



Exchange of good practices on gender equality

Measures to fight
violence against women
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Measures to fight violence against women in Latvia

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1. Introduction

When association Skalbes opened the first 24/7 Crisis helpline in Latvia the problem of violence against women was acknowledged as it was a taboo in society. During these years mental health professionals, law enforcement bodies, state and non-governmental organisations had made a huge input to fight violence against women. But we have to admit that still part of the society considers domestic and/or gender-based violence as a problem of victim which results in still high stigmatisation and male dominance.

1.1. Economic and social circumstances

Population of Latvia: 2,254,834

Female population: 1,214,549

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified: 1992

CEDAW Option Protocol ratified: No

Council of Europe Convention on preventing and combating violence against women and domestic violence: not signed nor ratified.

Traditionally women always have had an important role in the labour market and society in Latvia, but patriarchal role model is strong in the society – traditionally men have higher positions and salaries even if their education level or experience is lower than that of women.

Regarding data on economic level and comparing to other EU Member States gender pay gap is not so high in Latvia – women's gross hourly earnings were 16.2 % below those of men in 2010 in the European Union and 15.5% below those of men in Latvia.¹ Most countries also provide information for the public sector - among the countries for which data are available, the highest pay gap was observed in Finland (20 %) and the lowest one in Latvia (-4 %).² Women on the boards of enterprises were 26% in 2012 which is only 1% below leader state Finland.³ But women in Latvia are facing reality to be the only provider for the family due to high divorce rate (531 divorce on 1000 marriages in 2011); high rate of suicide (435 registered suicides in 2010, 374 of them were committed by men which was 3rd highest in EU) and high rate of alcohol use (28% of death causes for men are results of immoderate drinking in 2011 which was highest rate in EU) what makes them more vulnerable to violence at workplace for example as they cannot risk of losing job. Women are facing higher poverty risk as they are working part time more often, caring for children, more prudent in starting business and getting support for it. More than 50% of victims revealing they are not ready to leave violent relationships because of financial dependence - on one hand there is better

¹ <http://www.ir.lv/2013/3/1/infografika-latvija-sieviesu-un-viriesu-atalgojuma-valda-nevienlidziba>

² http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Gender_pay_gap_statistics

³ http://ec.europa.eu/justice/gender-equality/files/women-on-boards_en.pdf

statistics on gender equality at workplace, but on the other hand a lot of victims cannot free themselves from violent relationships or violence at workplace because of economic situation.

1.2. Legal background

Domestic violence in Latvia is directly and indirectly covered under the national criminal law. The Criminal Code of the country presents some provisions in numerous sections that may be applied to domestic violence. Additionally, the Criminal Code includes Chapter 17 on Criminal Offenses against the Family and Minors. The Criminal Procedure Law also addresses the issuance of detention orders, among others. The laws addressing domestic violence are not gender specific and there are no specific laws on violence against women. The law regarding protection orders is into force since 2006 (Criminal Process Law, Chapter 253), but it is applied rarely and not effectively in cases of domestic violence, but more often in cases of professional crimes.

In 2012 the Ministry of Welfare has presented a Plan for Enforcing Gender Equality 2012-2014 which includes 4 priorities:

- minimising gender roles and stereotypes;
- promoting healthy and environment friendly lifestyle for women and men;
- promoting economic independence and equal opportunities in the labor market for women and men;
- monitoring and evaluation of gender equality policies.

The evaluation document will be presented in 2015.⁴

1.3. Institutional background

In terms of fighting violence against women Latvia doesn't meet the Council of Europe Taskforce Recommendations: there is no national women's helpline in Latvia. There are no women's shelters in Latvia. Based on Council of Europe Taskforce Recommendations, approximately 225 shelter places are needed in Latvia. Thus an estimated 225 shelter places are still missing. There are no women's centers for survivors of sexual violence. Based on Council of Europe Taskforce Recommendations, approximately six women's rape crisis centers are needed in Latvia. Thus six centers are still missing⁵.

The state provides free social rehabilitation to minor victims of violence – up to 10 psychological consultations or up to 6 months in institution. The social rehabilitation programmes of major victims and perpetrators due to economic crisis were postponed till 2015 as there were no finances in amount of 229 thousand Latvian lats. According to the law a state compensation to the victims of the crime is provided through Legal Aid administration – in cases of death of the person, violated sexual inviolability, severe or moderate bodily injuries, but there is no statistics in how many cases that was violence against women. (There were 181 decisions on compensation in 2012; <http://www.jpa.gov.lv/statistika-eng>).

⁴ <http://polsis.mk.gov.lv/view.do?id=3878>

⁵ <http://www.wave-network.org/country/latvia>

The report on human trafficking in 2012 shows that Latvia is a source and destination country for women subjected to sex trafficking and a source country for women, men, and children subjected to sex trafficking and forced labor. Latvian women are forced into prostitution in Italy, Spain, Ireland, Cyprus, Greece, the Netherlands, the United Kingdom, and Germany. Latvian men and women have been subjected to conditions of forced labor in the United Kingdom and Italy, and there were reports that Latvian men may have been subjected to conditions of forced labor in Sweden. Latvian women in brokered marriages in Western Europe, particularly Ireland, were vulnerable to domestic servitude and sex trafficking. Adult Latvian women are subject to internal sex trafficking. In prior years, there were unofficial reports that some Latvian teenage girls were subjected to sex trafficking within the country.

