

Latvia - Intimate Partner Violence

Legal provisions on protection orders

Criminal Procedure Law, Section 253: "Prohibition for approaching a specific person or location":
(1) Prohibition from approaching a specific person is a restriction upon a suspect or accused, provided for with a decision of a person directing the proceedings, from being located closer than the distance referred to in a decision from the relevant person, from having physical or visual contact with such person, and using means of communication, or techniques for transferring information, in order to make contact with such person. (2) A prohibition from approaching a specific location is a restriction, provided for with a decision of a person directing the proceedings, upon a suspect or accused from visiting the relevant location, or being located closer than the distance referred to in the decision. (3) Approaching a specific person or location shall not be recognised as a violation of the prohibition referred to in Paragraphs one and two of this Section, if such approaching takes place within the framework of criminal proceedings, fulfilling the instructions of a person directing the proceedings.

Law on Police: Section 12. "General Rights of Police Officers": Police officers, in performing duties assigned to them in conformity with the competence of the service, have the right: 10) to arrest, on the basis of a written application, persons in a dwelling who are under the influence of alcohol, narcotic, psychotropic or toxic substances and may cause harm to themselves or persons nearby, as well as in cases when people nearby are afraid to remain alone with such a person and if there is no other basis for their arrest, as well as to keep such persons in custody at a police institution until sober or until the determination of the circumstances, but for not longer than 12 hours.

Observations

Regulating acts in Latvia do not provide an exact definition of "violence in the family"; therefore right now it is not possible to separate domestic violence from other offences. It is only possible to

right now it is not possible to separate domestic violence from other offences. It is only possible to receive information about separate offences under the Criminal Law and Administrative Violations Code of Latvia. However, the received information will not always reveal a connection with violence in the family.

In cases of violence against a woman or a minor in the family the guilty party is called to criminal liability according to different Sections of the Criminal Code, taking into account the way the crime was performed, its consequences and other features. Most frequently, the criminal process is instigated for inflicting various (heavy, medium or light) deliberate bodily injuries, (Articles 125-130 of the Criminal Law). It falls to the forensic experts to establish the degree of seriousness of bodily injury. The gravest crime against a woman is murder. Liability for murder is envisaged in several Sections of the Criminal Law. Thus, Section 116 of the Criminal Law envisages liability for murder performed due to personal relationships (jealousy, anger, revenge, etc.), during an argument, a fight and other similar cases without aggravating or mitigating circumstances indicated under Sections 117-122 of the CL. Section 117 of the Criminal Law, states murder of a woman who was raped and the perpetrator was aware of her pregnancy as murder under aggravated circumstances.

Criminal Law; Latvian Administrative Violations Code; Criminal Procedure Law: Law on Police: