

Provision for the Needs of Crime Victims:

Support to Prevention
of Victimisation in
Latvia

2013



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1. Protection of victims' rights as an inter-institutional preventive phenomenon and its role in the national policy of rights in general

The system of criminal justice – legal enactments regulating the field, and respective authorities and law enforcement institutions – is one of the elements forming a stable society. At the moment of a criminal offence committed, the system should be able not only to react, namely, interrupt the violence, find the offenders, hold the offenders liable in accordance with the legislation, and impose and execute the punishment, but also to restore the same legal balance for all the parties as it was before the crime. Looking at the criminal act only as to the conflict between the particular offender and the state then the interruption of the illegal act, conviction of the suspect and execution of the sentence is a sufficient state reaction to a criminal offence. However, every criminal act involves two parties: a person who has committed a crime and a person whose rights have been illegally violated in case of a criminal offence¹: the offender and the victim (or victims). Looking from this point of view it is possible to formulate a question – what should the national criminal justice system react to in order to react adequately – to the crime or to the fact that a person has suffered from the other person's illegal acts? Considering that the crime is not only a violence of a particular legal norm but simultaneously also an invasion of a person's rights as a result of which the person has suffered emotional, physical or material damage, then there are reasonable grounds for believing that the state is responsible not only for the restoration of legal justice but also of social justice. In this case, justice will not be restored only by declaring the offender guilty of the crime committed but also by ensuring the recovery of the social functions of the victim – emotional balance, physical health and property.

Facts analysed in this Project and the research demonstrate that in fact there is a large number of victims in Latvia²– over the past five years almost every second inhabitant has become a victim of a crime and more than a half of the victims have not received any support or help, although there has been a need for that³. Jan van Dijk⁴, professor at the University of Tilburg, has described the situation in victim support: “If the criminal justice systems of the world were private companies, they would all go out of business, because half of their main customers – that is, the victims of crime – are dissatisfied with their services”⁵. This situation has arisen due to the fact that the criminal justice instruments – the laws regulating the field and the responsible authorities and law enforcement agencies – do not consider their aim and priority the restoration of justice but rather the punishment of the offender, thus leaving the main customer – the victim – in the background. Therefore, the victim serves to the aim of criminal justice system – to punish the offender – more than the justice system serves to the victim, restoring his or her rights in

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1 Author's note: by this, only such violations of legal norms are meant where the victim is a certain natural person, but not any other type of interests protected by law.

2 Author's note: see chapter 3.6. of this research.

3 Ibid.

4 Jan Van Dijk, <http://www.tilburguniversity.edu/webwijs/show/?uid=jan.vandijk> [Consulted on 9.05.2013]

5 TENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS, Offenders Have Rights . . . But Do Victims?, <http://www.un.org/events/10thcongress/2088a.htm> [Consulted on 9.05.2013]

the proceedings. Due to this reason, several countries consider it to be important to define the objectives of criminal justice in the order of priority:

- 1) *Implement crime prevention*, in order not to make individuals victims and offenders as a result of an offence;
- 2) *Protect the rights of the society at large and of each individual* – interrupt an on-going criminal offence;
- 3) *Restore justice (rule of law)*, providing for the necessary support and protection to the victims of crime, their relatives and crime witnesses;
- 4) *Hold liable those persons, who have committed crimes*;
- 5) *Support the convicted offenders* when they return to the community so that they can become law-abiding members of the society.

The abovementioned priorities lead to conclude that the system of criminal justice is in fact a broader term than criminal proceedings: criminal justice system needs to include both preventive measures and reactive measures in order to interrupt a crime and impose a punishment, as well as support mechanisms for the victim and the offender, too. If any of the components are weak or do not work effectively there is no reasonable ground for believing that the criminal justice system can reach its objectives – to maintain public order, security and protect rights of a person to a wholesome life. Both the victim and the offender have these rights equally. It means, if an offender has the right not to be subject to arbitrary arrest, the right to counsel, the presumption of innocence, the standard of proof, the right to a trial by an independent court, the right to give and call evidence, the right to appeal – in that case the rights of the victim have to be exercised in practice as well: the right to be treated with respect and recognition, the right to be referred to adequate support services, the right to receive information about the progress of the case, the right to counsel, the right to protection of physical safety and privacy, the right of compensation, from both the offender and the state⁶.

