

# Corporal punishment of children in Latvia

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Child population 339,000 (UNICEF, 2015)

Law reform has been achieved. Corporal punishment is unlawful in all settings, including the home.

## Prohibition 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 (art. 24(4)).

The Criminal Code punishes slight, moderate and serious intentional bodily injury (arts. 125 to 130). Where moderate or serious injury has not occurred, prosecution may be pursued under article 174, which punishes cruelty towards and violence against a minor with deprivation of liberty up to three years, community service, or a fine with probationary supervision up to three years.

In reporting to the UN Committee on the Rights of the Child in 2015, the Government stated that there are no specific state-run training or information campaigns on the prohibition of corporal punishment but many activities are undertaken more generally on children’s rights and prevention of violence against children. The Government noted its participation in the development and implementation of a project in partnership with the Council of Baltic Sea States (CBSS) focusing on implementation of prohibition and its expectation that this would enable Latvia to develop a meaningful strategy for implementation at national level.<sup>1</sup>

### Alternative care settings

Corporal punishment is prohibited in alternative care settings under article 9(2) of the Law on Protection of the Rights of the Child 1998 (see under “Home”). 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.”

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<sup>1</sup> 16 November 2015, CRC/C/LVA/Q/3-5/Add.1, Reply to list of issues, paras. 70-83

### Day care

Corporal punishment is prohibited in early childhood care and in day care for older children under article 9(2) of the Law on Protection of the Rights of the Child 1998 (see under “Home”). 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.”

### Schools

Corporal punishment is prohibited in schools under article 9(2) of the Law on Protection of the Rights of the Child 1998 (see under “Home”).

### Penal institutions

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 1998 (see under “Home”).

### Sentence for crime

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

## Universal Periodic Review of Latvia’s human rights record

Latvia was examined in the first cycle of the Universal Periodic Review in 2011 (session 11). The following recommendation was made and was accepted by the Government:<sup>2</sup>

“Adopt the necessary legislation to explicitly prohibit violence against children, including corporal punishment (Finland)”

The Government accepted a recommendation to prohibit all corporal punishment, stating that it had already been achieved: “Finally, corporal punishment is prohibited through the criminalization of domestic violence and Latvia does not see the need for specific additional legislation.”<sup>3</sup>

Examination in the second cycle took place in 2016 (session 24). No recommendations were made specifically on corporal punishment of children.

## Recommendations by human rights treaty bodies

### *Committee on the Rights of the Child*

(29 January 2016, CRC/C/LVA/CO/3-5 Advance Unedited Version, Concluding observations on third-fifth report, paras. 36 and 37)

“The Committee welcomes the amendments to the different laws aimed at protecting children from violence through increased sanctions towards perpetrators as well as the programmatic measures to prevent violence. The Committee notes the educational and awareness-raising programmes by the State party to reduce violence against children, including the use of corporal punishment. The Committee is however concerned about the:

- a) lack of a comprehensive information system on violence against children, including cases reported, investigations, prosecutions and sanctions applied;
- b) lack of detailed information regarding the response to known cases of violence, namely the 1768

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<sup>2</sup> 11 July 2011, A/HRC/18/9, Report of the working group, para. 92(14)

<sup>3</sup> 11 July 2011, A/HRC/18/9, Report of the working group, para. 89

cases reported to the helpline in 2014.

c) the limited role assumed by medical staff in identifying and reporting cases of violence against children.

“The Committee, taking note of the Sustainable Development Goal 16.2 to, inter alia, end all forms of violence against children, recommends that the State party:

a) 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;

b) promptly investigate all reported cases of violence against children, and prosecute and sanction perpetrators;

c) establish a clear procedure for medical staff to record and report cases of violence against children.”

### *Committee on the Rights of the Child*

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

“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*

(March 2020, Conclusions 2019)

“The Committee recalls that it previously found the situation to be in conformity in this respect (Conclusions 2015). It recalls that corporal punishment is prohibited in all settings, including the home.”

### *European Committee of Social Rights*

(January 2016, Conclusions 2015)

“The Committee notes from the Global Initiative to End Corporal Punishment that the law reform has been achieved. Corporal punishment is prohibited in all settings, including the home.”

