidence from the Orphan's and Custody Court and believe this to be sufficient in most cases.

In 2017, the Latvian Child Welfare Network reported that focus group discussions with children and professionals highlighted challenges in ascertaining and then considering the child's view. There were many cases where neither the child's view, nor that of their representative, was elicited or considered, including in cases related to the custody or care of the child and the adoption process. (Latvian Child Welfare Network, n.d.[58])

The absence of children's voice in hearings can leave judges themselves unsure whether the court has fully understood the family's situation and, therefore, made the right decision for the children involved. Judges seemed open to the idea of interviewing children themselves, outside the courtroom and in the presence of a psychologist or a trusted person, if they deemed this necessary or if a child expressed a wish to meet with them. However, they indicated that there were few if any suitable places within court buildings for interviewing children. They also noted the lack of support staff such as psychologists who could help them prepare for the interview.

At the end of proceedings, there may not even be anyone to explain the court's decision to children using child-friendly language. Judges reported that they are not provided with the tools and resources that would enable them to do this.

4.7.3. Guardians ad litem

A guardian *ad litem* is a trusted 'support person' appointed by an independent court to act as an advocate to ensure that the best interests of the most vulnerable groups including minors, elderly people, or legally incompetent people are represented during court proceedings (Boumil, Feritas and Feritas, 2011[93]). The role of guardian ad litem has been introduced in many countries to ensure the child's authentic opinion is presented before the courts and other competent authorities. For example, Germany and Sweden introduced clearer definitions for the roles and responsibilities of regional authorities for the protection of unaccompanied children. Bulgaria, Hungary and Italy provided guardians with more independence. Moreover, Bulgaria, Denmark, Malta and Slovenia assigned courts a stronger role by enhancing procedural safeguards. Finally, Greece, Italy, Malta, Poland and Slovenia focussed on providing training to guardians. (European Union Agency for Fundamental Rights, 2022[94])

In Latvia, the Orphan's and Custody Court may appoint a special guardian in administrative proceedings to act in the child's best interest and represent their rights in cases where there is a concern that the interests of the child's parent might clash with the child's best interests. The role of the special guardian is to help children form their opinion and clarify their opinion to the court. A major drawback of the scheme is that The Orphan's and Custody Court will usually appoint their own staff members as special guardians, a practice that the Supreme Court said, on several occasions, was problematic. (Latvian Child Welfare Network, 2017[39])[104]

It is important that any guardians or trustworthy persons be independent of the court, the Orphan's and Custody Court and social services so that they can act in the best interests of children and help them navigate between institutions.

4.7.4. Participation in service design and delivery

The LPCR provides for children to take part in the development and implementation of programmes for the protection of the rights of the child. (LIKUMI, 1998[11])[105] In addition, the Latvian Youth Law, adopted in 2008, defines the rights of children and young people to participate in civic affairs. Opportunities should be

provided to young people to participate in the work of state and local government authorities and to participate in discussions of local government regarding decisions affecting youths before those decisions go into effect. (Parliament of the Republic of Latvia, 2008[95]) In addition, participation was one of the three key strands of the Youth Policy Implementation Plan 2016–2020. (Cabinet Ministers Republic of Latvia, 2016[96])

Despite the regulatory and policy basis for children and young people's participation in policy development, it has not been possible to find evidence of recent efforts to ensure the inclusion of young people's voices into recent policy-making processes at the national level. For example, it is noted that children and young people were not directly consulted on (or involved in) the drafting of 'Guidelines for Development of Children, Youth and Family for 2022-2027'. However, it was mentioned that there are examples of good practices in youth participation in decision-making at local government level.

Box 4.14. Good country practices to involve children in government decision-making

The European Child Guarantee, which was introduced by the European Commission, was piloted for a period of 24 months in Bulgaria, Croatia, Germany, Greece, Italy, Lithuania and Spain and ended in July 2022. The purpose of the programme was to determine how to implement the European Child Guarantee at the European level. To that end:

Bulgaria collaborated with the National Network for Children (NNC), an umbrella organisation for NGOs for children and a member of Eurochild to select pilot districts and identify local partners composed of children and young people to evaluate existing health services. In the meantime, UNICEF and NNC held its first national consultations with young people in May 2021.

Greece reviewed child and youth participation, which was carried out by a Technical Working Group. UNICEF involved children's voices in the development of national de-institutionalisation action plan, by integrating the results of consultations with children and young people in the deinstitutionalisation conference.

Croatia organised meetings with the Roma youth organisation and planned additional activities in order to involve children's and young people's voices in the service design and implementation at the national and municipal levels.

Italy founded the Child Guarantee Children Advisory Board and improved children's participation in governmental decision-making in addition to promoting participation via the use of U-Report.

Source: (UNICEF, 2021[97]), The European Child Guarantee, https://www.unicef.org/eca/media/16471/file/Programmatic%20Update%202%20on%20Phase%20III%20of%20Child%20Guarantee.pdf

While it seems that the benefits of young people's involvement in the design and development of policy and services are acknowledged and even actively promoted, it has not been possible to ascertain whether or not children and young people have been involved at all in the design and development of justice services, or in the development of practices regarding the implementation of the rights of the child and child-friendly justice. In accordance with stakeholder interviews, there is still scope to deepen this practice.

4.8. Collaboration and integration

Determining a service model and the types of services that will work best for responding to the specific needs of children requires careful planning in collaboration with other (local) services to ensure their co-ordination and integration. A key principle for ensuring that service models are seamless and integrated is

to design those services around the needs of children and young people, not around the needs of institutions. In order to fully understand children's legal needs, it is crucial to conduct in-depth research, learn from existing international models and work with children and young people while designing the services. Joined-up services or one-stop-shops are important forms of service integration and seamless referral services, best exemplified by problem-solving judicial or non-judicial initiatives such as the Barnahus model (see Chapter 5).

There is no clearly-defined model of institutional co-operation in the provision of services to children in Latvia. The LPCR sets out the obligation of the state and local government to support the family. There are several stakeholders at the national and municipal levels. Each develop services in their specific fields leading to a fragmentation of co-ordination and services for users.

Service provision in Latvia falls heavily on municipalities that have a duty to provide for the education of residents, to ensure access to health care, to ensure social assistance (social care), to take care of guardianship, trusteeship, adoption, to protect the personal and property rights and interests of a child and to implement the protection of children's rights in the relevant administrative territory.

Box 4.15. Legal framework on integration of social services in Latvia

According to Section 11, Part 2 of the Law on Social Services and Social Assistance (LIKUMI, 2002[14]) ,a local government Social Service Office provides social services or organises the provision of services to identify circumstances that are unfavourable to the development of the child, foster families and guardians. To fulfil this task, the municipality may establish an institution with specialists in various fields that are composed of social workers, psychologists, social pedagogues, pedagogues, social rehabilitators among others. Alternatively, an agreement may be signed to provide support services.

In 2017, Regulation No. 338 of the Cabinet of Ministers entitled "Requirements for Social Service Providers" was issued based on section 17 and part 2 of the Law on Social Services and Social Assistance and section 37, part 7 of the LPCR.

Section 103.1 of the regulation states that when carrying out social rehabilitation of a child, the social rehabilitation institution shall co-operate with the Orphan's and Custody Court, educational institutions, institutions for the protection of the rights of the children, the Office of the Prosecutor, the police, other social service providers and medical treatment institutions in order to ascertain the illegal acts carried out against the child and to prevent potential subsequent illegal acts.

Regulation No. 1613 of the Cabinet of Ministers entitled "Procedures for Providing the Necessary Assistance to a Child who has Suffered from Illegal Activities" (2010) prescribes the procedures by which the assistance shall be provided to a child who is a victim of illegal activities in order that the child may regain physical and mental health and reintegrate into society. Section 14 of the regulation obliges the Ministry of Welfare to sign a delegation contract with the NGO "Foundation for Children of Latvia" regarding the provision of social rehabilitation services. If necessary, the Foundation for Children of Latvia shall choose other providers of social services registered in the "Register of Social Service Providers" and shall establish contracts with them.

Provision of social rehabilitation services shall be coordinated by the social service office of the local government, on the basis of a submission of the parent or guardian of the child, the head of the institution, the foster family, or the Orphan's and Custody Court regarding the necessity to grant social rehabilitation services to the child, specifying the type of violence the child has suffered and where it has taken place. An opinion of a psychologist or a social worker and an extract from the inpatient or outpatient medical treatment card regarding the treatment and medical rehabilitation received can also function as a basis of provision of social services as specified in section 11 of the regulation.

The Foundation for Children of Latvia is obliged to maintain a database regarding the provision of social rehabilitation services at the place of residence, institution and social rehabilitation institution to children who have suffered from violence and to provide information to the Ministry of Welfare regarding the amount of social rehabilitation services provided and about the state funding used.

Source: (LIKUMI, 2002[14]), The Law on Social Services and Social Assistance, https://likumi.lv/ta/en/en/id/68488.

However, there is no requirement for a municipality to have a person or institution that coordinates the activities of all respective institutions - the Orphan's and Custody Court, education institutions, social service, municipal police, and healthcare providers. As there is no mandatory children's rights protection person in place, most often social services are the entity that manages the child's case. However, since the social services in Latvia primarily work with the whole family, often the interests of the child can be neglected or even a conflict of interest could arise for the social worker as the interests of the child may not be in the interest of the whole family (e.g., child victim of sexual abuse within the family). Stakeholders reported that the absence of a single coordinating body can pose the same kind of significant challenges to the municipal level as it is encountered at the state level, which results in limited clarity about the roles and responsibilities. It was reported that sometimes roles overlapped, and in other instances, there were gaps in services. Each municipality approaches service gaps differently. While there are co-operation groups to solve specific cases in inter-institutional meetings, there are municipalities that meet in co-operation groups a couple of times a year and solve general issues related to children's rights. However, inter-institutional meetings are being organised more and more frequently. They are usually organised by social services or the Orphan's and Custody Court. The professionals that are involved in the child's life are invited to those meetings. The responsiveness of the participants varies in different municipalities. Sometimes it is difficult to involve representatives of the criminal police, but in general the situation is improving.

Currently, the State Inspectorate is working on piloting the child's support specialist institution which would be provided with the coordinating function in cases of child abuse or in cases that involve children with behavioural difficulties. At the initial pilot stage, the institution is planning to provide services to children from foster families. The State Inspectorate plans to extend services to all children later on if the services prove their effectiveness during the pilot case.

In addition, several interviewees cited weak inter-institutional co-operation as one of the main reasons for the fragmentation of services and one of the main barriers to improving the effectiveness of child protection services. Common themes included:

- Unclear reporting procedures;
- Uneven professional practices, with some professionals failing to report or act upon reports of cases where children's rights had been violated;
- A culture of blame, leading to professionals not being involved out of fear of being blamed;
- Competition between institutions (for resources, etc);
- Complex bureaucratic processes slowing down cases;
- Difficulties in identifying the case owner.

The bottlenecks and challenges appear to be persistent across and between services, at all stages of the process. There is uneven co-operation between law enforcement and social institutions, which can often lead to investigations and social rehabilitation processes proceeding without mutual interaction. In these cases, there is limited responsibility by one case manager who would take care of the child's interests in the process. Similarly, co-operation between social services and psychologists on the one hand and the police and prosecutors on the other appeared to be uneven, particularly in smaller municipalities where

social services are less likely to engage fully with the criminal prosecution process, leading to delays in the provision of evidence. Limited involvement of social services in criminal proceedings was reported being due to lack of their identification as a participant in the law.