Taking into consideration the mentioned, there is no reasonable ground for believing that the provision of the victim's rights starts or ends with the criminal proceedings. The process of restoring justice in fact expands over the limits and aims of traditional⁷ criminal proceedings. Therefore, in order to restore justice it is not enough to complete the criminal proceedings: the restoration of justice and rule of law for the victim and the offender is not completed in the prison or court but with the restoration of legal balance (including health, material losses and other harmful consequences) for the victim and integration in the community. In order to ensure that, state institutions for rights protection have to establish a complex cooperation network with local municipalities, social services providers, other institutions and organizations, working together to restore justice and rule of law in an inter-institutional environment.

Victim support system to be successful, it needs to be based on an inter-institutional

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6 See more information at: <http://www.un.org/events/10thcongress/2088a.htm> [Consulted on 9.05.2013]

7 Author's note: the term „traditional” describes the process that was considered sufficient until now.

cooperation model where the institutions involved emphasize not the division of functions among themselves but the development of such cooperation methods where all the institutions of the victim support system could work together – it means that instead of the victim sent around from one institution to another the institutions themselves “gather around” the victim⁸. Thus, the possibility is ensured to plan and exercise preventive measures in order not to let the persons become victims or offenders, to follow the rights and needs of both parties in the criminal proceedings, to impose a sanction for the offender that launches his or her resocialization⁹ and inclusion in the community, to restore justice and rule of law – to prevent the damage caused to the victim by the criminal offence and reduce its consequences.

Victims’ rights in relation with criminal justice are closely connected to a number of fundamental human rights¹⁰, stipulated both in the Constitution of the Republic of Latvia (Satversme)¹¹ and in international legal acts¹². In the majority of European countries the rights of the victim are defined in national legal acts therefore the actual volume of the victim’s rights may differ in details from country to country¹³, but the basic principles and rights remain invariable. The victim has to be ensured the following rights¹⁴:

- 1) *to participate actively in the criminal proceedings* (to attend all procedures of the criminal proceedings that are related to the protection of the victim’s interests, including those proceedings at which the defendant has the right to be present; to be present at the legal proceedings and the court hearing where the decision is made about the offender’s release on parole. The victim must be informed in a way that the victim understand which procedures and how he or she is eligible to participate;
- 2) *to ask and obtain the compensation* (usually the victim has rights to ask for the compensation both from the perpetrator and the state, in many countries it is regardless of whether the offender is identified or not. The amount of the compensation may differ in relation to the severity of the damage and the consequences of the criminal offence. If the victim has deceased, the rights for the compensation belong to his or her family members. The police has a duty to explain the procedure and way of obtaining the compensation to the victim);
- 3) *to be heard* and participate in the court proceedings (the rights to be heard are one of the

8 Compensation Mechanisms for Victims in the Criminal Proceedings in the European Union. Development of compensation mechanisms in Latvia. Summary. Available in Latvian – Mehānismi cietušo kompensācijai kriminālprocesā Eiropas Savienībā. Kompensējošo mehānismu attīstība Latvijā. Kopsavilkums, http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Kopsavilk.Meh.ciet.kompens.pdf [Consulted on 10.05.2013]

9 Resocialization – actions of social behaviour correction and rehabilitation of a person in order to turn the offender away from the crime and enhance law-abiding behaviour.

10 Francesca Klug, Centre for the Study of Human Rights, LSE, June 2003. Human Rights and Victims, http://www.lse.ac.uk/humanRights/articlesAndTranscripts/Human_rights_victims.pdf [Consulted on 10.05.2013]

11 The Constitution of the Republic of Latvia (LR Satversme), Chapter VIII, Fundamental Human Rights, <http://likumi.lv/doc.php?id=57980> [Consulted on 10.05.2013]

12 International Recognition of Victims’ Rights, <http://hrlr.oxfordjournals.org/content/6/2/203.short> [Consulted on 12.05.2013]

13 Compensation Mechanisms for Victims in the European Union. Available in Latvian – Mehānismi cietušo kompensācijai Eiropas Savienībā, http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Meh.ciet.kompens..pdf [Consulted on 10.05.2013]

