



Global Initiative to
**End All Corporal Punishment
of Children**

LATVIA – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Corporal punishment is prohibited in all settings, including the home.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is prohibited in the home. Article 9(2) of the Law on Protection of the Rights of the Child (1998) states: “A child cannot be treated cruelly, cannot be tormented and physically punished, and his/her dignity and honour cannot be offended.” The Law makes “failure to discharge parental obligations ... the malicious usage of parental authority, the physical punishing of a child, as well as cruel behaviour against him/her” offences under the law (article 24(4)).

Schools

Corporal punishment is prohibited in schools under article 9(2) of the Law on Protection of the Rights of the Child (see above).

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted sentence under the Criminal Code.

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions under article 9(2) of the Law on Protection of the Rights of the Child (see above).

Alternative care

Corporal punishment is prohibited in alternative care settings under article 9(2) of the Law on Protection of the Rights of the Child applies (see above), and article 39(1) states: “A child who is taken under outside-family care cannot be humiliated, cannot be continually reminded of his/her vulnerability or dependence, or his/her dignity and honour offended in any other way.”

Prevalence research

In a 2009 survey of 1,010 respondents, 38.9% believed corporal punishment should never be used; 48.8% believed it “should not be used in general, but there are situations when it is justified”; 8.5% believed it “may be used if the parent considers that it will be effective”. In an identical survey with a similar sample in 2005, 12.1% said that corporal punishment “may be used”. Almost half (47%) of respondents to the 2009 survey believed that over 40% of children in Latvia experience corporal punishment. Results were similar in 2005.¹

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(28 June 2006, CRC/C/LVA/CO/2, Concluding observations on second report, paras. 30 and 31)

¹ Marketing and public opinion research centre SKDS (2009), *Attitude towards corporal punishment of children: survey of Latvia's population*. Part of the *Childhood Without Abuse* project, which includes studies carried out in Bulgaria, Lithuania, Latvia, Macedonia, Moldova, Poland, and Ukraine in 2005 and 2009

“The Committee welcomes the explicit prohibition of corporal punishment in the Law on the Protection of the Rights of the Child, but remains concerned that corporal punishment and other degrading practices continue to be practised within schools and in other institutions. The Committee is also concerned that while regional inspectors are mandated to investigate cases of corporal punishment, the sanctions they impose may not always be adequate, and that it is difficult to suspend or dismiss the offenders.

“The Committee reiterates its previous recommendation to ban from practice corporal punishment and other degrading practices in all settings, and to encourage the State party to strengthen measures to promote alternative forms of discipline in schools and other institutions for children, inter alia, by strengthening sanctions and bringing offenders to justice, including through the suspension of offenders from schools and institutions.”

Committee on the Rights of the Child

(21 February 2001, CRC/C/15/Add.142, Concluding observations on initial report, paras. 27 and 28)

“While noting that the Law on the Protection of the Rights of the Child of 1998 explicitly prohibits corporal punishment, the Committee expresses its concern at the still widespread use of corporal punishment, in particular within the family and in school and other institutions.

“In light of articles 19 and 28(2) of the Convention, the Committee encourages the State party to develop measures to raise awareness on the harmful effects of corporal punishment and to promote alternative forms of discipline in families to be administered in a manner consistent with the child’s dignity and in conformity with the Convention. It also recommends the effective enforcement of the ban on corporal punishment in school and other institutions.”

European Committee of Social Rights

(2007, Conclusions XVIII-2, vol.1)

“The Committee noted in its previous conclusion on Article 17 that Latvian legislation prohibits cruel, inhuman or degrading treatment or punishment of children. Persons responsible for violence against a child, for prompting or forcing it to participate in sexual activities, for abuse of a child or for involving it in prostitution are guilty of a criminal offence (Section 51 of the Act on the Protection of the Rights of the Child). The Committee further observed that the Law on the Protection of the Rights of the Child provides for an explicit prohibition on corporal punishment of children including punishment within the family.”

European Committee of Social Rights

(March 2005, Conclusions XVII-2)

“The Committee notes from another source that the prohibition on corporal punishment of children includes punishment within the family.”

Universal Periodic Review

Latvia is due to be examined under the Universal Periodic Review process in 2011.

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