Health services were identified as unsatisfactory, with small number of doctors reporting cases of abuse and violence. For example, 22% of LNS for Children respondents indicated that they face difficulties accessing a doctor or a psychologist/psychotherapist.[106] In addition, interview results revealed that barriers included doctors' reluctance to get involved in time-consuming bureaucracy and proceedings; their fear of retribution from angry parents of victims; their lack of trust in other professionals; and lack of consequences for doctors who failed to report cases. The situation differs in health institutions, however. For example, the State Children's Hospital has strong guidelines and procedures in place on how to react to suspicions of violence, whom to report and when. In contrast, when doctors wanted to be kept informed about the progress of cases in which they had been involved, they reported that they rarely received any information.

In addition, it remains unclear how the relationships between the police and prosecutors are structured. There are some accounts of excellent co-operation, whilst others suggested co-operation had reduced due to a reform process of the prosecution service. After taking office in 2020, the new Prosecutor General merged district level prosecutors' offices. The judicial process was reported to be often ineffective and confusing, particularly in civil proceedings, due to the limited co-ordination between professionals working with each family and due to contradictory rulings in separate proceedings on family issues. In addition, children can be re-traumatised by retelling their story to different professionals in different places and at different times. Another reported bottleneck is linked to the lack of co-operation between institutions that affect the quality of the investigations conducted by the Ombuds Office.

Despite the strong foundations provided by legislation and joint planning structures, some challenges persist at the level of professional practice. Some institutions appear to lack an understanding of the role of one another and trust in one another. Stronger inter-institutional co-operation between social services and the police is needed, as this is a key relationship within the overall child protection system. Under-reporting of cases of abuse and violence by doctors and medical institutions, and failure of institutions to co-operate with the Ombuds Office's investigations were reported. Some of these issues require strong leadership within the child protection system and clarity in each institution's role to avoid overlaps than can result in children, or other users, feeling overwhelmed.

To address this issue, as noted, Latvia is looking to implement the Barnahus integrated service model to improve the child protection system. A special focus on this initiative is developed in Chapter 5. While this reform is commendable, overall bottlenecks still need to be addressed such as longer commitment to state funding, and to an integrated approach to medical and legal services.

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Notes

[1] The ECPAT International have called for a study on the sexual exploitation of children in Latvia in order to understand its scope and causes, to inform policy and programme development and monitoring of the problem, and to prevent and combat it.

[2] Satversme, Article 110.

[3] The Law on the Protection of Children Rights (1998), Section 74

[4] The Law on the Protection of Children's Rights, under section 10, Part 2 of the notes that a child with physical or mental disabilities also has the right to everything that is necessary for the satisfaction of his or her special needs.

[5] The Law on the Protection of Child Rights; Article 59(5).

[6] Child Helpline International coordinates a network of Child Helplines in 140 countries and territories around the world.

[7] The European Youth Information and Counselling Agency (ERYICA) is the membership body for national and regional youth information, advice and counselling co-ordination bodies and networks in Europe. Services typically target young people aged 13-25.

[8] 2022 OECD Legal Needs Survey of Children in Latvia.

[9] 2022 OECD Legal Needs Survey of Children in Latvia.

[10] 2022 OECD Legal Needs Survey of Children in Latvia.

[11] For example, Children Helpline International is an international impact organisation that has more than 160 members in 140 countries. The helpline exchanges information, knowledge, data, viewpoints with helpline members.

[12] Interview with expert on Child and Adolescent Helpline at the State Inspectorate for Protection of Children Rights, 1 July, 2021.

[13] Interview with Safer Internet Centre.

[14] Legal needs surveys tend to show that young people are much less likely to access advice services by telephone than other age groups and tend to prefer face-to-face advice for many legal problems. (Kenrick, 2009[38]), *Young people's access to advice – the evidence*, details analysis of legal needs data on preferred modes of access in England and Wales.

[15] Interview with State Police Latvia.

[16] The Law on Protection of the Children's Rights, section 70, Part 2. This regulation was added in March 2017.

[17] The Ombudsman Office will not accept complaints from adults made in the Russian language, however they will do so in the case of complaints from children.

[18] Law on the Ombuds Office, Article 13(4).

[19] The functions of Orphan andCustodyCourts are specified in the Law on Orphans' and Custody Courts and regulated by Cabinet Regulation "Regulations for the Operation of an Orphan and Custody Court".

[20] Civil Law, section 177.

[21] Children's Rights Protection Law, article. 24(3).

[22] Law on Civil Procedure, article. 72(2) and (3).

[23] If the court has announced a minor who is at least 16 years old to be an adult before reaching 18 or if a minor who is at least 16 has entered into marriage.

[24] Law on Civil Procedure, article. 72(4).

[25] The Law on Administrative Procedure closely mirrors the provisions of the Law on Civil Procedure.

[26] Law on Administrative Procedure, article. 21(4).

[27] Law on Criminal Procedure, article. 104(9).

[28] Law on Criminal Procedure, section 56, Part 1.

[29] Law on Administrative Procedure Art. 368.

[30] ECPAT International (2017) Global monitoring: status of action against sexual exploitation of children: Republic of Latvia.

[31] Child Rights International Network (2014) op. cit.

[32] Criminal Procedure Law, sections 89 and 104(2).

[33] Criminal Procedure Law, sections 89 and 104(2).

[34] The Ombuds Office say that they will sometimes seek a lawyer to represent a child in criminal cases where they need legal representation, although it seems this may only happen rarely.

[35] Criminal Procedure Law, section 90, Part 2.

[36] Criminal Procedure Law, section 89, Part 1.

[37] Criminal Procedure Law, article 104(5).

[38] Law on Administrative Liability, section 53, part 6.

[39] Criminal Procedure Law , section 108, Part 5.

[40] Civil Procedure Law, section 72(2), and Law on Administrative Liability, section 55, part 1.

[41] EU Directive 2013/45/EU, Paragraph 25.3 on minimum standards.

[42] Criminal Procedure Law, section 83, Part 1.

[43] Interviews with sworn attorneys.

[44] Civil Procedure Law, section 72(2); and Law on Administrative Liability, section 55, part 1.

[45] Cabinet of Ministers Republic of Latvia, Regulation 1484, section 3, part 2, State Ensured Legal Aid Law.

[46] UN Office of the High Commissioner for Human Rights (OHCHR), National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Latvia, 2021, A/HRC/WG.6/38/LVA/1.

[47] "Resource Centre for people with mental disability Zelda" provides free legal advice to citizens on matters related to the protection of the interests and rights of people with mental disabilities and would provide aid also to children or their representatives. MARTA Center has provided legal advice in human trafficking cases of children.

[48] In 2018, 35.5% of students in Latvia reported being bullied 'at least a few times a month', the highest rate in Europe, according to data from PISA 2018 results. What school life means for students' lives. Volume III, as reported in: (Central Statistical Bureau of Latvia, 2021[4]).

[49] Data from the Information Centre of the Ministry of the Interior show that there were 196 children not attending an educational institution without justification in 2019, up from 144 in 2014. As reported in (Central Statistical Bureau of Latvia, 2021[4]).

[50] Interview with people from the Child and Adolescent Helpline.

[51] Law on the Protection of Children's Rights, section 58, part 1.

[52] Interview with State Police of Latvia.

[53] Law on Protection of Children's Rights, article 20 (2).

[54] Criminal Procedure Law, section 14, (4). In addition, Law on Protection of Children's Rights, section 20 of the provides that criminal proceedings involving children are heard in a court pursuant to special procedures.

[55] Criminal Procedure Law, article 14 (4): Criminal proceedings regarding a criminal offence which is related to violence committed by a person upon whom the minor victim is financially or otherwise dependent, or regarding a criminal offence against morals or sexual inviolability, wherein the victim is a minor, shall have preference, in comparison with similar criminal proceedings wherein victims are persons of legal age, in ensuring of a reasonable term. Criminal proceedings against a minor shall have preference, in comparison with similar criminal proceedings against a person of legal age, in the ensuring of a reasonable term.

[56] The Constitution of the Republic of Latvia (Latvian Satversme), article 92.

[57] Code of Criminal Procedure, section 22.

[58] Law on State Compensation to Crime Victims, article 1.

[59] Law on State Compensation to Crime Victims, section 3, part 4.

[60] European's Women's Lobby (2013), "National Analysis on Latvia". Cited in: ECPAT International (2017) Global monitoring: status of action against sexual exploitation of children: Republic of Latvia.

[61] Law on the Protection of Children's Rights, section 51, part 2.

[62] Law on the Protection of Children's Rights, section 52.

[63] Law on the Protection of Children's Rights, article 5.

[64] Law on the Protection of Children's Rights, section 64.

[65] See Public Health Policy Guidelines 2014-2020; and Health Improvement Plan for Mother and Child for years 2018-2020 which include plans to educate 325 medical practitioners.

[66] Law on the Protection of Children's Rights, article 5. However, we heard that, in practice, psychologists from Orphan and Custody Courts often do not have sufficient expertise in working with children and young people.

[67] As obliged under EU Directive 2013/45/EU, Paragraph 25.3 on minimum standards.

[68] Law on Forensic Experts, section 17, part 9.

[69] Information gathered from fact finding interviews with medical institutions.

[70] Law on Forensic Experts, section 14, part 9.

[71] Criminal Procedure Law, section 151-153.

[72] Criminal Procedure Law, section 96.

[73] Administrative Procedure Law, section 163, part 5 and Law on Administrative Liability, section 49, part 5.

[74] Law on Orphan's and Custody Courts, section 16, part 6.

[75] Criminal Procedure Law, section 299 :Special procedural protection of a minor is ensured in accordance with the Special Protection of Persons Law.

[76] Criminal Procedure Law, section 253.

[77] Criminal Law; section 27.

[78] Criminal Procedure Code, section 450.

[79] The Law on the Protection of Children's Rights, section 64.

[80] The Law on the Protection of Children's Rights, section 20.

[81] Criminal Procedure Law, section 12, part 3.

[82] Criminal Procedure Law, section 450, part 2.

[83] Criminal Procedure Law, section 253.

[84] Criminal Procedure Law, section 27.

[85] Criminal Procedure Law, section 303(3).

[86] Criminal Procedure Law, section 108, part 5.

[87] Law on Administrative Liability, section 53, part 6.

[88] The Law on the Protection of Children's Rights, article 12.

[89] States Parties are obliged to review or amend their national legislation in order to introduce mechanisms providing children with "access to appropriate information, adequate support, if necessary, feedback on the weight given to their views, and procedures for complaints, remedies or redress" as noted in UN Committee on the Rights of the Child (2009), "General comment No. 12 (2009): The right of the child to be heard", 20 July 2009, CRC/C/GC/12, 11.

[90] The Law on the Protection of Children's Rights, section 19, part 1.

[91] Cabinet of Ministers Regulation No. 747, annex 3, 3.1 and 3.2.

[92] Cabinet of Ministers Regulation No. 747, annex 3, 2.3.

[93] Cabinet of Ministers Regulation No. 747, annex 3, 2.5.

[94] Cabinet of Ministers Regulation No. 747, section 65.

[95] Cabinet of Ministers Regulation No. 747, section 13(1).

[96] Law on the Rights of Children's Protection and Civil Law, section 20, part Two.

[97] Civil Procedure Law, Section 72(2); and Law on Administrative Liability, section 55, part 1.

[98] Civil Procedure Law, article 106 of the; Administrative Procedure Law ,article 163.

[99] Civil Procedure Law ,section 244(9).

[100] Criminal Procedure Law, sections 89 and 104(2).