14 Rights of the Victim, http://ec.europa.eu/justice/criminal/victims/rights/index_en.htm [Consulted on 10.05.2013]

victim's most important rights in the criminal proceeding, the execution of these rights enables the victim to protect his or her interests. This type of participation is the main tool for the victim to participate actively in the criminal proceedings. The victim has the right to speak at the hearing and express his or her personal opinion to the parties of the proceedings about the impact of the crime on him or her. The court takes the victim's explanation about the crime consequences and opinion about the punishment into consideration in the judgement. In many countries, with the acceptance of the victim, the assessment of the victim's situation/damage caused is made and submitted to the court in the form of a report. Submission of the report does not limit the right of the victim to make an oral statement expressing his or her opinion);

- 4) *to be informed* about the process of the criminal proceedings and receive information about the available legal aid and other types of support (the injured party has the right to be informed about the decisions made in the criminal proceedings, whereas the person directing the criminal proceedings have the obligation to inform the victim about the following: the fact of the arrest of the suspect, contents of accusation, release of the suspect from the pre-trial detention, dismissal of charges regulated by law, trial dates and times, punishment imposed to the offender and its requirements, parole release or community supervision of the offender, appeal and cassation procedures, offender's pardon or commutation of sentence, cancelled or rescheduled court hearings, offender's final release from confinement or a mental institution);
- 5) *to protection* against intimidation and harassment, including persecution, tracking and tracing, and other forms of coercion. The victim has the right to be noticed about what measures of protection are available. Measures to protect victim take various forms in relation to the particular victim's needs for protection: police escort to and from court (a); secure waiting areas for the victim in order not to meet with the accused, witnesses, their family or other people arrived to the court hearing (b); witness protection programmes (c); possible special residence relocation for the time of threat (d); no contact orders for the defendant or limited contact of other persons with the victim if it may present a danger to the safety of the victim (e) and other;
- 6) *to compensation* or restitution from the perpetrator (the victim has to be eligible to ask and receive back the property stolen or the compensation covering the losses of the stolen property, or get the property repaired that has been damaged in the course of the crime; the court have the authority to order the such requirement as an obligation within the offender's sentence; in the majority of countries the victims have the rights to obtain the compensation for the damage caused by the crime both from the state and from the perpetrator, particularly in cases of violent criminal offences. The victims have the rights to additional coverage of expenses in cases if the victim has suffered losses directly relating to the crime (for instance, the victim is not able to work constantly or temporary and other), expenses related to medical services and medication, health counselling; travel costs related to participation in the criminal process; lost or damaged property; insurance deductibles and other material losses);
- 7) *to return of property* seized and held as evidence (in many countries it is stated that the

victims have the right to return of stolen or personal property seized for evidentiary purposes in criminal proceedings thus being limited for victim's usage);

- 8) *to adjudication within a reasonable time* (it is considered that the adjudication within a reasonable time is in the interests of the justice system, victim, offender and the society at large. However, some jurisdictions¹⁵ have given priority related to a speedy trial to certain groups of victims, for instance, children or youth, elderly people or people with special needs. In certain jurisdictions the right to the disposition of the case free from unreasonable delay is defined as the right to a speedy trial which should be considered a term narrower than the "adjudication within a reasonable time"¹⁶).

Taking into consideration the abovementioned, there is a reasonable ground for believing that the victim, as well as the offender, is the customer of criminal justice. Criminal justice has different objectives concerning each of these customers, though the overall aim is invariable – provision and restoration of justice and rule of law, working in an inter-institutional environment. Neither one nor another customer of justice may be disregarded or considered more important than the other, disregarding a single customer's need result in particular consequences: failing to meet the need of the offender for the correction of behaviour and resocialization results in a new crime and eliminates the successful integration of the person in the community; whereas failing to meet the needs of the victim for security, compensation for the damage caused, support, restoration of justice results in constant traumatic experience for the victim who gets involved in secondary victimization and is not able to live a wholesome life in the community – taking care of himself or herself, and his or her off-springs. Such outcomes unequivocally lead to negative consequences not only for certain individuals but also for the quality of the society at large which is closely related to the needs of the national economic development.

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15 About Victims' Rights, <https://www.victimlaw.org/victimlaw/pages/victimsRight.jsp> [Consulted on 15.05.2013]

16 Victims, the criminal process, and restorative justice, Carolyn Hoyle, http://fds.oup.com/www.oup.com/pdf/13/9780199590278_chapter1.pdf [Consulted on 15.05.2013]

2. Victim in the criminal proceedings in Latvia (Andrejs Judins)

2.1. The term “victim” and its concept

A harmful act or failure to act that is prohibited and punishable by law, in accordance with the Criminal Law¹⁷ (CL) is considered a criminal offence. A person affected by the criminal offence is called a victim. Analysing the issues related to a victim from the perspective of criminal proceedings, criminology, psychology, sociology etc. this general definition can be supplemented and expanded indicating and emphasizing the features that are significant to certain scientific disciplines.

The Criminal Procedure Law¹⁸ (CPL) uses the term “victim” in a narrow sense understanding by that a person who has a certain procedural standing in the criminal proceedings commenced. As the prerequisite for acquiring this status serves the fact or an assumption that harm was caused to the person by a criminal offence. Section 95, part 1 of the CPL stipulates that a victim in criminal proceedings may be a natural person or legal person to whom harm was caused by a criminal offence, that is, a moral injury, physical suffering, or a material loss. It must be taken into consideration that the status of a victim may be acquired also by a person to whom harm was not caused by a criminal offence but whose lawful interests have been threatened by a criminal behaviour, for instance, if the criminal offence has not been completed for reasons independent of the will of the offender and the act is considered to be an attempted crime. The victim – a natural person – in such cases may indicate to the existence of a moral injury, whereas a legal person – only to the fact of a threat. Attention must be paid also to the fact that by designing the sections of the particular chapter of the Criminal Law, in several cases the legislator has chosen the construction of a formal crime content¹⁹ that does not relate the criminal liability to the entering into effect of the particular consequences of the crime – the person is held criminally liable for the harmful behaviour stated in the law regardless of whether harmful consequences have entered into effect. Although crimes with a formal content often cause adverse consequences, the acquisition of the procedural status of a victim is not related to the adverse consequences but rather to the behaviour of the offender directed to these persons. Certainly, also in these cases a moral injury is often determined, as referred to in Section 95 of the CPL.

The fact of causing harm does not mean an automatic acquisition of the procedural status of a victim. Within the meaning of the Criminal Proceedings Law, a person becomes a victim under the following prerequisites:

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17 The Criminal Law, Law of the Republic of Latvia, adopted on June 18, 1998. Available at <http://likumi.lv/doc.php?id=88966>

18 Criminal Procedure Law, Law of the Republic of Latvia, adopted on April 21, 2005. Available at <http://likumi.lv/doc.php?id=107820>

19 The construction of a formal crime content means that the legislator has not related the criminal liability for a particular behaviour to the entering into effect of adverse consequences – a criminal offence shall be considered completed with the commission of a particular action (regardless of whether adverse consequences have entered into effect as a result of the action). As the crimes with a formal content, for instance, the following offences are recognised: extortion (CL, Section 183), leading to depravity (CL, Section 162), transgression of inviolability of the apartment of a person (CL, Section 143) etc.

>> the person directing the proceedings has made a decision to initiate criminal proceedings;

>> the information is obtained that gives reasonable grounds to believe that the person has been inflicted harm upon by a criminal offence;

>> the person or the representative thereof has given consent for being recognised as a victim;

>> the person directing the proceedings has made a decision to recognise the person as a victim.

During the pre-trial proceedings a person shall be recognised as a victim by the decision of the investigator or the prosecutor; but during the adjudication of the case – with the decision of the court if such a request is submitted.

A person's rights to be recognised as a crime victim and the amount and duty of the lawful status is not dependent on the origin, gender, social and financial situation, citizenship, race and nationality, attitude toward religion, education, language, and other conditions of the person. The age of the person is not considered as the factor to influence the acquisition of the status of a criminal procedural victim. If a minor is recognised as a victim, the person's interests in the criminal proceedings are ensured by a representative.

A person affected by a crime who does not want to be a victim in the criminal proceedings acquires the status of a witness (CPL Section 96, part 3). The first edition of the CPL did not stipulate the legal consequences of the fact that the person who has been affected by a criminal offence does not want to be recognised as a victim in the criminal proceedings. The procedural standing of such a person in the particular cases was not clear. The law was amended in 2009, on the basis of the need to ensure obtaining significant information for the criminal proceedings from the person.

If the person affected by the crime has deceased, the procedural status of a victim may be acquired by the surviving spouse, one of the ascending or descending relatives of the deceased, the adopter, or a collateral relative of the first degree of such deceased (CPL, Section 95, part 3). In its turn, the Directive 2012/29/EU of the European Parliament and of the Council (hereafter – the Directive)²⁰, that has to be implemented in Latvia until November 16, 2015, stipulates that the procedural status of a victim can be acquired by family members of the deceased who have suffered harm as a result of that person's death. Within the meaning of the Directive, "family members" means the spouse, the person who is living with the victim in a committed intimate relationship and in a joint household on a stable and continuous basis, the relatives in direct line,

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20 Directive 2012/29/EU of the European Parliament and of the Council (of October 25, 2012) establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. The requirements have to be implemented in Latvia until November 16, 2015. Available in Latvian at <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:LV:PDF>, in English – <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

the siblings and the dependants of the victim.²¹

Persons who are not affected directly by a crime do not acquire the status of a victim in the criminal proceedings. It is understandable from a narrow perspective of criminal proceedings, however it is significant to take into consideration that harm may be caused also to the family members, relatives, neighbours of the victim, in particular cases – also to the members of a certain ethnic, racial or social groups. If the mentioned persons have information about the facts that could help in the disclosure of the crime and investigation process, they acquire the status of a witness. It ensures the right to communicate with the person directing the proceedings, however also in such cases the subject of communication is only the information necessary for the criminal proceedings about the crime committed. Third persons' interests and needs (for instance, rights to be protected, live in security, receive psychological and other necessary assistance) are not in the focus of attention of the persons directing the proceedings or other professionals.

In the process of problem solving, not every person who considers being harmed by the crime should be recognised as a victim in the criminal proceedings. The opinion of persons directing the proceedings can be agreed with that the acquisition of the status of victim to every person feeling moral injury due to the criminal offence not only would make the proceedings complicate but also disturb the fair regulation of criminal legal relations.²² However, it is significant that the institutions providing psychological, social, legal etc. support and assistance to the victims identify their circle of clients not according to the narrow norms of CPL but assessing the consequences caused by the crime to a particular person and abstracting themselves from the status of the person in the criminal proceedings.

Persons directing the proceedings, however, have to take into consideration that criminal offences cause harm also for those people who fail to acquire the status of a victim and therefore are not eligible for the rights provided for in the CPL. The fair regulation of criminal legal relations can be a subject of interest also for the people without any procedural status. Despite that, judicious opportunities of participation should be ensured also for those people in solving the problems related to a particular criminal offence. For instance, in the criminal proceedings initiated due to a case of violence at school, the procedural status of a victim is acquired by a minor to whom bodily injuries were inflicted; his mother and father have rights to represent the child in the criminal proceedings; persons who are able to provide information about the conflict occurred will acquire the status of witnesses. Nevertheless, such conflict affect the interests of other people too – indirectly involved students, their parents, teachers. There is no need of providing testimony and participation in the court hearings for all these persons, however

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21 See Article 2, part 1 of the Directive 2012/29/EU of the European Parliament and of the Council (of October 25, 2012) establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Available in Latvian at <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:LV:PDF>, in English – <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

22 For instance, if the status of a victim in the criminal proceedings initiated after the commitment of a *hate crime* could be acquired by any person feeling moral injury after the crime, the person directing the proceedings would need to carry out investigative actions with each of the involved persons and that could significantly prolong the process of the criminal proceedings and delay to impose punishment on the guilty party. Besides, all the persons recognised as victims would be eligible to request compensation from the perpetrator for the harm caused, and that is not always proportionate in relation to the content of the crime committed.

the interested persons may participate in mediation processes, such as settlement meetings.

2.2. Role and place of a victim in criminal proceedings in Latvia

Defining the term “victim” in the Criminal Proceedings Law, sufferings and needs of the crime victim have not become a reference point – equally with other criminal-procedural definitions and constructions, this term has been created with consideration for the disclosure and proving a crime, as well as imposing punishment on the guilty party for the offence committed. A victim is not the central figure in the criminal proceedings in Latvia. It does not mean total disregard of the victims’ interests – it must be noticed that the declared aim of the Criminal Proceedings Law is to determine the order of criminal procedure that ensures effective application of the norms of the Criminal law and the fair regulation of criminal legal relations without unjustified intervention in the life of a person²³ and that cannot be fulfilled without turning the attention towards the interests of the victim. Though, as a result of this approach, the victim’s interests are not recognised as an absolute priority, they are subordinated to the general criminal-procedural interests – the necessity to obtain and examine information significant for the particular criminal proceedings and to complete the criminal proceedings in a reasonable term, namely, without unjustified delay.