### European Committee of Social Rights

(January 2012, Conclusions 2011)

“The Committee notes that the situation which it has previously found to be in conformity on this point has not changed. It notes from another source<sup>1</sup> 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 asks the next report to provide explanation....

“Pending receipt of the information requested, the Committee concludes that the situation in Latvia is in conformity with Article 17 of the Charter of 1961.”

### 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.”

## Prevalence/attitudinal research in the last ten years

An online survey of 1005 permanent residents of Latvia aged 18 to 74 found that 55% of respondents approved of relatively lighter physical punishment methods (slapping, hair-yanking, spanking, etc.), while 23% of respondents think it is acceptable to beat children with a belt or other object. The majority of respondents indicated that they used positive disciplinary methods first, with a verbal response the second most common method of discipline (included warnings, as well as shouting and swearing at the child). 84% of respondents regard swearing and verbal humiliation as violence.

41% of those surveyed had used physical punishment methods (slapping, pulling hair or ear, spanking, etc.), indicating that this happens when they lose self-control, feel tired and stressed. Those who experienced physical punishments as children were more likely to use such methods in the parenting of their children.

Survey conducted by the Consultative Section of the State Children's Rights Protection Inspectorate, in cooperation with the European Union Foundation Project No. 9.2.1.3/16/1/001 <https://eng.lsm.lv/article/society/society/latvians-rather-tolerant-toward-physical-punishment-of-children.a390821/>

A study involving 500 people aged 15 and over found that 51% thought corporal punishment should never be used – an increase from 39% in a similar survey in 2005. Thirty-nine per cent of parents said they had “smacked” their child (compared to 44% in a similar survey in 2010), 19% beaten or hit them (27% in 2010), 19% beaten them with a belt (27% in 2010) and 9% slapped their child on the face (15% in 2010).

(Nobody's Children Foundation (2013), The Problem of Child Abuse: Comparative Report from Six East European Countries 2010-2013, Warsaw: Nobody's Children Foundation)

A study involving interviews with 1,223 18-25 year olds in Latvia found that 16.4% (17.9% of females and 14.9% of males) were sometimes, often or very often pushed, grabbed, shoved, slapped or had something thrown at them and/or were hit so hard that they were marked or injured by an adult living with them during their childhood.

(Centre for Disease Prevention and Control (2012), Adverse Childhood Experiences of Young Adults in Latvia: Study Report from the 2011 Survey, Riga: Ministry of Health, Centre for Disease Prevention and Control & Nordic Council of Ministers' Office in Latvia)

A 2009 survey of 1,010 respondents found that 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" and 8.5% that 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 corporal punishment "may be used". Nearly half (47%) the respondents to the 2009 survey believed that over 40% of children in Latvia experience corporal punishment. Results were similar in 2005.

(Marketing and public opinion research centre SKDS (2009), Attitude towards corporal punishment of children: survey of Latvia's population, [www.canee.net/files/Omnibus%20research%20Latvia%202009.pdf](http://www.canee.net/files/Omnibus%20research%20Latvia%202009.pdf). 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)

A 2009 survey of 214 teachers in primary schools in Riga found that 54% believed corporal punishment is humiliating for the child and 44% believed it meant that "the parents are not good at rearing children"; 22% felt the use of "spanking" as a punishment would justify intervention by a third party.

(Nobody's Children Foundation and Center Against Abuse "Dardedze" (2009), Riga teachers' attitudes toward child abuse: Research report, [www.canee.net/files/Teachers%20studies%20Latvia%202009.pdf](http://www.canee.net/files/Teachers%20studies%20Latvia%202009.pdf). 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)

**End Corporal Punishment** is a critical initiative of the [Global Partnership to End Violence Against Children](#). Previously known as The Global Initiative to End All Corporal Punishment of Children, we act as a catalyst for progress towards universal prohibition and elimination of corporal punishment of children. We track global progress, support and hold governments to account, partner with organisations at all levels, and engage with human rights treaty body systems.