[101] Criminal Procedure Law, section 90, part 2.

[102] Criminal Procedure Law, article 104(9).

[103] Criminal Procedure Law, section 108, part 5.

[104] See Judgement of the Supreme Court of 12 August 2011 in case No. SKA-555/2011, Paragraph 7, as cited by Latvian Child Welfare Network (2017)

[105] Law on the Protection of Children's Rights, section 17.

[106] 2022 OECD Legal Needs Survey of Children in Latvia.

5 The Barnahus integrated service model and its implementation in Latvia: a cost-benefit analysis

This chapter analyses the current initiatives that aim to help child victims and witnesses of abuse and violence in Latvia. It then provides a detailed background on the Barnahus model. By relying on Cost-Benefit Analysis, the chapter evaluates the cost-effectiveness of the implementation of the Barnahus model under four different scenarios.

5.1. Introduction

In Latvia, child abuse and violence cases are referred to the police by social workers in schools or medical professionals who suspect or have evidence that a child is experiencing violence or abuse. As soon as the interrogation process starts, the child is interviewed in a police-adapted room by a trained police officer or a psychologist, with the presence of a child representative and a lawyer. Children are then examined by a psychologist and medical professionals in a variety of settings.

Multiple interviews where children have to repeat their stories over and over again could lead to their re-traumatisation. Additionally, the involvement of different institutions substantially slows down the legal process and increases the time until the child will eventually start receiving treatment.

Cases of child abuse and violence require an integrated approach to help prevent children from being repeatedly traumatised. Such an approach is represented by the Barnahus model, which was piloted by the Centre Dardedze in Latvia in 2017 (see Chapter 4). Due to the lack of a regulatory framework and other difficulties relating to institutional co-operation, the Barnahus operation was terminated. However, in 2020 the Barnahus initiative in Latvia was restarted, focusing on improving the legal framework in the country and launching the model in a hospital setting (Celmale, 2019[1]).

The aim of this study discussed here in Chapter 5 is to estimate the socio-economic costs and benefits of establishing the Barnahus model in Latvia to support child victims or witnesses of abuse and violence. For this purpose, The Cost-Benefit Analysis (CBA) aims to appraise the value of Barnahus in the country.

First, the research team reviewed the international literature to understand how similar initiatives and models (e.g., Child Advocacy Centres) operate in other countries, as well as the benefits generated by different approaches to dealing with child maltreatment. The research team then participated in a fact-finding mission, including interviews with stakeholders in Latvia in order to get a better understanding of the pathway that children currently follow when they have been victims or witnesses of abuse and violence. The stakeholders were representatives from the agencies involved in the current services, such as the police, social services, a children's hospital, the State Inspectorate, the Centre Dardedze, and the Ministry of Welfare.

Furthermore, the research team identified data gaps that needed to be bridged in order to carry out the CBA. A data collection exercise was conducted to understand the costs of current services in Latvia that support juvenile victims or witnesses of abuse and violence. The team then fit this information into the CBA model. The Ministry of Welfare in Latvia shared information on the budget to be spent on implementing the Barnahus model in the country. Additionally, other agencies and departments provided information on the current costs of providing services to children who are victims or witnesses of abuse and violence. In particular, the State police provided key information on forensic processes (investigation and interview) and expenditure in investigating cases of sexual abuse against children. The State Judicial Medical Centre provided information on the medical examinations that children who are victims of abuse have to receive and all related costs. The judicial authorities and the Prosecutor's Office provided information on legal processes and costs.

Building on this information and using the available data on the Barnahus project in Latvia, the costs of the Barnahus model as well as the socio-economic benefits generated from the model was estimated over a 20-year period. Based on the available evidence, a Cost-Benefit Analysis (CBA) model aimed to assess the benefits flowing from the Barnahus model, focussing on efficiency gains and benefits for children and society overall. Relating to the efficiency gains, the research team assumed that fewer interviews and treatment sessions are provided to children under Barnahus compared to the traditional services, resulting in reduced staff costs across multiple agencies from reduced duplication of activities. Other benefits flowing from establishing the Barnahus model in Latvia are short- and long-term personal and societal outcomes, resulting from better outcomes for children under Barnahus compared to children going through current services.

Furthermore, the model estimates the costs and benefits of the Barnahus model under different scenarios. Under the first scenario, the costs and benefits of the Barnahus model are estimated based on the available data; it is assumed that Barnahus will operate for 20 months between 2022-2024, and 40 children will access the services annually. Under the second scenario discussed on section 5.4. below, the costs and benefits of the model are estimated assuming that Barnahus operates over a 20-year period, and 40 children receive services annually. Under the third scenario, it is assumed that Barnahus operates over a 20-year period, but 80 children receive services per year. Under the fourth scenario, it is assumed that Barnahus will operate for 20 years. During the first year of its operation, it is assumed that 40 children access Barnahus, while from the second year onward, it is assumed that 160 children will access Barnahus every year.

This chapter summarises the approach to exploring the impact of establishing the Barnahus model in Latvia as well as key findings. It includes the following chapters: (i) Background, discussing evidence on the operation and impact of the Barnahus model as well as similar initiatives internationally; (ii) Methodology, presenting the approach to estimating the costs and benefits of delivering services to child victims or witnesses of abuse and violence; (iii) Results, summarising the costs and benefits under the four different scenarios; (iv) Conclusions, pulling together key messages.

5.2. Background

According to evidence from the WHO Regional Office for Europe, around 55 million children in the WHO European Region experience physical, sexual, emotional, or psychological violence every year. (World Health Organization, 2020[2]) Data from the Council of Europe shows that about 1 in 5 children in Europe are victims of sexual violence. (Council of Europe, 2023[3]) In Latvia, this would translate to over 70 000 child victims per year. (Government of Latvia, 2023[4])[1] Compared to the number of children receiving treatment in response to sexual abuse, which was estimated to be 118 in 2016, it is clear that currently, many children are falling through the cracks (WHO Regional Office for Europe, 2018[5])

Cases of child abuse and violence are difficult to identify. According to stakeholders, there have been attempts to try and encourage as many cases as possible to be reported to the authorities with a legal obligation in place for adults to report even suspected cases of child abuse and a 24/7 children's helpline, but they come up against practical barriers. Social stigma makes it difficult for suspecting adults and victimised children to report cases. Additionally, children who have experienced abuse often have restricted access to mobile devices, making it difficult to contact the helpline even if they pluck up the courage to do so.

According to stakeholders, even when cases are reported, the process can often be a harrowing experience for children in Latvia, who can be made to recount their stories multiple times. Children who do manage to disclose that they have experienced violence or abuse face multiple interviews with the police, psychologists and medical professionals in a variety of settings.

According to the (Children's Commissioner, 2016[6]), interviews are often the only source of evidence in child abuse cases, yet for many children, the interviews led by the police do not enable them to provide the best possible evidence. Repeat interviews can be confusing and make children, particularly young children, give inconsistent testimony, which, in many cases, will lead to the perpetrator not being charged. Children can be traumatised by having to provide an account of their abuse to multiple professionals in multiple locations. They can also then face long waiting lists to access specialist therapeutic support.

Based on the information provided by stakeholders, currently, the legal process begins with the child being interviewed by a police investigator with the presence of a psychologist, the child's legal representative and an appointed attorney. Subsequently, in child sexual abuse cases all children need to go through psychological expertise, which includes an interview of the child with a psychological expert. This usually

takes place in the later stages of the criminal investigation, as these experts need to have all the gathered materials in the case in order to prepare their report. In Latvia, this specific procedure is historically necessary, under the Criminal Procedures Law, in order to establish the occurrence of so-called criminal legal consequences (e.g., the psychological suffering caused to the child) as well as to establish the reliability of the child's testimony. The psychological expert also, in most cases, determines if a child is allowed to participate in court hearings and usually their decision prevents children from participating. However, the psychological expert must follow instructions from the criminal investigator and cannot make decisions regarding psychological treatment or other help the child might need at this stage. As the psychological expertise usually takes place one month or several months after the child's interview there are cases where the child has already received psychological treatment after the trauma. They then must participate in another investigative procedure, i.e. the psychological expertise.

The results of both the interview and psychological expertise are passed on to prosecutors who most often have no direct contact with the child. Although it is avoided to bring children to court, there are still cases where a child might be asked to attend a court case. The children provide testimony from a separate room via video conference, and defence attorneys are able to cross-examine the child's testimony as many times as they see fit.

The decision on whether the child needs to receive state-provided psychological treatment is made by the municipal social worker or psychologist separately from the criminal investigation procedure. Children can receive state-provided psychological treatment (generally lasting 30 days) at one of the crisis centres if they are removed from their families. Alternatively, they can receive outpatient care (usually 10 sessions per child) at one of the service providers.

5.3. Initiatives supporting child victims or witnesses of abuse and violence

5.3.1. Child Advocacy Centres (CACs)

The Barnahus model was originally inspired by the Child Advocacy Centres (CACs) developed in the United States in the early 1980s. The centres were put in place to combat several perceived deficits in the child protection and criminal justice system in responding to child sexual abuse. It was, and still is, believed that the predating practices were resulting in systemic trauma (trauma brought on by the investigation of abuse), poor criminal justice outcomes that left children at risk of re-victimisation, and a lack of service provision to help ameliorate the effects of abuse (Herbert and Bromfield, 2015[7]).

According to (Herbert and Bromfield, 2015[7]), CACs were designed to provide a range of services on-site to mitigate the risks of systematic trauma and re-victimisation. This approach aimed to reduce the number of interviews required during the evaluation process and ensure that all services were provided in a child- and family-friendly environment. The most critical difference between the CAC and traditional investigative approaches is that CACs bring together a multidisciplinary team under one roof. Law enforcement, child protective services, prosecution, mental health, medical and other agencies work together to provide a coordinated response to child abuse. In contrast, the traditional investigative approach often results in victims bouncing between agencies, undergoing repeated and duplicative interviews, and uncoordinated services.

5.3.2. The Barnahus model

According to a (Children's Commissioner, 2016[6]) report, while the Barnahus model in Europe was inspired by the CACs in the US, there are also distinct differences between the two approaches. The most notable differences are that the US centres are privately run and that children are usually required to be present in court. That said, the two approaches are both interagency models for working with cases of abuse and

violence against children. They strive to support the case as it moves through the legal system and provide treatment to victims. Consequently, the Barnahus model is also focussed on:

- Creating a home-like setting
- Helping victims disclose abuse
- Having a minimal number of interviews
- Improving the quality of evidence of abuse
- Improving access to therapy

Barnahus is intended to be as home-like as possible and is often an unmarked residential property that is an ordinary building situated in a typical street designed to be non-threatening and child-friendly. By undertaking the interview and medical examination, as well as providing therapeutic support in a familiar and non-threatening setting, children and their families can be made to feel as comfortable as possible. By using an unmarked building, the negative associations children might have with places such as police stations and medical facilities can be avoided, thus enabling victims of abuse to feel as comfortable as possible when interacting with professionals.

Children are referred to Barnahus by the child protection services when there is a suspicion of sexual abuse. An in-house child psychotherapist trained in forensic interviewing, conducts exploratory interviews soon after a child's arrival to elicit disclosure of abuse. Children are encouraged to describe what happened to them and disclose abuse, allowing the authorities to intervene as quickly as possible. Younger children who might find it difficult to make clear verbal disclosure of abuse are supported by the forensic interviewer to discuss what happened to them.

In most cases, the only evidence available to demonstrate that a crime has been committed is the child's testimony; therefore, it is critical that the child be supported to provide a full account during the interview. That said, lengthy and repeated interviews can be traumatic experiences in themselves. The interview process must be conducted in a manner that elicits the necessary information but minimises the risks of re-traumatisation or re-victimisation. As a result, professionals at Barnahus try to limit the number of interviews with the child, to the greatest extent possible, and to carry them out as soon as possible following referral.

The trial process can be extremely traumatic for children as they are forced to repeat their account of events in a pressurised environment in front of a room of strangers. They are then subject to cross-examination from the defence, and, taken together, these pressures can often lead to unintentional inconsistencies in their story. To avoid this, the Barnahus model instead provides the court with a recording of the child's testimony, which is filmed in a comfortable setting immediately after their referral. As a result, the risks of traumatisation, diminished recall and inconsistency are reduced.

Another argument favouring conducting interviews as early as possible is the ability to diagnose any therapeutic support the child might require more quickly. The child and their family are offered therapy immediately following the interview, enabling the process of recovery to begin without delay. Another advantage is that the therapy the children receive will not contaminate their testimony.

The various components of the Barnahus approach seek to embody the principles of the UNCRC and The Council of Europe's Lanzarote Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse. The Lanzarote convention's specification that recommends that judicial proceedings and interviews be made "child-friendly" is particularly salient (Bitensky, 2010[8]). The model has now been introduced in over 20 European countries, including the UK, Sweden, and Germany, with over 40 countries piloting or operating the Barnahus model worldwide. (PROMISE Barnahus Network, 2023[9])

The Barnahus model in Latvia

Latvia trialled the Barnahus model in 2017 when the Centre Dardedze launched a Barnahus pilot where child victims of sexual abuse were interviewed at one specialised place. (Nordic Council of Ministers' Office in Latvia, n.d.[10]) According to Celmale (2019), the model followed the Barnahus Quality Standards and provided integrated and multidisciplinary support, emphasising the importance of interviewing the child victim once. The pilot spanned a 6-month period in 2017 and addressed 22 cases, but upon the pilot's completion in December 2017, it was decided that this particular Barnahus operation would not continue. The reasons provided were a lack of regulatory framework and difficulties in agreeing on further co-operation between the relevant organisations to facilitate the necessary improvements to the Barnahus service. The relevant parties were the State Police, the Ministry of Welfare, Riga Social Service and the Centre Dardedze itself.

In 2022, Barnahus was put back on the agenda. The project "Support for Barnahus implementation in Latvia", supported by the EEA and Norway Grants, aims to establish an integrated approach to investigating child abuse and improving Latvia's child protection system. (Iceland Liechtenstein Norway Grants, 2022[11]) The project's main activities have already taken place, and the Barnahus model, which will operate in Latvian hospital premises, will be ready to open its doors in late 2022. For now, funding is available until the year 2024, although Latvian counterparts would like Barnahus to continue its operation beyond that.

The main activities include training Barnahus personnel, awareness raising campaigns, adapting and upgrading hospital facilities to the European Barnahus Quality Standards (PROMISE Barnahus Network, n.d.[12]) (such as preparing private and soundproof rooms, furnishing the waiting and interview rooms, etc.). As soon as Barnahus starts operating, child victims or witnesses of abuse and violence will be able to access the services provided in an integrated way. A specially trained professional will interview the child only once, and the interview will be recorded so it can be used as evidence in court. Additionally, medical examinations are carried out on the Barnahus premises by staff with specialised training on child abuse and neglect, depending on the child's needs. Children who are referred to Barnahus and their families can routinely access therapeutic services, as receiving treatment as soon as possible can minimise the negative personal and societal effects of the child's trauma. (PROMISE Project, 2019[13])

5.4. International evidence on the impact of the Barnahus model and similar initiatives

There is a broad base of literature in the US underscoring the efficacy of the CAC model. From children's perspective, the CACs have been shown to reduce their levels of fear around the investigative process with (Jones et al., 2007[14]) finding that children in a CAC were almost three times more likely to describe themselves as being "not at all" or "not very scared" compared to children using traditional services. Similarly, caregivers themselves have been shown to prefer the CAC approach to its alternatives, with those working in CACs reporting 30% and 54% higher levels of satisfaction with the investigation and interview processes, respectively (Jones et al., 2007[14])

CACs have also been shown to improve justice outcomes. (Miller and Rubin, 2009[15])found that a 3% increase in the use of CACs translates into a 2% increase in the number of prosecutions. On top of this, there is also evidence suggesting that they can speed up the prosecution process, with (Walsh et al., 2008[16]) showing that CAC cases were 50% more likely to lead to an indictment within 60 days than non-CAC cases. It is likely that the increases in prosecution numbers and the speeding up of trials can be put down, at least in part, to the CAC's multidisciplinary approach, which increases the likelihood of allegations being substantiated. (Smith, Witte and Fricker-Elhai, 2006[17]) found that the CACs they evaluated were able to raise the rate at which cases were substantiated from 12.7% to 46.7%.

The centres are also shown to be a cheaper alternative to traditional investigative approaches with a study by (Newlin and Dogget, 2014[18]) showing CACs to have an average per-case cost that is 26.5% less than that of traditional approaches. The centre's value proposition is further highlighted by the results from a Cost-Benefit Analysis (CBA) by (Shadoin et al., 2006[19]) which found CACs in the US to generate USD 3.33 in benefits for every USD 1 spent on them.

Evidence from Iceland has highlighted the Barnahus model's success in improving justice outcomes for child victims and their families. The model's use has become widespread in Iceland. Over 3 500 children were referred to a Barnahus centre by the Icelandic child protection services and police between the model's introduction in 1998 and 2015. Evaluations have shown that not only do children greatly prefer the Barnahus experience but also that it has a remarkable impact on the justice process. They found that the number of cases investigated per year more than doubled, the number of indictments per year more than tripled, and the number of convictions per year more than doubled as well. (Guðbrandsson, 2015[20])

5.4.1. Cost-Benefit Analysis (CBA) approach

A CBA framework is developed to link the costs of running the Barnahus model to the socio-economic benefits that can flow from such an investment. The costs and benefits are identified compared to a counterfactual (business as usual) scenario assuming that children who are witnesses or victims of abuse and violence go through the 'traditional' pathways and services, including interviews at the police station, examination at the hospital, and treatment provided by social care services.

The framework captures the costs of establishing Barnahus in Latvia as well as tangible and intangible benefits flowing from the model. Tangible benefits (for example efficiency gains due to fewer interviews) are quantified and monetised based on informed assumptions and avoided costs. Intangible benefits, such as improved children's outcomes, are monetised using evidence from the international literature on the impact of similar models and the costs of adverse outcomes for children. Qualitative evidence is reviewed and taken into account regarding those effects that cannot be quantified.

Future costs and benefits in 2022 real terms are adapted to the Latvian context and are discounted to identify their present value by considering the time value of money (based on the assumption that people prefer to receive benefits now rather than in the future). It is assumed that the social discount rate is 3.5%, following the best practice outlined in the UK HM Treasury's policy appraisal and evaluation guidance (HM Treasury, 2020[21]). The model calculates and aggregates the present value of costs and benefits throughout the years of the model to identify the Net Present Value (NPV) and the Benefit Cost Ratio (BCR) of implementing the Barnahus model in Latvia.

5.4.2. Counterfactual ('business as usual') scenario

A core feature of the CBA methodology is that the costs and benefits of implementing Barnahus in Latvia are identified compared to a counterfactual, or "business as usual" scenario – this being the situation where the Barnahus model is not implemented in the Latvian context.

It is assumed that in the absence of the Barnahus model, children who are victims or witnesses of abuse and violence would follow the 'traditional' pathway. According to sector experts, following the referrals to the police by social workers, teachers, or medical professionals, children would need to be interviewed in a police-adapted room by an inspector, with the presence of a psychologist, a child representative, and a lawyer. The police officer who conducts the interview with the child has attended 40-hour special training courses. If the child is too young (less than 5 years old) or has special needs, then a psychologist will carry out the interview. Children might need to be interviewed several times, especially when new information appears, which can lead to their re-traumatisation. The next stop in the traditional pathway is children's examination by psychologists. Also, they usually need to be transferred to hospitals for medical examination. Following the investigation by the police, the case might be prosecuted. Typically, bringing

children before the court is avoided. However, there are still cases where children attend a court case via video conference. This is yet another traumatic experience for the child because they will have to tell their stories all over again in court. Furthermore, children and their families might receive treatment and support services.

The CBA model mainly uses the information on the Barnahus-related costs shared by the Ministry of Welfare. To build the counterfactual and estimate the costs of services currently provided to children victims or witnesses of abuse and violence, the model uses data provided by the Ministry of Welfare in Latvia on the budget to be spent on implementing the Barnahus model, as well as informed assumptions based on the information provided by stakeholders. All assumptions are discussed in detail below.

5.4.3. Case study of the Barnahus model

Based on the international literature and available evidence from Latvia, a case study was developed outlining the costs and benefits of implementing the Barnahus model in the country over a 20-year period (starting from 2021 and running until 2040). Barnahus will support children who are victims or witnesses of abuse and violence in a child-friendly and safe environment. The Barnahus model aims to bring together services under one roof to support children effectively and avoid their re-traumatisation.

Under the Barnahus premises, children will be interviewed only once by a specially trained psychologist, with the presence of a social worker, and forensic experts. The interviews will be recorded, and these records can be used as evidence in court. Based on the European Barnahus Quality Standards, following the exploratory interview, the child will be medically examined on the Barnahus premises. The child and the family will also receive therapeutic services from professionals on the premises.

Costs

Developing the Barnahus model in Latvia comprises costs related to setting it up and operating it. The costs can be categorised as follows:

- **Project management:** The costs related to project management include the salaries of all teams who assist with coordinating and managing the Barnahus model in Latvia. Under current services, it is assumed that each agency will have its own project management costs. However, under Barnahus, there will be an extra cost due to the need to coordinate different agencies in an integrated way. The CBA model considers the project management costs, as shared by the Ministry of Welfare.
- **Training of personnel:** All specialists involved in the Barnahus model will receive training to either participate in the exploratory interviews or provide treatment to children and their families. Based on information provided by sector experts during the fact-finding mission, under current services, police officers who interview the children must attend 40 hours of training to be able to handle cases of abuse. The Ministry of Welfare shared the data on the expected cost of specialists' training under Barnahus. In this case study, it is assumed that 70% of this cost would not have been incurred under current services, that is without Barnahus being implemented.[2]
- **Awareness raising campaigns:** According to the European Barnahus Quality Standards, the Barnahus model will aim to prevent future cases of child abuse through information sharing and awareness raising campaigns. The CBA model considers all costs related to the awareness raising campaigns, as shared by the Ministry of Welfare.
- Premises upgraded according to the European Barnahus Quality Standards: According to the current standards, the Barnahus model will provide services in a safe, child-friendly, accessible environment, including special equipment and specially adapted spaces. Currently, the forensic interviews take place in specially adapted rooms at police stations while children go through medical examinations at hospitals. The model considers the costs of upgrading premises according

to the European Barnahus Quality Standards, including drafting renovation plans, supervision of reconstruction of facilities, renovation of the facilities, furnishing and Barnahus operation. However, any costs relating to renting the Barnahus facilities, or other daily expenditures, such as transportation costs, are not included in the framework, as we assume that these are equal to the costs of running the facilities used in the counterfactual scenario.

- **Multidisciplinary interagency services:** The model considers all costs related to (i) the development of the national legislative framework in co-operation with experts, and (ii) any costs relating to running Barnahus, including Barnahus co-ordination and administration, as well as supervision for Barnahus staff.

