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2015



ISBN 978-615-5577-08-6

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This factsheet is based on research conducted between 2013 and 2015 within a European project on access to justice for children with mental disabilities, which took place in ten EU Member States. Full information can be found on the project website: www.mdac.org/accessing-justice-children.

April 2015

Population:	1,983,300 ¹
People under the age of 18:	358,550 ²
Children with disabilities:	No data available
Children in institutions:	1952 ³
Of which, children with mental disabilities: ⁴	824 ⁵
Date of CRC ratification:	14 April 1992
Date of CRPD ratification:	1 March 2010

Lack of an effective juvenile justice system

In Latvia, the concept of juvenile justice is not clearly defined and there is no clear philosophical understanding that would help develop this.⁶ There are no special courts for cases

that affect children, and the law provides only few special procedures for children.

Participation of children with mental disabilities and reasonable accommodations

Article 13(1) of the Protection of the Rights of the Child Law ensures the child's right to "freely express his or her opinions, and for this purpose, to receive and impart any kind of information, the right to be heard, and the right to freedom of conscience and belief". Article 13(3) also states that: "In any [...] fields, which affect the interests of the child, appropriate attention, corresponding to the age and maturity of the child, shall be paid to the opinion of the child". Despite these legislative safeguards, the provisions are not effective in the field

of justice, and particularly in cases which concern children with mental disabilities. In these cases, procedures instead involve psychologists or medical specialists to assess the child, rather than ensuring that the child is heard directly in proceedings. In administrative and civil proceedings, only children who have reached the age of 15 can directly participate (Article 72 of the Civil Procedure Law, Article 177 of the Civil Law and Article 21 of the Administrative Procedure Law). "Minors – regarding facts that testify against their parents, grandparents, brothers

- 1 At April 2015. Data available on the webpage of the Central Statistical Bureau of the Republic of Latvia at: <http://www.csb.gov.lv/en/statistikas-temas/population-key-indicators-30624.html> (last accessed 27 April 2015).
- 2 At March 2011. Data available in the online database of the Central Statistical Bureau of the Republic of Latvia at http://data.csb.gov.lv/pxweb/en/tautassk_11/tautassk_11_tsk2011/TSG11-02.px/table/tableViewLayout1/?rxid=d762f1b8-8014-457d-abbe-82068e9c3724 (last accessed 27 April 2015).
- 3 In 2012. Data available in Latvian on the webpage of the Ministry of Welfare at: <http://www.lm.gov.lv/text/2486>, (last accessed 14 August 2013).
- 4 Including 524 children with intellectual disability; 209 children with "learning difficulties" and 91 children with psycho-social disabilities.
- 5 In 2012. Data available in Latvian on the webpage of the Ministry of Welfare at: <http://www.lm.gov.lv/text/2486> (last accessed 14 August 2013).
- 6 A. Judins, "Juvenile Justice System in Latvia: Insight into Good Practice and Problems of Reforms of Juvenile Justice", (presentation, 2010) available only in Latvian at: http://politika.lv/article_files/2503/original/judins.pdf?1382680126 (last accessed 25 October 2013), p.15.

or sisters; persons whose physical or mental deficiencies render them incapable of correctly perceiving circumstances of significance to the matter; and children less than seven years of age” cannot be heard as witnesses (Article 106 of the Civil Procedural Law; Article 163 of the Administrative Procedure Law).

Nonetheless in administrative procedures a special guardian can be appointed for the child who will act in his/her best interests and represent his/her rights. Special guardians are mandated to help the child form his/her opinion and clarify the opinion of the child to the court. With regard to the effectiveness of this mechanism in administrative procedures, it would be advisable to apply it in civil cases as well.