The government continued to improve its anti-trafficking efforts, including by developing criteria for the identification of labor trafficking victims, by improving mechanisms to ensure that the foreign ministry referred trafficking victims to state funded care, and by strengthening efforts to address sham marriages, which create a vulnerability to trafficking. The Latvian anti-trafficking working group provided strong leadership of the government's anti-trafficking policy and enhanced transparency of the government's efforts through reporting. The government increased its funding for NGO-provided victim assistance.

The Government of Latvia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.⁶ Resource center for women is providing a hot-line for human trafficking victims and information support about safe work abroad which operates on working days 10.00-18.00.

Meanwhile there is one 24/7 help-line operated by association Skalbes and providing emotional support and information about help in Latvia. In 2012 help-line received 874 calls about violence (12% of all calls) – 508 calls were about emotional violence, in 208 calls physical violence was reported and in 84 calls – sexual violence. In 255 calls sustained violence was reported and in 120 calls a caller expressed fear that violence could repeat.

Various NGOs are offering emotional, psychological, psychotherapeutic and legal help to victims of violence. As most NGOs are financially insecure and are planning their activities according to accessible funding through, for example, ESF and EEZ grants the help and support to victims of violence is sporadic and there are considerable problems with the sustainability of support mechanisms. As project funding is granted for innovative ideas and interventions the NGOs meet difficulties providing basic support for victims of violence.

There is one specialised women's NGO in Latvia - resource center for women "Marta" offering counseling, information and advice, independent domestic violence advice, legal advice and court accompaniment (www.marta.lv). There are few crisis centers where women and their children can have a living place and support services, but there is a different situation for women without children – even if they are victims they cannot have a service of shelter or crisis center.

⁶ <http://www.state.gov/documents/organization/192596.pdf>

2. Policy debate and measures

On May 18, 2011 the European Commission announced the Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters. Moreover, the European Convention on preventing and combating violence against women and domestic violence, though still not signed nor ratified by Latvia, sets an obligation of Member States to provide an opportunity for a person to demand to stop violence or stalking within civil suit.

Thus, on March 12, 2013, the Cabinet of Ministers approved amendments to the Civil Procedure Law, and relevant other acts as Criminal Law, Law on Orphan's Courts, Law on Police, and Law on Child's Rights Protection. These amendments provide a right of a person suffering from violence or stalking ask a court on her/his own initiative, or ask protection of Police, to take appropriate protection measures against the perpetrator within civil proceeding.

The amendments mentioned above provide that personal rights on life, freedom, integrity of an individual, health, sexual integrity, and integrity of personal life, housing and correspondence of a person suffered shall be protected by terminal protection measures. Such measure, for example, can be a prohibition for the perpetrator to approach or communicate with the victim, as well as order for the perpetrator to be removed from the housing, and a prohibition to approach, return to, or stay in a housing which is permanent residence of the perpetrator or victim. Such protection measures shall be imposed by Court.

This is a completely new approach to protect victims' rights on integrity, since yet the only protection measure – protection order - for the victim of domestic violence was applicable under Criminal Law within criminal procedure. However, the majority of domestic violence victims usually do not initiate a criminal procedure, unless they have suffered from severe injuries. Now, the protection measures invented by these amendments will safeguard domestic violence victims during the civil suits regarding family matters such as divorce, custody over children, meeting rights with children.

At the moment, the block of amendments has been accepted by the Cabinet. To become a Law in force they must be approved by the Parliament. It is planned that Amendments regarding personal protection measures within civil procedure will come into force by January 1, 2014.

In Latvia at the moment the preventive measures imposing certain prohibitions on a suspect or on an accused person can be taken only under criminal proceedings. Since the international treaties provide specific coercive preventive measures to protect victims of violence, the Government has acknowledged the need for preventive measures in other proceedings than criminal ones.

Thus, the Steering Group under the Ministry of Justice has drafted the „Concept on coercive preventive measures”, which is a policy planning document, and still has to be approved by the Cabinet of Ministers, while the specific procedures and funding details shall be agreed with the Ministry of Finance before final approval.

The Concept introduces a completely new approach of coercive measures applicable by local and governmental institutions to prevent the violence and its causes. It is planned that relevant legal acts necessary to implement the concept shall be drafted by February 2015, and more specific legal documents regulating

technical and methodological issues by July 2017. This means that to become a law in force, these legal acts concerning coercive preventive measures shall pass through complete process of legislation, from approval by the Cabinet to adoption through three readings in the Parliament.

