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

8 July 2011 [shall come into force on 3 August 2011];

12 December 2013 [shall come into force on 29 December 2013];

28 November 2019 [shall come into force on 24 December 2019].

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

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on the Restriction of Pornography**

**Section 1. Terms Used in the Law**

The following terms are used in the Law:

1) **material of a pornographic nature**– a composition, printed matter, image, computer programme, film, video or sound recording, television programme or radio programme, other material in any form or type which has no educational or informative, scientific, or artistic value to the public and in which directly, specifically and openly in a naturalistic manner:

a) genitals are completely or partially depicted;

b) a sexual act or a sexual gratification in an unnatural way, a sexual gratification by masturbation, or any other sexual activities, including imitation of the abovementioned activities, are depicted or described;

c) a sexual gratification in a violent manner, brutality in sexual activities (sadistic and masochistic activities), a sexual gratification with animals, or necrophilia are depicted or described;

11) **pornographic performance**– a performance intended for viewers which has no educational or informative, scientific, or artistic value to the public and in which:

a) genitals are completely or partially demonstrated;

b) a sexual act or a sexual gratification in an unnatural way, a sexual gratification by masturbation, or any other sexual activities, including imitation of the abovementioned activities, are demonstrated;

2) **child pornography**– a pornographic performance in which a child is involved or a material of a pornographic nature which depicts or describes a child. Any other such performance or material shall be considered child pornography which:

a) demonstrates, depicts, or describes a child who is involved in a sexual activity or who is in a sexual pose or in clothing of an obscene nature, or depicts or describes for sexual purposes a child completely or partially without clothing;

b) completely or partially depicts genitals of a person who imitates a child or depicts or describes a person who imitates a child and is involved in any of the activities referred to in Clause 1, Sub-clauses “b” and “c” of this Law or Sub-clause “a” of this Clause or is depicted in the manner referred to in Sub-clause “a” of this Clause;

c) contains realistic images of genitals of an actually non-existent child or images of an actually non-existent child who is involved in any of the activities referred to in Clause 1, Sub-clauses “b” and “c” of this Law or Sub-clause “a” of this Clause or is depicted in the manner referred to in Sub-clause “a” of this Clause;

3) **circulation of the material of a pornographic nature**– the following activities involving the material of a pornographic nature or child pornography:

a) purchase (acquisition into ownership, possession, or use) or access thereto;

b) manufacture (creation, production, reproduction in any way with any technical resources);

c) importation (physical movement in any way across the borders of Latvia from foreign countries);

d) distribution (trade, transfer for use for a fee or without a fee, demonstration in a public place, or ensuring of access in a different manner);

e) distribution in an electronic environment (trade of the material of a pornographic nature prepared in an electronic format, forwarding of the material itself or the information prepared thereon, including downloading, making public, also uploading through electronic communication networks or automated data processing systems, or making the material available otherwise at any stage of the circulation of information);

f) advertising (a communication or an event of any form or type which is related to economic activity performed for the purpose of profit-making and the objective of which is to promote popularity of the material of a pornographic nature or demand for it);

g) propagation by distributing information on this material (transfer, transmission, or offer of information regardless of the type of device for the transmission of information or ensuring of availability of the information in any other manner);

h) storage;

4) **public place**– within the meaning of this Law: any location which, regardless of the actual use or type of ownership thereof, serves for ensuring the common needs and interests of the society and which is accessible for a fee or without a fee to any natural person who is not the owner, possessor, or holder of the relevant location, paid employee or other person whose presence in the relevant location is related to the fulfilment of the work duties.

[*12 December 2013*]

**Section 2. Purpose of the Law**

The purpose of the Law is to protect persons from unwanted contact with the materials of a pornographic nature and pornographic performances, respecting the right of a person to privacy, and to preclude the involvement of children in pornographic performances and circulation of the materials of a pornographic nature.

[*12 December 2013*]

**Section 3. Application of the Law**

This Law shall, in addition to other laws and regulations, prescribes the requirements for the circulation of the material of a pornographic nature and for the operation of individual places of entertainment, and for the organisation of events.

[*12 December 2013*]

**Section 4. General Restrictions**

(1) Child pornography as well as attending and public demonstration of such pornographic performance and circulation of such material of a pornographic nature which involves sexual activities of a person with an animal, necrophilia, or sexual gratification in a violent manner is prohibited.

(2) It is prohibited to involve a child in a pornographic performance and the circulation of the material of a pornographic nature, including to ensure access of a child to a pornographic performance, the material of a pornographic nature, and child pornography, and also to allow that the abovementioned materials are available to the child.

(3) Circulation of the material of a pornographic nature which has been acquired against the wishes of a person and demonstration of a pornographic performance in which a person has been involved against his or her wishes is prohibited.

[*12 December 2013*]

**Section 5. Restrictions on Manufacture**

The manufacture of films of a pornographic nature as an economic activity performed for the purpose of earning profit shall be allowed to a film producer registered in accordance with the procedures laid down in laws and regulations.

**Section 6. Restrictions on Distribution**

(1) Trade in the material of a pornographic nature, demonstration thereof in a public place, or transfer for the use for a fee shall be allowed in places which have been agreed upon with a local government. Access to such places is prohibited to a child. The council (board) of the local government shall determine the procedures for coordinating the relevant locations and the documents to be submitted for coordination.

(2) In order to ensure public order, the protection of the rights of other persons and to maintain public morals, the local government, when deciding on the coordination of the locations for the performance of the activities referred to in Paragraph one of this Section, may refuse coordination or provide for the conditions for the performance of these activities at the relevant locations.