Benefits

The key difference between the Barnahus model and the "traditional" pathway is bringing all services under one roof, while accelerating the forensic, medical, judicial and treatment process. Under Barnahus, children are interviewed only once, and their treatment starts as early as possible. Due to the faster process, which helps avoid children's re-traumatisation, we consider that children will require fewer treatment sessions under Barnahus compared to the counterfactual scenario. The CBA model takes into account these avoided costs and the socio-economic benefits.

Efficiency gains

Forensic process

A key priority of Barnahus is carrying out only one forensic interview per case. This interview will be recorded and can be used as evidence in court. It is assumed that children accessing the Barnahus model will be interviewed by a specially trained psychologist while all other case-relevant specialists will observe the interview from the observation room. The police investigator is still the person who is legally responsible for the whole interview process, but the psychologist is the one who speaks directly with the child. The specialists observing the interview, besides the police, may vary from case to case, but the observers usually involve the child's legal representative, the child's lawyer and the prosecutor. In some cases, a social worker or a forensic expert can participate to avoid further questioning of the child. Forensic experts will be available to contribute to the interview process when needed. When a child cannot come to Barnahus, a mobile exploratory interview expert will be available to meet the child wherever the child may be and carry out the interview though mobile experts are not planned in the pilot stage. Based on the available data provided by the Ministry of Welfare, the model uses the annual income of the staff involved in the interview process and the expected number of children accessing Barnahus to calculate the interview cost per child.

It is assumed that the cost of an interview per child under the Barnahus model equals the interview cost per child under current services (which includes the wages of police officers and forensic experts that are involved in the process). Another assumption is that, under the traditional pathway, children are interviewed on average two times, as new information might appear, which leads to the re-traumatisation of the child. Additionally, carrying out only one interview, as will happen under Barnahus, will generate efficiency gains. Apart from the reduced number of interviews, it is also assumed that all costs relating to the case investigation under Barnahus (e.g., costs relating to the collection of evidence, police officers' wages, etc.) are equal to those under the traditional pathway. As these costs occur under the Barnahus model and the current services, they cancel each other out; thus, there is no need to include them in the model.

Medical examination

Regarding the children's medical examination, children are examined on the Barnahus premises. It is assumed that similar processes are followed under Barnahus and the counterfactual pathway, meaning that similar equipment and staff are involved in the examination. Thus, we assume that the costs related

to children's medical examination under the Barnahus model and current services are equal, which explains why they are not included in the CBA model.

The main difference is that under Barnahus, the medical examination might even take place on the same day the child accesses the premises. Under the current services, the child needs to be moved to the centre of forensic medicine expertise in order to be examined, which might not take place on the same day as the forensic interview. Under current services, there might be some transportation costs, which are considered to be negligible and are not considered in the CBA model.

Judicial process

Regarding the judicial process, the main difference between the Barnahus model and the counterfactual one is that children under Barnahus will never attend the court case, and the recording of their forensic interview will be used as evidence. Apart from the avoided re-traumatisation of children, it is assumed that all judicial-related costs (such as salaries of defence lawyers, judges, prosecutors, etc.) will not change compared to the counterfactual model. Consequently, the judicial-related costs under Barnahus and current services are equal, so they cancel each other out.

Treatment

Under the current services, the process of handling cases of child abuse is lengthy and sometimes, ineffective. (Ombudsman Office of the Republic of Latvia, 2021[22]) According to the report by the Ombuds Office of Latvia, the duration of the pre-trial processes depends on the type of crime; the majority of cases of child abuse are investigated within six months. However, there are still cases during which the interrogation period might last even up to two years. These delays might exacerbate children's trauma, meaning that children might need more intense treatment to heal their wounds.

On the other hand, the main characteristic of the Barnahus model is that all services provided to children who are victims or witnesses of abuse and violence are gathered under one roof. This integration of services under one roof helps accelerate processes and reduce re-traumatisation of children. Thus, children are likely to need less intensive therapy sessions compared to the counterfactual scenario.

In the CBA model, it is assumed that a psychologist will provide treatment to children, such as psychological counselling, as in the Centre Dardedze pilot. Additionally, it is assumed that one social worker will need to be involved in the treatment process, mainly to observe the treatment sessions. To calculate the treatment cost per child, the CBA model uses the annual income of the staff involved in the treatment process and the expected number of children accessing Barnahus. It is also assumed that the treatment cost per session under Barnahus is equal to the treatment cost per session under current services.

The CBA model assumes that child will receive 1.5 times the number of treatment sessions under the traditional pathway versus the Barnahus model (as there will be fewer delays in treatment). Another assumption is that, under the traditional pathway, children are interviewed on average two times vs the once in the Barnahus model. Additionally, another assumption is that carrying out only one interview, and assuming that the child would benefit from more specialised treatment that is gathered under one roof can in the end generate efficiency gains.

Social benefits

Additional value of renovated premises

Under the Barnahus model, hospital facilities have been renovated. Following standard practice, in addition to considering the cost of renovation, the CBA model also needs to include the additional property value as part of the benefits generated to society due to establishing Barnahus in Latvia. The main assumption

is that the premises will not lose their value even if Barnahus stops operating. The additional property value equals the benefits accrued to the hospital from using the renovated premises. It is assumed that the total property value is equal to the total cost of the renovation and is divided across 10 years.

Reduced adverse outcomes for children

There is considerable literature addressing the immediate and long-term impact of Barnahus or similar initiatives on children, their families, and society. Evidence on the impact of the CAC model suggests that one of its main benefits is the reduced trauma due to the child-friendly interview environment as well as improved child-parent relationships (Shadoin et al., 2006[19]). A UNICEF evaluation report suggests that the CAC model can contribute to long-term positive changes in both children's and their parents' well-being, such as supporting their recovery from violence and victimisation (Haarr, 2020[23]) (Herbert and Bromfield, 2015[7]). also found that the CAC can contribute to increased rates of cases processed by the CAC as well as an increased prosecution rate.

According to a report by the (Ombudsman Office of the Republic of Latvia, 2021[22]), sexual abuse at an early stage has detrimental effects on children's lives. Evidence suggests that programmes similar to the Barnahus model can reduce those children's adverse outcomes over their lifetime. In particular, using US data, (Ringel et al., 2008[24]) suggest that prevention and treatment programmes that aim to prevent children's maltreatment can positively impact a range of outcomes for young children. The authors found that such programmes can reduce maltreatment episodes (1.4-4.2%), substance misuse (1.2-3.6%), homelessness (1.2-3.5%), underemployment (1.1-3.4%), as well as juvenile crime (1.2-3.6%).

UK evidence suggests that other programmes that support children and their families can also have positive effects on different impact areas. For example, family safeguarding, which is a reform of child protection services aiming to help children live safely within their families, can reduce the frequency of police call-outs (Rodger, Allan and Elliott, 2020[25]). In particular, the number of police call-outs per month was reduced, on average, by 53%. According to a report by the (Ministry of Housing, Communities & Local Government, 2019[26]), the Troubled Families Programme, which supports families that experience multiple problems (e.g., crime, unemployment, and domestic abuse), can help reduce the crime rate. For example, the programme resulted in a 25% drop in the percentage of adults receiving a custodial sentence and a 15% reduction in the proportion of juvenile offenders convicted.

Due to a lack of evidence on the impact of Barnahus on children in Latvia, the CBA model uses international evidence on the effects of programmes similar to Barnahus on children accessing those programmes. This evidence is adjusted to the Latvian context. In particular, in order to estimate the socio-economic benefits of the Barnahus model, the CBA model uses evidence from an (Alma Economics, 2021[27]) study, prepared for the Independent Review of Children's Social Care, which explores the societal cost of adverse outcomes for children in the care system in the UK (including children being mistreated, neglected or victims of sexual abuse). The adverse outcomes for children include health (e.g., physical and mental health problems, substance misuse), employment, homelessness, and offending behaviour. In particular, the CBA model uses the weighted average of the cost of adverse outcomes per child in need over their lifetime (aged 1-81 years old), which is estimated to be around GBP 7 000 per child per year. (Government of United Kingdom, 2021[28])[3]

The cost estimates are adapted to the Latvian context by using the difference in the respective countries' GDP per capita as a proxy for likely cost differences. Based on the above information, it is assumed that the cost of adverse outcomes for children having experienced or witnessed abuse and violence in Latvia equals around EUR 5 000 per child per year over their lifetime. Based on literature on the potential impact of Barnahus and similar initiatives, it is also assumed that Barnahus would help reduce children's adverse outcomes by 10%, which is EUR 500 per child per year over their lifetime.

5.5. Scenario and results

This chapter discusses the key findings of the CBA under the four different scenarios, which differ in the number of operational years of Barnahus and the number of children accessing Barnahus services. Under all four scenarios, costs relating to setting up Barnahus (e.g., renovation of premises, raising awareness costs, development of the national legislative framework), which are independent of the years of Barnahus' operation and the number of children receiving services, materialise during the first two years following the start of the project (2021 and 2022). Other annual fixed costs, such as expenses relating to Barnahus co-ordination and administration, are independent of the number of children in Barnahus and occur during Barnahus operation. All these costs do not differ under the four scenarios.

The model also includes variable costs, which occur during the operational years of Barnahus and depend on the number of children and staff. Variable costs include costs relating to specialists' training as well as children's interviews and treatment. The training costs directly depend on the number of staff working under Barnahus: the more staff, the higher the training costs. The interview and treatment costs depend on the number of children accessing Barnahus and the number of staff working under Barnahus. Under scenarios 1 and 2, the initially agreed number of staff supports 40 children per year. Under scenario 3, the same number of staff supports 80 children per year, meaning that the interview and treatment cost per child under this scenario will be lower compared to scenarios 1 and 2. Under scenario 4, the triple number of staff compared to all previous scenarios supports 160 children; the interview and treatment costs per child are lower than in scenarios 1 and 2 but higher compared to scenario 3.

The research team identified two key benefits from introducing the Barnahus model in Latvia. First, efficiency gains are expected due to the reduced number of interviews and faster processes under Barnahus compared to the current services. These efficiency gains differ among the four scenarios, as they depend on the number of staff and children accessing Barnahus. The second key benefit refers to the cumulative reduced costs of adverse outcomes for children supported by Barnahus due to the reduced re-traumatisation of children following the Barnahus process and the immediate treatment. The cumulative reduced costs of adverse outcomes for children who receive services under Barnahus start emerging as soon as the child receives treatment. This social benefit increases with the number of children accessing Barnahus services.

The model also accounts for the additional value added to the premises due to the renovation required by Barnahus standards. Under all scenarios, the additional value of the renovated premises does not change and materialises over a period of ten years after the renovation is complete.

5.5.1. Scenario 1 – Barnahus operating for twenty months

Under this core scenario, it is assumed that the premises required as part of Barnahus were prepared in 2021/22, and the model will operate for 20 months, between 2021-2024. Based on stakeholder engagement and the available data provided by the Ministry of Welfare, it is also assumed that around 13 children will access Barnahus during the last four months of 2022, 40 children in 2023 and another 13 children in the first four months of 2024.

Results

Under the first scenario, the CBA model estimates the total costs and benefits for beneficiaries and society, assuming that Barnahus will operate for twenty months and provide services to 66 children (40 children per year). The extra costs of establishing Barnahus compared to the costs of current services are equal EUR 2 million. Over twenty years, the Barnahus model will generate EUR 1.9 million in socio-economic benefits, including efficiency gains, reduced adverse outcomes for children, and additional value of renovated premises. The discounted net present value (i.e., discounted total benefits minus discounted

total costs) is equal to around -EUR 100 000, meaning that the costs of Barnahus outweigh its benefits. The Benefit Cost Ratio (BCR) equals 0.95, which means that spending EUR 1 on Barnahus in Latvia will generate EUR 0.95 in socio-economic benefits.

