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NEWS REPORT

Country:	Latvia
Title:	Implementation of the Istanbul Convention
Date:	18 January 2017
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<u>Context</u>	
Issue at stake:	Legislative proposal implementing Istanbul Convention
Ground of discrimination:	Sex
Source:	Legislation
Field:	Other
Applicable law:	Draft legislative proposal for the amendments of the Criminal Law

Content

Legislative developments: On 13 December 2016 the Cabinet of Ministers accepted draft proposals for amendments of the Criminal Law for submission to the Parliament. The draft proposal envisages more complete implementation of obligations under the Istanbul Convention.

Although Latvia has not yet ratified the Istanbul Convention, it is almost implemented in national law. The draft proposals in question envisage a number of amendments to the Criminal Law strengthening the protection against domestic and gender based violence. In particular, the draft amendments (1) widen the list of aggravating circumstances; (2) prolong time-lapse allowing initiation of criminal procedure in case a victim was minor until attainment his/her full age; (3) implements a new type of criminal offence; stalking; and (4) provides more precise and amended legal regulation on heavy, average and light bodily injuries.

The draft proposal defines as aggravating circumstance, the commitment of the crime in the presence of a minor. It introduces as new type of bodily injury - genital mutilation - and recognizes as special circumstances for causing bodily injuries to a spouse, ex-spouse, unregistered partner or a person residing in common household.

Key points of analysis: Although there was and is resistance on the part of the current Minister of Justice regarding the ratification of the Istanbul Convention, the Ministry of Justice has not stopped working on the substantial implementation of the obligations under the Istanbul Convention. The draft amendments are especially important since they envisage implementing a new type of criminal offence – stalking. It is because of the fact that the police was confronted with a number of stalking cases in quite a long period of time. However, it has so far lacked legal instruments to combat it and protect the victims properly. Second, the fact that in Latvia there are almost no inhabitants representing the cultures having a tradition of genital mutilation may demonstrate the political will to implement the Istanbul Convention and other international agreements completely.

Internet link source:

The draft proposal 'Amendments to the Criminal Law', available in Latvian at, <http://tap.mk.gov.lv/lv/mk/tap/?pid=40395922&mode=mk&date=2016-12-13> (accessed on 18 January 2017).