The aim of the Concept is to change the focus from consequences of violence to the prevention of causes and acts of violence. It is planned that coercive preventive measures, which include supervision measures of the person, such as prohibition to approach particular places, prohibition to contact or approach a particular person or group of persons, or obligation to participate in social rehabilitation, rehabilitating protection and preventive security deposit. It is planned that persons who shall be subject to coercive preventive measures are at least 11 years old individuals causing the risk of violence like threat to life, health, freedom or sexual integrity towards other persons.

The Concept provides that municipalities shall be in charge of establishing and maintaining a multi-disciplinary body, consisting of professionals from various institutions, for example, state and municipal police, social services, orphan's court, probation service, and other experts. This body shall be the authority which decides on applicable measures towards individual who can be at risk of violent behaviour, while police bodies shall supervise how the aggressor respects the coercive prevention measures applied.⁷

3. Transferability issues

As state support to reducing violence against women is limited till 2015 this is a good time to study the experience of other EU countries and to aggregate examples of good practices.

Regarding providing the emotional support helpline for adults (EU unified number 116123) the negotiation between the Ministry of Health and association Skalbes have begun. As association Skalbes already provides a helpline 24/7, the state support would be needed to make it toll free and to modernise the technical means. Till now it is non-specified helpline and offers emotional support, information support and also some basic legal information on domestic violence (DV). There is no information on specific helpline for victims of gender violence free of charge what could be provided from state services or NGOs. Due to economic situation this would be a compromise but victims of violence could acquire guaranteed qualitative emotional support and information in Latvian, Russian and English free of charge which would be very important as victims of violence often meet economic and financial difficulties. Taking into account that the population of Latvia is just over 2 million it is not likely to happen that there would be state support to several help-lines free of charge. But following the example of Spain's 016 helpline it would be very important to have this helpline interconnected with emergency lines in order to refer calls in emergency cases, as well as tracing information on phone bills. Anonymity and confidentiality are keystones for a successful provision of services to DV victims via the helpline.

There have been various attempts to gather all the information about DV, support services and legal background. The last attempt is a webpage designed for victims

⁷ http://www.tm.gov.lv/lv/jaunumi/tm_info.html?news_offset=1

and their families, but not specifically DV victims. It covers different information on different topics: how to recognise violence and how to stop violence, where to get help etc. We can agree with the Spanish colleagues that it is hard to make the website easy to find, not regarding all the options how to do it. The same applies to evaluating how many victims or their family members and friends are using this website to acquire information. On the other hand such a website is a powerful tool to educate on DV and to give information when needed and 24/7 is reachable from every spot in the world in native language. There are always doubts how many victims can get their access to internet. In Latvia every public library has a free internet spot; it can be also a safe place to search for such information as it is out of the house and perpetrator cannot trace it out.

The telematic tracking is not used in Latvia but it has been discussed on several occasions how to ensure victims safety. The police forces are actually not very effective in protecting victims of domestic violence often referring that DV is a family matter. Such a tool as telematics tracking could be very useful for victims, but most probably rarely used by the system of justice as is the case with the tool of protection orders. It is a consequence of low level of education about DV and gender based violence amongst policemen, judges and prosecutors. Numerous initiatives are undertaken to educate these professionals on different aspects of DV, gender based violence, victim needs etc. Along with growing comprehension tools like telematic tracking could be successfully used.

The programme of Ireland is a good example of coordinated response to the problem of domestic violence from the state and non-governmental sectors because the cooperation is the weakest point in Latvian situation. Social rehabilitation in the form of support and behaviour changing groups for perpetrators could be a good initiative of joining forces of governmental and non-governmental sector. There are different initiatives from NGOs which are learning how to work with violent men through different cross-border projects, for example, Danish NGOs are delivering their experience to Latvian, Lithuanian, Russian and Belorussian partner NGOs. Support groups are organised and the service is accessible for about a year. But project activities are short term initiatives without a proper continuity because of lack of financial means as NGOs cannot always guarantee the possibility to provide the service after the project ends.

The Ministry of Welfare is designing a state strategy for work with perpetrators and has organised 2 experimental support groups for perpetrators in 2012 through State Probation service and Social service. But these 2 sectors aren't cooperating and there is a low exchange of information on programmes, outcomes and implementing of good practices. The Ministry of Welfare is working on a scheme how these state programmes for rehabilitation of perpetrators will work, but there is no information that NGOs are participating in this process. Regarding transferability the model of cooperation with a common aim is one to look at and to follow, only then the good practices could be implemented and there would be a common approach.

Other topic of interest could be work with changing stereotypes of domestic violence and perpetrators' behaviour. The work with the society has been continuing for more than 30 years in Ireland and still there are questions how to do it better, how to lessen the stigma and develop a united strategy so that both the perpetrators and the victims get help, and how to motivate men to get help (less than 300 men perpetrators participating in groups per year). We would be very interested in practical examples of ways how to address this topic in society and especially to the perpetrators and the victims of domestic violence; what kinds of advertisement work

the best and which do not work etc.; which approaches (personal responsibility of perpetrators or mandatory participation) work the best.