It is necessary to develop more child-friendly proceedings and an environment to guarantee in law that reasonable, procedural and age-appropriate accommodations are provided to children

with mental disabilities. There are no special provisions on such accommodations for children in civil and administrative proceedings, although Articles 152 and 153 of the Criminal Procedure Law ensure special measures for the interview of minors in criminal cases. Article 59(5) of the Protection of the Rights of the Child Law also provides that: “if a child with special needs has been conveyed to the police, conditions for fulfilling the special needs of the child shall be ensured and if necessary a specialist can be invited to provide medical or other support to the child”. In May 2014, Regulation No. 252 of the Cabinet of Ministers on Procedures for the Police on determination as to whether the child has special needs and competent specialists should be involved, and to ensure suitable conditions satisfying the special needs of the child entered into force. Thus, police will be obliged to introduce more child-friendly procedures that will correspond to their special needs.



Legal assistance

There are no free legal clinics providing support to children with mental disabilities. If the child is younger than 14 years of age, he/she cannot be held accountable for committed crime, therefore he/she can be transferred either to court or to the administrative commissions. It is, however, not specified whether this procedure falls under the state provided legal aid scheme or not. The same question is relevant in cases which are brought

before the municipal administrative commission: in administrative cases, if the child has reached 11 years of age, but is younger than 14 years of age, she/he cannot be held accountable for the committed violation, and examination of the case has to be terminated, however the police may send the materials to a municipal administrative commission which makes a decision on the application of correctional measures.



Monitoring mechanisms

There are several bodies and authorities that perform supervisory duties (inspection, monitoring) in relation to children with mental disabilities, such as the Social Services Quality Control Department of the Ministry of Welfare, the Health Inspectorate, the State Inspectorate for the Protection of Children’s Rights, the Prison Administration and the Specialised Several Sector Prosecutor and the Ombudsman. It was noted during the course of this research, however, that the various bodies do not consistently communicate or cooperate effectively, leaving open the potential for monitoring gaps.

The most effective of these bodies appears to be the State Inspectorate for the Protection of Children’s Rights. It has a broad mandate to protect the rights of all children, and can investigate State or local government bodies, non-governmental

organisations, as well the actions of natural or legal persons. In 2012, the Inspectorate carried out monitoring visits to 7 child care institutions to assess whether the rights and interests of children with “severe mental disorders” were properly protected.⁷ Whilst the Inspectorate also has a preventive function, the other monitoring and inspection bodies only carry out investigations following a specific complaint. This is especially true in relation to the Social Services Quality Control Department of the Ministry of Welfare and the Health Inspectorate, which conduct visits when complaints are received.

The State Inspectorate for the Protection of Children's Rights, together with the Movement for Independent Living, a Latvian NGO, have developed different methods for monitoring the rights of children with mental disabilities, children who are non-verbal, and for children who use alternative methods of communication. For children with severe mental disabilities who are placed in institutions and who are non-verbal, they have developed a method of conducting 48-hour long observation, which first was used in 2013.⁸

In 2013, the State Inspectorate for the Protection of Children's Rights, with the assistance of the "Dardedze" Centre, launched a state-financed monitoring and training programme with the aim of identifying the risks of sexual abuse against children with mental disabilities. Within the framework of this programme, researchers analysed possible risks of sexual abuse in five

boarding schools for children with mental disabilities, the results of which revealed that in these closed institutions, risks of sexual abuse are higher than in mainstream schools and social care institutions where children are cared for but are educated in schools outside the institution. In the following year of the programme, experts of the "Dardedze" Centre provided special training for professionals working in the five boarding schools that had been monitored, to help them identify forms of sexual abuse. Although the training was a good initiative, to achieve real change, trainings should have been delivered systematically, in all 40 boarding schools of Latvia.⁹

Neither the State Inspectorate for the Protection of Children's Rights, nor the Ombudsman's Office monitor the rights of children with mental disabilities in the sphere of criminal justice.



Violations of the rights of children with mental disabilities are not investigated or investigations are ineffective

Findings of empirical research conducted in the course of this project revealed that rights violations, especially cases of sexual abuse of children with mental disabilities living in institutions, often remain unreported and are not effective. Even where rights violations are reported, investigations of the State Police are ineffective: processes are extremely long and investigations rarely result in prosecutions. One of the common reasons cited for this is the difficulties of gathering evidence,¹⁰ reflecting a lack of specialisation and training for investigators.

