Text consolidated by Valsts valodas centrs (State Language Centre) with amending regulations of:

22 December 2009 [shall come into force from 1 January 2010].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 898

Adopted 29 November 2005

**By-laws 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 — the Inspectorate) is an institution of direct administration supervised by the Minister for Welfare, which provides the supervision and control of conformity with the laws and regulations in the field of protection of the rights of the child and operation of Orphan's courts.

*[22 December 2009]*

**II. Functions, Tasks, and Rights of the Inspectorate**

2. The Inspectorate shall have the following functions:

2.1. to supervise and control the conformity with the Protection of the Rights of the Child Law and other laws and regulations governing the protection of the rights of the child;

2.2. to implement the supervision of the work of and methodological assistance to Orphan's courts (except the tasks specified in Chapters VII and VIII of the Law On Orphan's Courts);

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

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

2.5. to provide recommendations to State and local government institutions for provision and improvement of protection of the rights of the child;

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

2.7. to implement support measures for foster families;

2.8. to perform other functions within the scope of the competence of the Inspectorate, which are specified in the laws and regulations governing the respective field.

*[22 December 2009]*

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 upon its own initiative inspect the activities of any State or local government institution, non-governmental organisation, or other natural or legal person within the scope of the competence of the Inspectorate, and draw up a statement of the inspection regarding the facts established during the inspection;

3.2. inspect the work of Orphan's courts in ensuring the personal and property rights and interests of children and persons whose capacity to act has been restricted;

3.3. on the basis of the results of the inspection, assign to eliminate the violations established;

3.4. within the scope of the competence ensure examination of administrative violation matters, drawing up of protocols and imposing of administrative sanctions;

3.5. organise training of officials and employees of the Inspectorate and local government specialists for the protection of the rights of the child;

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

3.7. compile statistical data and information obtained as a result of inspections within the scope of the competence of the Inspectorate and provide proposals to the Ministry of Welfare for improvement of situation;

3.8. ensure making of certificates for orphans and children left without parental care;

3.9. perform accounting of foster families, provide psychological assistance and informative support to foster families, as well as training of foster families;

3.10. inform the society within the scope of the competence of the Inspectorate;

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

3.12. develop and submit proposals to the Ministry of Welfare for improvement of laws and regulations within the scope of the competence of the Inspectorate;

3.13. perform other tasks related to the supervision and control of conformity with the Protection of the Rights of the Child Law, the Law On Orphan's Courts, and the laws and regulations governing protection of the rights of the child, the activities of Orphan's courts and foster families.

*[22 December 2009]*

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

4.1. in accordance with the procedures laid down in laws and regulations request and receive the information necessary for the performance of the tasks from private individuals, State or local government institutions free of charge;

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

4.3. form advisory expert councils within the scope of the competence of the Inspectorate, by inviting representatives from other institutions;

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

4.5. to exercise other rights specified in laws and regulations.

*[22 December 2009]*

**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 laid down in laws and regulations, related to ensuring the functions of the Inspectorate;

5.2. on the basis of a complaint or upon 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 within the scope of the competence of the Inspectorate, as well as to request and receive the information related thereto from the abovementioned institutions, organisations, and persons free of charge;

5.3. to draw up administrative violation reports and to impose administrative sanctions in the cases specified in the Latvian Administrative Violations Code.

*[22 December 2009]*

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 within the scope of the competence of the Inspectorate is performed upon their own initiative or on the basis of complaints submitted by private individuals, State or local government institutions and violations are established during the inspection, to determine the nature and consequences of the violation, as well as to take a decision to terminate the unlawful actions (failure to act), to inform the relevant State administration institution, public person or local government thereof and to prepare materials for the competent authorities for taking of a relevant decision, if it has been established that officials or employees have not complied with the requirements of laws or regulations;

6.2. when an inspection is performed regarding a violation of the rights upon their own initiative or on the basis of a submission, to request and receive from legal and natural persons written or oral explanations or other necessary information, to invite, if necessary, employees of law enforcement authorities, and 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 to terminate the unlawful actions (failure to act), to instigate proposals to rectify the deficiencies established or to draw up an administrative violation report, or in the cases specified in laws and regulations to prepare and submit to the competent investigation institutions materials necessary to hold the person liable as specified in law.

*[22 December 2009]*

**IV. Structure and Administration of the Inspectorate**

7. Work 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 Welfare. A decision of the Ministry of Welfare may be appealed in court.

*[22 December 2009]*

13. The head of the Inspectorate shall, at least once a year, submit to the Minister for Welfare a report and analysis on the performance of the functions of the Inspectorate and utilisation of financial resources.

*[22 December 2009]*

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

*[22 December 2009]*

**VI. Closing Provisions**

15. This Regulation shall 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