The negative net present value means that the investment cost in Barnahus is higher than its benefits over a twenty-year period. Under this scenario, Barnahus operates for a short period of time, supporting only 66 children in total, meaning that there is not enough time to generate benefits that will outweigh the investment cost of establishing Barnahus in Latvia. To test this hypothesis, in scenario 2 the costs and benefits of the Barnahus model, which will continue operating after 2024, are estimated, supporting 40 children per year.

Table 5.1 shows the present value of total costs and benefits of introducing Barnahus in the Latvian context, as well as the net present value and the BCR of setting up Barnahus.

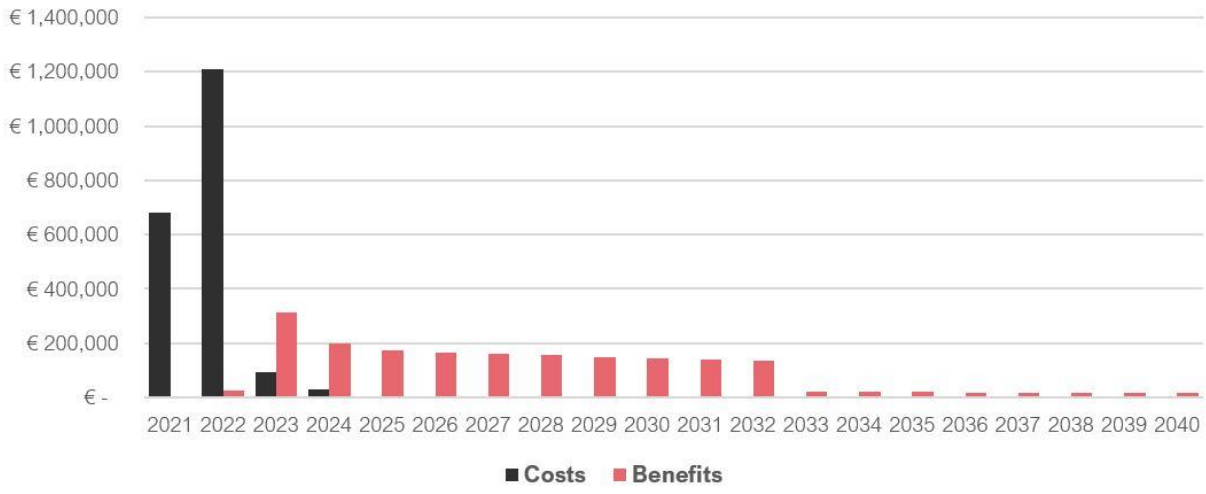
Figure 5.1 shows the present value of total costs and benefits generated over a twenty-year period. Most costs relating to setting up Barnahus are generated over 2021 and 2024. The efficiency gains due to the reduced number of interviews and the faster forensic, medical, judicial and treatment process are generated during the 20 months that Barnahus operates. Additionally, it is assumed that the additional value of the renovated premises starts materialising as soon as the renovation is completed and for ten years in total, that is, between the years 2023 and 2032. The cumulative reduced costs of adverse outcomes for children who receive services under Barnahus start materialising as soon as children are treated under Barnahus and remain stable over a twenty-year period.

Table 5.1. Present value of costs and benefits, net present value and BCR

	Establishing the Barnahus model in Latvia Extra costs under Barnahus compared to current services (EUR)
Project management	207 009
Training of specialists	67 522
Awareness raising campaigns	36 868
Premises upgraded to the European Barnahus Quality Standards	1 654 656
Development of the national legislative framework in co-operation with experts	18 000
Staff of Barnahus (administration, co-ordination, supervision)	82 096
Total costs	2 066 151
Present value of total costs	2 013 941
Extra benefits under Barnahus compared to current services (EUR)	
Efficiency gains	188 535
Reduced adverse outcomes for children	584 994
Additional value of renovated premises	1 654 656
Total benefits	2 428 185
Present value of total benefits	1 919 974
Net present value (EUR)	- 93 967
Benefit Cost Ratio (BCR)	0.95

Source: Author's elaboration.

Figure 5.1. Scenario 1 – Present value of costs and benefits over twenty years



Source: Author's elaboration

5.5.2. Scenario 2 – Barnahus operating over a twenty-year period

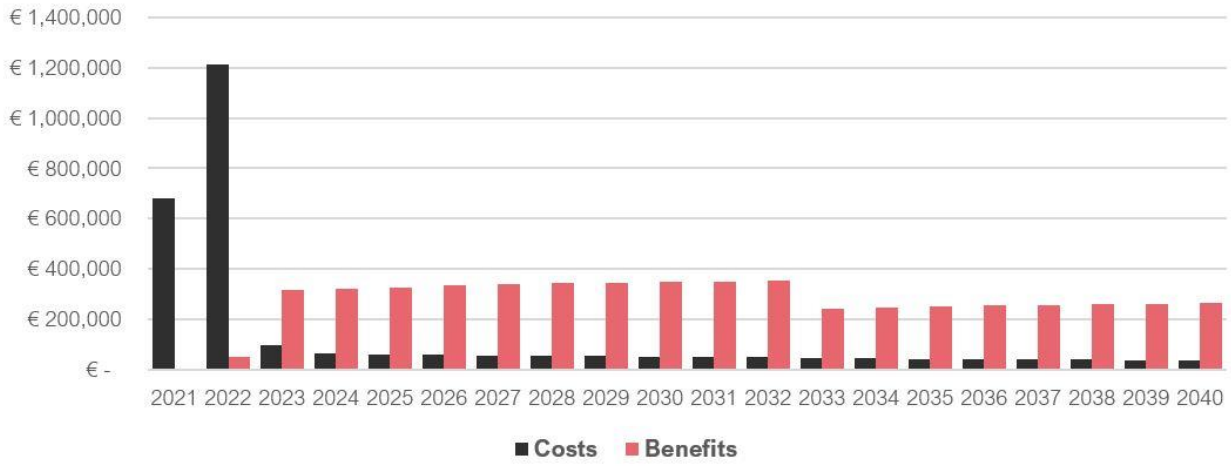
The second scenario assumes that Barnahus will continue operating following the year 2024, considering that the same services are funded and provided to 40 children every year. Regarding the Barnahus-related costs, it is assumed that the project management costs will be higher during the first three years of Barnahus implementation and operation. Following 2024, it is assumed that the project management costs will remain stable and equal to EUR 16 000 per year. This scenario also considers that there will be some training related costs every year, as it is assumed that new staff will join Barnahus, or even old staff will need to go through additional training to provide services that meet Barnahus standards. The CBA model also considers the costs of interviewing and providing treatment services to 40 children every year.

Results

Under this scenario, the costs and benefits are estimated assuming that the Barnahus model continues operating after 2024, providing services to 40 children every year. Establishing the Barnahus model in Latvia can generate socio-economic benefits that outweigh the costs. As shown in Table 2, investing around EUR 2.8 million in providing integrated services to child victims or witnesses of abuse and violence can generate EUR 5.5 million in socio-economic benefits over a 20-year period. The discounted net present value is equal to EUR 2.7 million, and the BCR is equal to 1.9, meaning that spending EUR 1 in establishing the Barnahus model in Latvia will generate EUR 1.9 in socio-economic benefits.

Based on the available data, the Barnahus will operate with one psychologist involved in the interview process, one psychologist involved in the treatment process as well as two social workers working full time. Based on the assumption that Barnahus provides services to 40 children per year, this means that the full-time personnel working in Barnahus will support 3 children per month. Under the scenario 3, it is assumed that more children can be treated within these costs, which will generate more benefits.

Figure 5.2. Scenario 2 – Present value of costs and benefits over twenty years



Source: Author's elaborationSource: Author's elaboration.

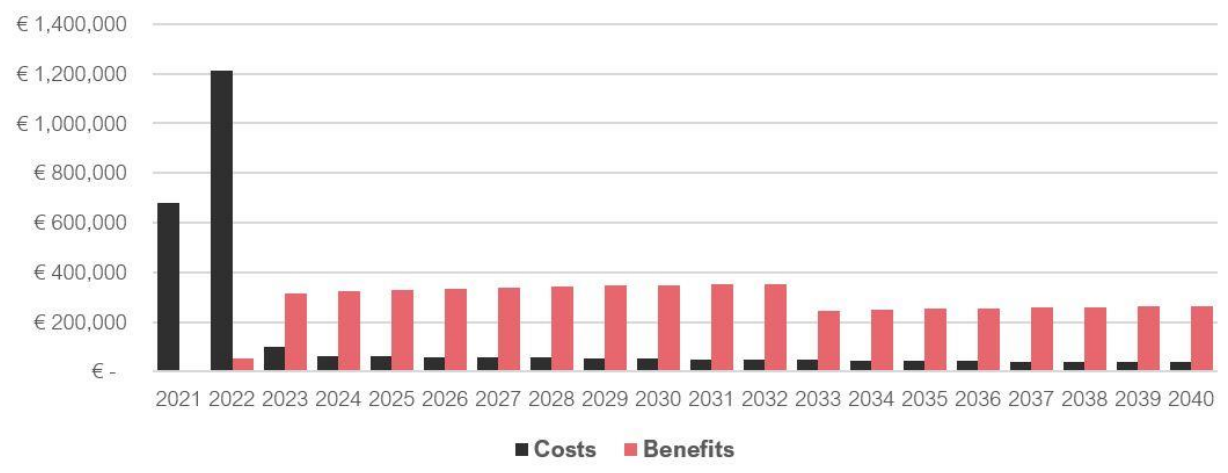
Figure 5.3 shows the present value of total costs and benefits generated over a 20-year period. Costs relating to upgrading premises to European Barnahus Quality Standards, developing the national legislative framework and raising awareness are generated over the first two years of setting up Barnahus. Costs relating to project management, training of staff and salaries of Barnahus personnel are spread relatively smoothly over the 20-year period. The efficiency gains due to the reduced number of interviews and the faster forensic, medical, judicial and treatment process start materialising as soon as the interviews begin in 2022. Similarly, the cumulative reduced costs of adverse outcomes of children who receive services under Barnahus start materialising in 2022 and beyond. As previously, the value of the renovated premises starts materialising as soon as the renovation is completed and for ten years in total.

Table 5.2. Scenario 2 – Present value of costs and benefits, net present value and BCR

	Establishing the Barnahus model in Latvia Extra costs under Barnahus compared to current services (EUR)
Project management	463 009
Training of specialists	164 227
Awareness raising campaigns	36 868
Premises upgraded to the European Barnahus Quality Standards	1 654 656
Development of the national legislative framework in co-operation with experts	18 000
Staff of Barnahus (administration, co-ordination, supervision)	903 063
Total costs	3 239 823
Present value of total costs	2 823 872
Extra benefits under Barnahus compared to current services (EUR)	
Efficiency gains	2 671 070
Reduced adverse outcomes for children	3 489 774
Additional value of renovated premises	1 654 656
Total benefits	6 160 844
Present value of total benefits	5 474 270
Net present value (EUR)	2 650 398
Benefit Cost Ratio (BCR)	1.9

Source: Author's elaboration.

