

Regulatory enactment

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BY-LAW OF THE STATE INSPECTORATE FOR PROTECTION OF CHILDREN'S RIGHTS

Republic of Latvia

Cabinet

Regulation No 898

Adopted 29 November 2005

By-law of the State Inspectorate for Protection of Children's Rights

Issued pursuant to

Section 16, Paragraph one

of the State Administration Structure Law

I. General Provision

1. The State Inspectorate for Protection of Children's Rights (hereinafter — Inspectorate) is an institution of direct administration supervised by the Minister for Children and Family Affairs that provides the supervision and control of the observance of regulatory enactments in the field of protection of the rights of the child.

II. Functions, Tasks and Rights of the Inspectorate

2. The Inspectorate shall have the following functions:

2.1. to supervise and control the observance of the Protection of the Rights of the Child Law and other regulatory enactments that regulate the protection of the rights of the child;

2.2. to analyse the situation in the field of protection of the rights of the child;

2.3. to ensure the operation of a hotline telephone service in the field of protection of the rights of the child;

2.4. to provide suggestions to the State and local government institutions and other institutions in order to ensure and improve the protection of the rights of the child;

2.5. to co-operate with the officials of the State and local government institutions, as well as non-governmental organisations in the field of protection of the rights of the child; and

2.6. perform other functions determined in the regulatory enactments that regulate the protection of the rights of the child.

3. In order to perform the specified functions, the Inspectorate within the scope of its competence shall perform the following tasks:

3.1. on the basis of complaints submitted by private individuals, State or local government institutions or on its own initiative shall inspect the activities of any State or local government institution, non-governmental organisation or other natural or legal person

in the field of protection of the rights of the child and shall draw up a statement of the inspection regarding the facts established during the inspection;

3.2. on the basis of the results of the inspection, provide recommendations for the prevention of violations;

3.3. ensure the record-keeping of administrative violations;

3.4. organise the training of inspectors of the Inspectorate, employees involved in the provision of the hotline telephone service operation and local government specialists for the protection of the rights of the child;

3.5. provide consultations and psychological support to children in crisis situations;

3.6. compile statistical data and the information obtained as a result of inspections regarding the observance of the rights of the child and provide recommendations to the Ministry of Children and Family Affairs for the improvement of the situation;

3.7. inform the public of the activities of the Inspectorate, the rights and duties of the child, and other topical issues in the field of protection of the rights of the child;

3.8. co-operate with foreign public administration institutions, international and non-governmental organisations, their representatives and experts;

3.9. develop and submit to the Ministry of Children and Family Affairs recommendations for the improvement of regulatory enactments in the field of protection of the rights of the child; and

3.10. perform other tasks related to the supervision and control of the observance of the Protection of the Rights of the Child Law and regulatory enactments that regulate the protection of the rights of the child.

4. In order to perform the specified tasks, the Inspectorate has the following rights:

4.1. in accordance with the procedures prescribed by regulatory enactments request and receive free of charge from private individuals, State or local government institutions the information necessary for the performance of the tasks;

4.2. in cases provided for by the Latvian Administrative Violations Code examine administrative violation matters and impose administrative fines;

4.3. form advisory expert councils in the field of protection of the rights of the child, by inviting representatives from other institutions;

4.4. if necessary, to invite employees of law enforcement institutions (for example, the police) in order to perform the tasks of the Inspectorate; and

4.5. implement other rights specified in the regulatory enactments that regulate the field of protection of the rights of the child.

III. Rights and Duties of Inspectors of the Inspectorate

5. Inspectors of the Inspectorate have the following rights:

5.1. to request private individuals, State or local government institutions to fulfil the requirements prescribed by regulatory enactments related to the provision of the function of the Inspectorate;

5.2. on the basis of a complaint or on their own initiative, if necessary, by also inviting the employees of the police institutions, to inspect the activities of any State or local government institution, non-governmental organisation or other natural or legal person in the field of protection of the rights of the child, as well as to request and receive free of charge from the institutions, organisations and persons referred to the information related thereto; and

5.3. in accordance with their competence to draw up administrative violation reports.

6. Inspectors of the Inspectorate have the following duties:

6.1. when an inspection regarding the activities of a State or local government institution, non-governmental organisation or other natural or legal person in the field of protection of the rights of the child is performed on their own initiative or on the basis of complaints submitted by private individuals, State or local government institutions and violations of the rights of the child are established during the inspection, to determine the nature and consequences of the violation, as well as to take a decision regarding the termination of the unlawful actions (or a failure to act), to inform the relevant State administrative institution, public person or local government thereof and prepare materials for the competent institutions for the taking of a relevant decision, if it has been established that officials have not complied with the requirements of laws or other regulatory enactments in the field of protection of the rights of the child; and

6.2. when an inspection is performed regarding the violations of the rights of the child on their own initiative or on the basis of a submission, to request and receive from legal or natural persons written or oral explanations or other necessary information, to invite, if necessary, employees of law enforcement institutions, to perform procedural actions, for example, audio or video recordings. When a violation of the rights of the child is established, to take a decision regarding the termination of the unlawful actions (or a failure to act), to instigate proposals to rectify the deficiencies established or to draw up an administrative violations report, or in the cases specified by regulatory enactments to prepare and submit to the competent investigation institutions materials necessary to hold the person liable as specified by law.

IV. Inspectorate Structure and Administration

7. Activities of the Inspectorate shall be managed by the head of the Inspectorate.

8. The head of the Inspectorate shall perform the functions of the head of the institution of direct administration that are specified in the State Administration Structure Law.

9. The head of the Inspectorate shall develop the internal organisational structure of the Inspectorate.

V. Ensuring the Lawfulness of the Activities of the Inspectorate and Provision of Reports

10. The lawfulness of the activities of the Inspectorate shall be ensured by the head of the Inspectorate. The head of the Inspectorate shall be responsible for the establishment and functioning of the system of internal control and examination of administrative decisions.

11. Administrative acts issued by the inspectors and actual actions may be disputed by submitting to the head of the Inspectorate a relevant submission. A decision of the head of the Inspectorate may be appealed in court.

12. Administrative acts issued by the head of the Inspectorate and actual actions may be disputed in the Ministry of Children and Family Affairs. Decisions of the Ministry of Children and Family Affairs may be appealed in court.

13. The head of the Inspectorate at least once a year shall submit to the Minister for Children and Family Affairs a report and analysis regarding the performance of the functions of the Inspectorate and disposition of financial resources.

14. The Minister for Children and Family Affairs has the right to request at any time a report regarding the performance of the tasks of the Inspectorate, as well as regarding the activities of the Inspectorate.

VI. Closing Provision

15. These Regulations come into force on 1 December 2005.

Acting for the Prime Minister,

Minister for Health

G. Bērziņš

Minister for Children and Family Affairs

A. Baštiks

<https://www.bti.gov.lv/en/regulatory-enactment>