(3) The provisions of Paragraph one of this Section shall not apply to the distribution of the material of a pornographic nature in an electronic environment, and also to the trade in the material of a pornographic nature referred to in Section 1, Clause 1, Sub-clause “a” of this Law or the transfer thereof for the use for a fee in a bookshop or such point of sale which is intended and equipped, in a fixed manner, for the distribution of publications.

(4) In trading, transferring for the use for a fee, or otherwise ensuring the availability of the material of a pornographic nature referred to in Section 1, Clause 1, Sub-clause “a” of this Law in a bookshop or such point of sale which is intended and equipped, in a fixed manner, for the distribution of publications:

1) visual information on the distribution of the material of a pornographic nature and the relevant material of a pornographic nature shall be placed in a stand at a height of at least 165 centimetres above the floor of the relevant premises;

2) the material to be distributed shall be packaged in such a way that it may not be freely seen through;

3) the material to be distributed on the external surface of which the material of a pornographic nature shall be placed in a non-transparent packaging.

(5) Distributors of films of a pornographic nature, places of distribution thereof, and the relevant film shall be registered for a specified fee in accordance with the procedures laid down in laws and regulations.

[*12 December 2013*]

**Section 7. Restrictions on Distribution in an Electronic Environment**

(1) It is prohibited to distribute the material of a pornographic nature or information on availability of such material in an electronic environment to an indeterminate circle of recipients or in cases when the consent of the addressee has not been received.

(2) In distributing the material of a pornographic nature in an electronic environment or information on availability of such material, the distributor thereof shall, in accordance with the provisions of Paragraph three of this Section, ensure the option of declining future consignments and warning of the recipient that the relevant material is of a pornographic nature.

(3) In cases where information society services are provided, the Law on Information Society Services shall determine the duties and responsibility of intermediary service providers in respect of the distribution of the material of a pornographic nature.

[*12 December 2013*]

**Section 8. Restrictions on Advertising**

It is prohibited to advertise the material of a pornographic nature. This restriction shall not apply to the locations referred to in Section 6, Paragraph one of this Law, and also advertising in an electronic environment. The provisions in Sections 4 and 7 of this Law shall be applied to advertising in an electronic environment, and also the requirements of other laws and regulations shall be conformed to.

[*12 December 2013*]

**Section 9. Special Use**

(1) The prohibitions or restrictions specified in laws and regulations shall not be imposed on the circulation of the material of a pornographic nature if it is used for the following purposes:

1) the process of education, for scientific, research, or medical purposes;

2) in specialised sectors of literature, and also in libraries of the relevant sectors (in specialised libraries);

3) law enforcement institutions and courts – for the performance of the tasks specified in a regulatory enactment;

4) insofar as it is necessary for a State or local government authority – for the performance of the tasks specified in a regulatory enactment.

(2) The prohibitions or restrictions specified in laws and regulations for the circulation of child pornography shall not be applied only in the cases referred to in Paragraph one, Clauses 1, 3, and 4 of this Section.

[*12 December 2013*]

**Section 10. Expert Commission**

[8 July 2011]

**Section 11. Restrictions on the Activities of Individual Places of Entertainment and on the Organisation of Events**

(1) In order to ensure public order, protection of the rights of other persons and to maintain public morals, the Cabinet shall determine restrictions to be complied with in the activities of such places of entertainment and the organisation of such events which are related to a deliberate demonstration of entertainment of a sexual character, including pornographic performance, and also the coordination procedures for the relevant places and the documents to be submitted for coordination.

(2) The places of entertainment and the event venues at which the deliberate demonstration of the entertainment of a sexual character, including pornographic performance, takes places shall be coordinated with a local government. If it is necessary for the ensuring of public order, the protection of the rights of other persons or public morals, and also in other cases specified in an external regulatory enactment, the local government may refuse coordination of the relevant place of entertainment or event venue or provide for the conditions for the activities of the abovementioned locations.

[*12 December 2013*]

**Section 12. Administrative Offences in the Field of the Restriction of Pornography**

For violating the provisions for the demonstration of a pornographic performance or other provisions for the restriction of entertainment of a sexual nature, or for violating the provisions for the circulation of the material of a pornographic nature, a fine from twenty-eight to seventy units of fine shall be imposed on a natural person but a fine from two hundred and eighty to seven hundred and twenty units of fine – on a legal person.

[*28 November 2019 / Section shall come into force on 1 July 2020. See Paragraph 3 of Transitional Provisions*]

**Section 13. Competence in Administrative Offence Proceedings**

Administrative offence proceedings for the offences referred to in Section 12 of this Law shall be conducted by the State Police and municipal police.

[*28 November 2019 / Section shall come into force on 1 July 2020. See Paragraph 3 of Transitional Provisions*]

**Transitional Provisions**

1. Until 1 November 2007, the performance of such activity referred to in Section 6, Paragraph one of this Law as economic activity with the purpose of earning profit which has been commenced up to 1 June 2007, and also the activity of such places of entertainment referred to in Section 11, Paragraph one of this Law as economic activity with the purpose of earning profit which has been commenced up to 1 June 2007 shall be permitted. In order to continue the abovementioned activities after 1 November 2007, they shall be coordinated in accordance with the provisions of this Law.

2. The Cabinet shall:

1) [8 July 2011];

2) by 1 October 2007, issue the regulations referred to in Section 11, Paragraph one of this Law.

[*8 July 2011*]

3. Sections 12 and 13 of this Law shall come into force concurrently with the Law on Administrative Liability.

[*28 November 2019*]

**Informative Reference to European Union Directive**

[*12 December 2013*]

The Law contains legal norms arising from Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

The Law shall come into force on 1 June 2007.

The Law has been adopted by the *Saeima* on 3 May 2007.

President V. Vīķe-Freiberga

Rīga, 24 May 2007