Figure 5.3. Scenario 2 – Present value of costs and benefits over twenty years



Source: Author's elaboration

5.5.3. Scenario 3 – 80 children accessing Barnahus

As in the second scenario, it is assumed that Barnahus will operate over a 20-year period, but 80 children will be able to access the services on the Barnahus premises.

Results

Under this scenario, the costs and benefits are estimated assuming that the Barnahus model continues operating after 2024, but it provides services to 80 children annually. Similar to Scenario 2, the Barnahus costs are estimated to be around EUR 2.8 million, but the benefits increase to EUR 7.7 million over a 20-year period. As shown in Table 3, the discounted net present value equals EUR 4.9 million, and the BCR is equal to 2.7, meaning that spending EUR 1 to support 80 children every year will generate EUR 2.7 in socio-economic benefits.

Table 5.3 shows the present value of total costs and benefits generated by supporting 80 children annually over 20 years. The costs and benefits are generated as in Scenario 2. The main difference is that the benefits are higher than in Scenario 2 due to the higher efficiency gains generated by interviewing and providing treatment to 80 children annually and the higher cumulative reduced costs of adverse outcomes for the children treated under Barnahus.

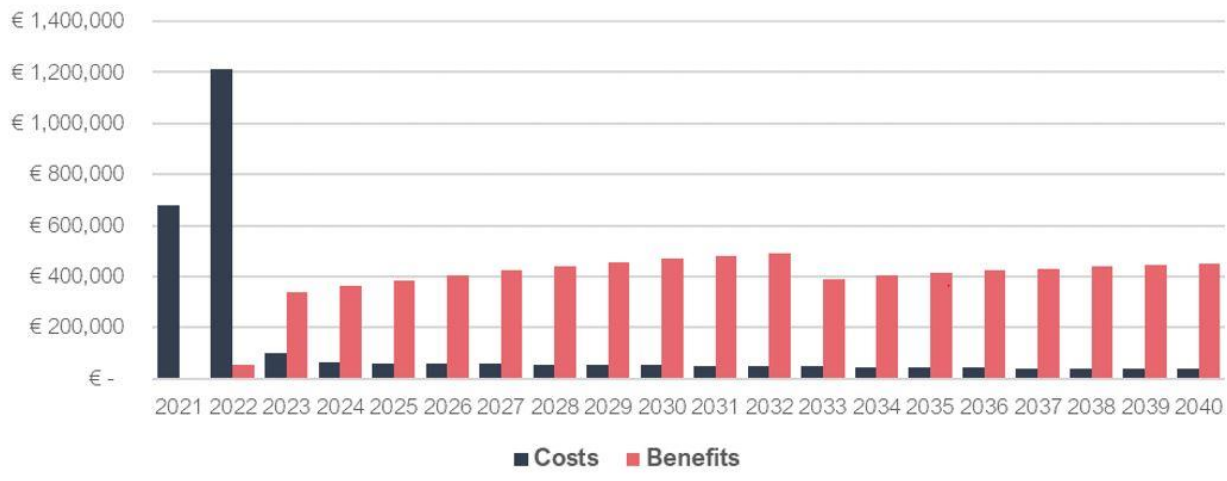
Table 5.3. Scenario 3 – Present value of costs and benefits, net present value and BCR

	Establishing the Barnahus model in Latvia Extra costs under Barnahus compared to current services (EUR)
Project management	463 009
Training of specialists	164 227
Awareness raising campaigns	36 868
Premises upgraded to the European Barnahus Quality Standards	1 654 656
Development of the national legislative framework in co-operation with experts	18 000
Staff of Barnahus (administration, co-ordination, supervision)	903 063
Total costs	3 239 823
Present value of total costs	2 823 872
Extra benefits under Barnahus compared to current services (EUR)	

	Establishing the Barnahus model in Latvia Extra costs under Barnahus compared to current services (EUR)
Efficiency gains	2,669 248
Reduced adverse outcomes for children	6 970 192
Additional value of renovated premises	1 654 656
Total benefits	9 639 440
Present value of total benefits	7 707 154
Net present value (EUR)	4 883 282
Benefit Cost Ratio (BCR)	2.7

Source: Author's elaboration

Figure 5.4. Scenario 3 – Present value of costs and benefits over twenty years



Source: Author's elaboration

5.5.4. Scenario 4 – 160 children accessing Barnahus

As in the second and third scenarios, Barnahus is assumed to operate for 20 years, and 160 children will access the services. In particular, Barnahus will provide services to 40 children in its first year of operation. In its second year of operation (and after), it is assumed that 160 children will access Barnahus. One main assumption under this scenario is that the 160 children receiving the Barnahus services will be treated by three times as many staff members compared to the number of staff under all other scenarios. Thus, the training, interview and treatment costs (variable costs depending on the number of staff) were assumed to be three times higher compared to the corresponding costs under the previous scenarios.

Under this scenario, the Barnahus model continues operating after 2024, but it provides services to 160 children annually. During the first operational year of Barnahus, 40 children will receive services, while in its second operational year (and thereafter), 160 children will access Barnahus annually. This scenario assumes that 160 children will be treated by three times as many staff members compared to the number of staff needed to support 40 children annually (under scenario 1 and 2). The Barnahus model's costs are estimated to be around EUR 3 million and the benefits are around EUR 16 million over a 20-year period.

As shown in table 4, the discounted net present value equals EUR 13 million, and the BCR is equal to 5.3, meaning that investing EUR 1 in providing Barnahus services to 160 children per year will generate EUR 5.3 in socio-economic benefits.

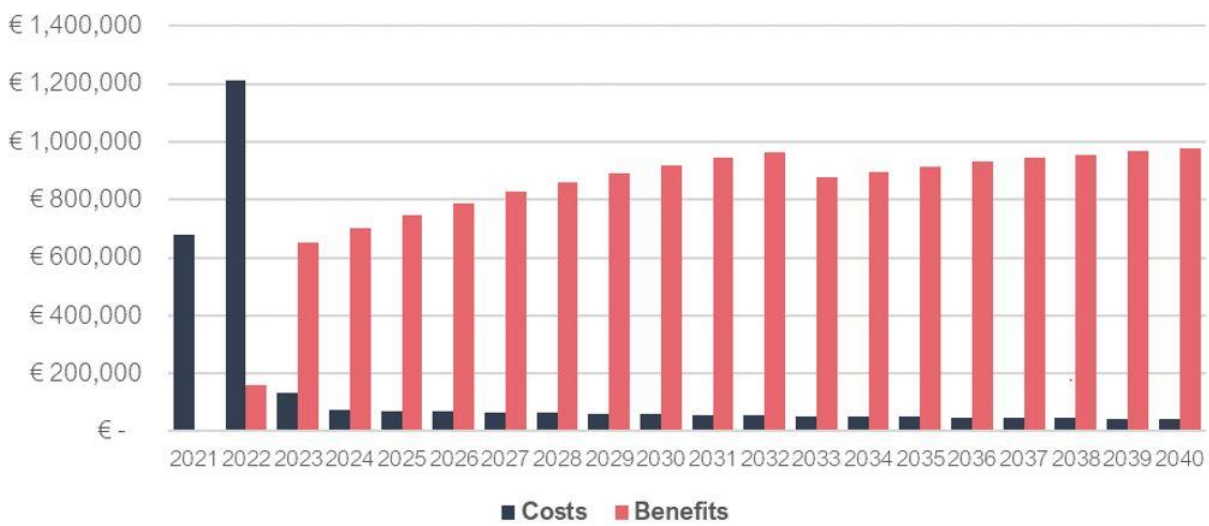
Table 5.4 shows the present value of total costs and benefits generated by providing Barnahus services to 160 children per year over a 20-year period. The costs under this scenario are higher compared to the previous scenarios due to the higher training costs following the increases in the number of staff. The benefits are estimated to be much higher than the previous scenarios due to the increased number of children accessing Barnahus services.

Table 5.4. Scenario 4 – Present value of costs and benefits, net present value and BCR

	Establishing the Barnahus model in Latvia Extra costs under Barnahus compared to current services (EUR)
Project management	463 009
Training of specialists	384 500
Awareness raising campaigns	36 868
Premises upgraded to the European Barnahus Quality Standards	1 654 656
Development of the national legislative framework in co-operation with experts	18 000
Staff of Barnahus (administration, co-ordination, supervision)	903 063
Total costs	3 460 096
Present value of total costs	2 985 879
Extra benefits under Barnahus compared to current services (EUR)	
Efficiency gains	8 016 855
Reduced adverse outcomes for children	13 846 824
Additional value of renovated premises	1 654 656
Total benefits	21 863 679
Present value of total benefits	15 927 561
Net present value (EUR)	12 941 682
Benefit Cost Ratio (BCR)	5.3

Source: Author's elaboration

Figure 5.5. Scenario 4 – Present value of costs and benefits over twenty years



Source: Author's elaboration

5.6. Conclusions

The Cost-Benefit Analysis (CBA) aimed to estimate the costs and benefits of introducing the Barnahus model in Latvia. First, the research team conducted an evidence review to understand the impact of programmes similar to the Barnahus model. Additionally, the research team participated in a fact-finding mission included interviews with stakeholders from Latvia in order to gain a deep understanding of the services child victims or witnesses of abuse and violence currently receive in the country. A data collection exercise also took place to fill in data gaps required to develop the CBA model.

Building on the available information, the costs and benefits of the Barnahus model in Latvia were explored over a 20-year period. The research team explored how costs and benefits differ under four different scenarios. Under the first scenario, it is assumed that the Barnahus model will operate for 20 months, and 66 children will access the Barnahus services over that period (40 children annually). Under the second scenario, it is assumed that the Barnahus model operates over a 20-year period, and 40 children will access Barnahus annually. Under the third scenario, it is assumed that the Barnahus model will operate for twenty years, but 80 children will receive Barnahus services annually. Under the last scenario, the Barnahus model will also operate over a 20-year period, and 160 children will access the services annually.

Under scenario 1, the investment costs in Barnahus will be higher than the benefits it generates over a 20-year period. The Barnahus model operates for 20 months, supporting only 66 children in total, meaning that there is not enough time to generate benefits that will outweigh the costs of establishing Barnahus in Latvia. Under scenario 2, the operational time increases from 20 months to 20 years. In this scenario, the Barnahus model can support 733 children during its 20 years of operation (40 children per year); investing around EUR 2.8 million in providing Barnahus services to 40 children per year can generate EUR 5.5 million in socio-economic benefits over a 20-year period. In other words, investing EUR 1 in establishing the Barnahus model in Latvia will generate EUR 1.9 in socio-economic benefits.

Under the first two scenarios, it is assumed that Barnahus will operate with one psychologist involved in the interview process, one psychologist involved in the treatment process as well as two social workers working full time. Based on the assumption that Barnahus provides services to 40 children per year, the full-time personnel working in Barnahus will support three children per month. Under scenario 3, it is assumed that more children can be treated by this number of staff, which will generate more benefits. Instead of assuming that 40 children will access Barnahus annually, scenario 3 assumes that 80 children will receive services by the same number of staff, as in scenarios 1 and 2. Since the number of staff does not change, the variable costs (e.g., training costs of staff, interview and treatment costs) remain the same; the costs under scenario 3 will be equal to the costs under scenario 2. In this case, the Barnahus model will be able to provide services to 1 465 children over its 20-year operation, generating around EUR 7.7 million in socio-economic benefits. Thus, spending EUR 1 to support 80 children every year will generate EUR 2.7 in socio-economic benefits over a 20-year period.

