

Delegation of Latvia

Human Dimension Implementation Meeting 2011
Working Session 16: Tolerance and Non-Discrimination II
(continued)
6 October 2011

Written comments on the statement by the US delegation

In view of the distinguished US delegation's listing of Latvia among countries, where spousal rape was not specifically outlawed and it could only be prosecuted under general rape laws, please find enclosed the respective references to the national legislation of the Republic of Latvia.

These references testify the existence of a differentiated approach to crimes committed not only by spouses, but also by close relatives, persons living in joint household etc.

*Criminal Law
Chapter V
Determination of Punishment
Section 48. Aggravating Circumstances*

(1) The following may be considered to be aggravating circumstances:

1)

*15) the criminal offence related to violence or threats of violence was committed against a person to whom the perpetrator is **related in the first or the second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household.***

*Chapter XVI
Criminal Offences against Morals, and Sexual Inviolability*

Section 159. Rape

(1) For a person who commits an act of sexual intercourse by means of violence, threats or taking advantage of the state of helplessness of a victim (rape), the applicable punishment is deprivation of liberty for a term not exceeding seven years, with or without police supervision for a term not exceeding three years.

(2) For a person who commits rape where commission is by a person who has previously committed rape or commission is by a group of persons, or who commits rape of a minor, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with police supervision for a term not exceeding three years.

(3) For a person who commits rape, if serious consequences are caused thereby, or commits rape of an under aged person, the applicable punishment is life imprisonment, or deprivation of liberty for a term of not less than ten years and not exceeding twenty years, with police supervision for a term not exceeding three years.