7 See Labklājības Ministrijas, Pārskats: Valsts bērnu tiesību aizsardzības inspekcijas 2012. gada publiskais pārskats [Ministry of Welfare, *The State Inspectorate for the Protection of Children's Rights Public Report 2012*] (Rīga: Labklājības Ministrijas, 2013), available at: http://www.bti.gov.lv/lat/zinas_par_iestadi/parskati_un_ataskautes/?doc=3317&page (last accessed 27 April 2015), p.1.

8 For more information on this method, see Ināra Šķestere, *Pētījums par dzīves kvalitātes izvērtējuma metodēm un instrumentiem* (1.daļa) [Study on methods and instruments for assessing quality of life, Part 1] (Rīga:Latvijas Kustība par neatkarīgu dzīvi, 2012); Tamara Vahlina, *Pētījums par dzīves kvalitātes izvērtējuma metodēm un instrumentiem* (2.daļa) [Study on methods and instruments for assessing quality of life, Part 2] (Rīga: Latvijas Kustība par neatkarīgu dzīvi, 2012) and Latvijas Kustība par neatkarīgu dzīvi, *Vadlinijas dzīves kvalitātes nodrošināšana i cilvēkiem ar funkcionāliem traucējumiem sociālos pakalpojumos* [Latvian Movement for Independent Living, Guidelines for improving quality of life of people with disabilities in social services] (Rīga:Latvijas Kustība par neatkarīgu dzīvi, 2012), available in Latvian at http://www.lkndz.lv/?n=dzives_kvalitates_vertesanas_metodologija (last accessed 27 April 2015).

9 Information gathered through an interview with the representatives of the State Inspectorate for the Protection of Children's Rights, Rīga: 21 February 2014.

10 Information gathered through a focus group discussion with representatives of state and municipal agencies responsible for protection of children's rights: 25 March 2014.

Lack of professionals trained to work for or with children with mental disabilities

Amendments to Article 5 of the Protection of the Rights of the Child Law that entered into force on 4 April 2013 oblige professionals working with children – including police officers, prosecutors, judges, professionals working at the Orphans' Courts, staff in institutions, staff in educational institutions, etc. –

to have expertise in children's rights.¹¹ Researchers were unable to identify, however, specific professional training programmes to achieve this. There are no guidelines for professionals on how to find out the opinion of child with mental disabilities or those who do not communicate verbally.



Lack of effective complaints mechanisms in institutions

There are no accessible mechanisms in institutions on how to listen to children, which would enable them to complain about violations of their rights and seek help.

All children can seek individual support by calling a Children's Hotline which was established in 2006 with the aim of providing psychological support for children and teenagers and practical advice about what to do in such situations. No statistics are available on calls initiated by children with mental disabilities.

Although children with mental disabilities, just like all children, have the right to submit a complaint to the State Inspectorate for Protection of Children's Rights, the website in easy-to-read-language is not easily accessible. The webpage of the police is not available in easy-to-read format. With regard to complaints received from children with mental disabilities, the representative of the State Inspectorate for Protection of Children's Rights said in an interview that there are few complaints, "because children with mental disabilities mostly do not complain".¹²

11 Amendments to the Protection of the Rights of the Child Law, published in "Latvijas Vēstnesis", 118 (4924), 20 June 2013, Article 59 part 4, available in Latvian at: <http://m.likumli.lv/doc.php?id=257679> (last accessed 27 April 2015).

12 Interview with the representatives of the State Inspectorate for the Protection of Children's Rights, Riga: 21 February 2014.

Statistical data

There is a lack of disaggregated statistical data on:

- the number of complaints made to the police by children with mental disabilities or their parents/carers;
- the number of child victims with mental disabilities;
- the number of children with mental disabilities participating in criminal, civil and administrative procedures;
- the number of children with mental disabilities participating in proceedings at Orphan's courts;
- the number of cases where special guardians have been appointed by the State Inspectorate for the Protection of Children's Rights according to Art 21, part 2 of the Administrative Procedure Law;
- the number of children with and without mental disabilities who received legal aid from the Legal Aid Administration; and
- the number of children with mental disabilities who received psychological support via the Children's Hotline.