Scenario 4 explores how the costs and benefits of Barnahus change if more children receive services over a 20-year period. Assuming that 160 children access Barnahus annually and are treated by three times as many staff members compared to the previous scenarios, both costs and benefits increase. The costs of running the Barnahus model are equal to around EUR 3 million and the training costs of Barnahus staff triple compared to the previous scenarios. However, the increased number of staff will be able to support 2 920 children over its 20 years of operation, generating around EUR 16 million in socio-economic benefits. Thus, investing EUR 1 in providing Barnahus services to 160 children annually will generate EUR 5.3 in benefits over a 20-year period.

This research finds that the Barnahus model will generate higher benefits compared to its costs if it operates for 20 years rather than 20 months. The longer Barnahus operates, the more children it supports over its operational years and thus more benefits are generated. This leadsto benefits outweighing investment costs. Furthermore, if Barnahus provides services to more than 40 children per year, even if

this means that more staff will have to be hired, the socio-economic benefits will be higher and outweigh the costs of establishing Barnahus in Latvia even more than if Barnahus supports 40 children per year over a 20-year period.

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Notes

[1] Official statistics of Latvia. 2018. "Children constitute 18.5% of population in Latvia".

[2] Due to covid, the main training activities have been moved to 2023. There are plans to attract different sources of funds and fundraise more money to train staff. Thus, additional costs should be foreseen.

[3] In the UK context, a child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. According to March 2021 data by the Department for Education, around 55% of children in need in England have been assessed to have experienced abuse or neglect.

Annex A. Cost Benefit Analysis Model Characteristics

One of the main characteristics in the CBA is that the costs and benefits of the model should be identified and measured compared to the counterfactual model, that is, the case where Barnahus is not implemented, and children continue accessing current services. Below, the detailed costs and benefits as well as the assumptions about the counterfactual scenario are discussed in detail.

All figures in the modelling were inflation-adjusted and represent constant 2022 (real) values. If inflation is higher or lower than expected, real prices remain unaffected.

Costs included in the CBA model

The costs included in the CBA model are calculated based on data provided by the Ministry of Welfare in Latvia. The assumptions are based on international literature as well as inputs provided during the fact-finding mission and the data collection exercise.

Project management

Under scenario 1, where the Barnahus model operates until the year 2024, the project management costs are equal to EUR 76 000 (2021), EUR 65 000 (2022), EUR 51 000 (2023) and EUR 16 000 (2024). Under scenarios 2-4, where one of the main assumptions is that Barnahus operates for 20 years, from 2024 and beyond, the project management costs of Barnahus are estimated to be equal to EUR 16 000 per year.

Assumption on the counterfactual model: Under current services, it is assumed that each agency will have its own project management-related costs. However, under Barnahus, there will be an extra cost due to the need to coordinate different agencies in an integrated way. Thus, the project management costs are considered in full (100%) in the model.

Training of personnel

The costs of training specialists were estimated to be around EUR 65 000 in 2021, EUR 30 000 in 2022, and zero in 2023 and 2024. Under scenario 1, it is assumed that training-related costs will occur only during 2021 and 2022. Under scenarios 2 and 3, it is assumed that the Barnahus model will operate for 20 years with a constant number of staff. Although the number of staff will not change over the years, newcomers might replace employees that leave Barnahus. Additionally, there might be a need for Barnahus staff to receive additional training over the years. Thus, under scenarios 2 and 3, it is assumed that one-quarter of the 2022 costs on training Barnahus personnel will occur every year from 2023 and beyond.

Under scenario 4, it is assumed that 160 children will be supported by Barnahus, and the number of staff will need to triple compared to the initial number of staff. In particular, during the first operational year of Barnahus, it is assumed that 40 children will access the services. During the second operational year of Barnahus (and over), it is assumed that 160 children will access Barnahus and will be treated by three times as many staff members compared to the first operational year. Following this assumption, the training

costs were also tripled. From 2024 and after, it is also assumed that one-quarter of the total training costs of Barnahus staff will occur every year, as in scenarios 1 and 3.

Assumption compared to the counterfactual model: Based on the information collected by sector experts during the fact-finding mission, police officers who interview the children attend 40 hours of training courses to be able to handle cases of abuse. It is assumed that 70% of training costs would not have been incurred under current services, i.e., under the counterfactual scenario.

Awareness raising campaigns

According to data provided by the Ministry of Welfare, the cost of awareness raising campaigns was estimated to be around EUR 10 000 in 2021, EUR 27 000 in 2022, and zero onwards.

Assumption compared to the counterfactual model: It is assumed that no costs related to awareness raising campaigns would have been incurred in the absence of the Barnahus model. So, all these costs are included in the CBA model.

Premises upgraded according to the European Barnahus Quality Standards

According to the Ministry of Welfare data, around EUR 540 000 was provided in 2021 to cover costs of adapting the Barnahus facilities' renovation plans, supervision of reconstruction of facilities, and renovation of facilities. In 2022, around EUR 500 000 were provided to fully cover the supervision and renovation costs, as well as furnishing and equipment. According to the Latvian counterparts, there was a need for an additional EUR 620 000 to cover the increased costs for constructing the Barnahus facilities.

Assumption compared to the counterfactual model: All costs relating to constructing and setting up the Barnahus facilities are included in the model. Any costs relating to renting the premises or other daily expenditures, such as transportation costs, would have been incurred anyway in the absence of the Barnahus model, so they are not included in the CBA model.

Multidisciplinary interagency services

The model includes costs related to the development of the national legislative framework in co-operation with experts (EUR 18 000 split in 2021 and 2022) as well as any costs relating to running Barnahus. In particular, the model includes the salaries of a Barnahus coordinator (around EUR 25 000 per annum), administrator (around EUR 20 000 per annum), and costs relating to supervision for Barnahus staff (around EUR 5 000 per annum) as provided by the Ministry of Welfare.

Assumption compared to the counterfactual model: All costs relating to running Barnahus are taken into account in the model.

Benefits

Efficiency gains

Interview

The annual cost of interviews was calculated based on the annual income of the staff participating in the interview process. In particular, the total cost of interviews per year was calculated as the sum of the annual income of a psychologist (around EUR 20 000 per annum), the annual income of a social worker (around EUR 20 000 per annum), the contract value of three forensic experts for one year (around EUR 50 000), as well as the contract value of one (mobile) exploratory interview expert for one year (around EUR 30 000 per annum).

Under the different scenarios, the interview cost per child was calculated using the total cost of interviews per year and the number of children accessing Barnahus per year. Under scenarios 1 and 2, assuming that 40 children will access Barnahus annually, the interview cost per child was calculated at around EUR 3 000. Under scenario 3, assuming that 80 children will access Barnahus per year and will be treated by the same number of Barnahus staff as under scenarios 1 and 2, the interview cost per child was calculated at around EUR 1,500. Under scenario 4, the model assumes that 160 children will access Barnahus per year, and they will be treated by the triple number of staff compared to the staff assumed in all other scenarios. In this case, the interview cost per child was calculated at around EUR 2,500.

As one of the targets of Barnahus is to minimise the number of interviews of children and re-traumatisation, the model assumes that under Barnahus there will be one forensic interview per case, compared to two interviews per case assumed for current services (the counterfactual scenario). Additionally, due to the data available, the model assumes that the interview cost per child is the same under Barnahus and the counterfactual scenario, with differences between the two scenarios coming solely from the different number of interviews per child. The annual efficiency gains due to fewer interviews under Barnahus are calculated as the annual interview cost under current services minus the annual interview costs under Barnahus.

Treatment

The annual cost of treatment was calculated based on the annual income of the staff participating in the treatment process. In particular, the total cost of treatment sessions per year was calculated as the sum of the annual income of a psychologist (around EUR 20 000 per annum), and the annual income of a social worker (around EUR 20 000 per annum).

Under the different scenarios, the treatment cost per child was calculated using the total cost of treatment per year and the number of children accessing Barnahus per year. Under scenarios 1 and 2, assuming that 40 children will access Barnahus annually, the treatment cost per child was calculated at around EUR 1 000. Under scenario 3, assuming that 80 children will access Barnahus per year and will be treated by the same number of Barnahus staff as under scenarios 1 and 2, the interview cost per child was calculated at around EUR 550. Under scenario 4, the model assumes that 160 children will access Barnahus every year, and they will be treated by the triple number of staff compared to the staff assumed in all other scenarios. The treatment cost per child was calculated at around EUR 800.

The model assumes that the treatment cost per session under Barnahus equals the treatment cost under current services. A second assumption is that the child would receive 1.5 times the number of treatment sessions under the traditional pathway compared to the number of treatment sessions that children would receive under the counterfactual pathway. The annual efficiency gains due to fewer treatment sessions under Barnahus are equal to the annual treatment costs under current services minus the treatment costs under Barnahus.

Social benefits

Additional value of renovated premises

Following standard practice, the model considers the additional value of the renovated premises as part of the benefits generated due to introducing the Barnahus model in Latvia. The additional value equals the benefits accrued to the hospital from using the renovated premises. The model assumes that the additional value of the renovated premises equals the total renovation cost and is spread over 10 years. Since the renovation takes place during the first two years (that is, 2021 and 2022), the renovated premises will be used in 2023 and after. The model assumes that the additional value of the premises equals around EUR 165 000 per year, and these benefits materialise over a 10-year period, between 2023 to 2032.

Reduced adverse outcomes for children

Due to a lack of quantitative evidence on the impact of Barnahus on children, the model is based on international evidence on the benefits of similar programmes (such as the CAC model). The model assumes that Barnahus would help reduce children's adverse outcomes by 10%.

Based on an (Alma Economics, n.d.[1]) study, prepared for the Independent Review of Children's Social Care, the weighted average of the cost of adverse outcomes per child in need over their lifetime (aged 1-81 years old) is estimated to be around GBP 7 000 per child per year. Due to the absence of evidence on the impact of the Barnahus or similar programmes in Latvia, the model adapts this UK estimate to the Latvian context. This estimate is adapted based on the differences in the respective countries' GDP per capita as a proxy for likely cost differences. In particular, as the estimate is calculated as a 2020 real value, the model uses GDP per capita in the UK in 2020 (around USD 41 000) (World Bank, n.d.[2]) as well as GDP per capita in Latvia in 2020 (around USD 18 000). (World Bank, n.d.[3]) Thus, the weighted average of the costs of adverse outcomes per child in need over their lifetime in the Latvian context is estimated to be around GBP 3 160 per year (i.e., around EUR 3,825 per year in 2020 real values). Using the Consumer Price Index (CPI) in Latvia, (Country Economy, n.d.[4]) the weighted average of the cost of adverse outcomes for children is estimated to be around EUR 5 000 per year in 2022 real values.

Thus, based on the assumption that Barnahus helps reduce children's adverse outcomes by 10% and the cost of adverse outcomes for children is around EUR 5 000 per year, the model estimates that Barnahus would help reduce children's adverse outcomes by around EUR 500 per child per year over their lifetime.

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Towards a Child-friendly Justice System in Latvia

IMPLEMENTING THE BARNAHUS MODEL

Latvia's current National Development Plan, approved in 2020, sets out a clear vision for the Latvian justice system by 2027. This includes establishing international standards and good practices in the development of national policies to build a child-friendly justice system. This report assesses the benefits of implementing the Barnahus model in Latvia as a child-friendly and interagency one-stop shop to support children exposed to violence or abuse as well as those who have witnessed violence. It examines a whole-of-state approach to promote a justice system that is more people- and child-friendly, incorporating sound governance mechanisms. This report provides recommendations for delivering more targeted and accessible child-friendly justice services in Latvia, as well as different approaches used in OECD Member and partner countries to close justice inequality gaps.

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