Due to the narrow criminal-procedural understanding, the following persons are not eligible to be recognised as victims:

- 1) persons who have not reported to the police or any other competent authority about the committed criminal offences and their harm caused;
- 2) persons who have reported about the damage caused by the crime but the person directing the proceedings has refused to initiate criminal proceedings²⁴;
- 3) persons who have reported the damage caused to them but the person directing the proceedings has terminated criminal proceedings without a decision of recognising the person as a victim²⁵;
- 4) persons who have expressed to the person directing the proceedings their wish not to acquire the criminal-procedural status of a victim;
- 5) persons to whom a moral injury has been caused indirectly but as to a representative of a certain group or part of the society.

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23 See Section 1 of the Criminal Proceedings Law, available at <http://likumi.lv/doc.php?id=107820#p-281349>

24 For instance, in cases when the fact of harm caused is not doubted but the criminal liability is time barred, the offender has deceased, or the crime is committed by a person who has not reached the age at which criminal liability comes into effect.

25 For instance, in cases when the harm is recognised as not being severe enough for imposing criminal punishment on the guilty party, or if the person affected by the crime has settled with the perpetrator.

Failure to acquire the criminal-procedural status of a victim in the above mentioned cases is understandable and explicable. However, the problem lies in the fact that in Latvia victims are viewed through the prism of criminal proceedings which means that in the particular cases the victims' interests and needs remain beyond the attention of the state and the person is not eligible to apply for the support and help from the state.

The Criminal Procedure Law does not provide for a precise legal standing of a victim for the time period from the moment of the commission of a crime until the decision on the recognition of the person as a victim.

Persons directing the proceedings – police officers, prosecutors, judges – usually demonstrate empathy towards victims, nevertheless, the victim in the criminal proceedings is first of all the source of information for obtaining evidence for the criminal proceedings. As a result, a victim who is active in showing interest about the progress of the criminal proceedings, urge on the person directing the proceedings to work with higher intensity, and executes his or her criminal-procedural rights, rather often is considered as an **obstacle for the criminal proceedings** by the person directing it. Communication with the victim, taking care of meeting his or her needs mean additional amount of work which, according to the persons directing the proceedings, rather hinder than enhance the completion of the criminal proceedings and punishing the guilty party. Identification of victims' needs, support and assistance for victims persons directing the proceedings do not consider as their duty, indicating that such tasks are not provided for in the Criminal Proceedings Law.

2.3. Victims' rights in criminal proceedings

Victim's procedural standing, rights and duties are provided for in the Criminal Procedure Law and other legislative acts. Chapter 6 of the Criminal Proceedings Law lists the rights and duties in pre-trial proceedings and in a court, whereas other chapters of the CLP contain the legal norms that provide for the implementation of the corresponding rights and duties. Separately, particular legal norms stipulating victims' rights are defined in the Law On State Compensation to Victims²⁶, State Ensured Legal Aid Law²⁷, State Probation Service Law²⁸, Cabinet Regulations on the Procedures and Amount of Compensation for Criminal Procedure Expenses²⁹, and other normative acts.

The acquisition of the status of a victim in criminal proceedings does not oblige a person to actively use the rights stated in the law. Section 97, part 7 of the CPL emphasises that a victim shall implement his or her rights voluntarily and in an amount designed by him or her, besides the

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26 Law On State Compensation to Victims. Law of the Republic of Latvia. Adopted on May 18, 2006. Available at <http://likumi.lv/doc.php?id=136683>

27 State Ensured Legal Aid Law. Law of the Republic of Latvia. Adopted on March 17, 2005. Available at <http://likumi.lv/doc.php?id=104831>

28 State Probation Service Law, Law of the Republic of Latvia. Adopted on December 18, 2003. Available at <http://likumi.lv/doc.php?id=82551>

29 Procedures and Amount of Compensation for Criminal Procedural Expenses. Regulations of the Cabinet of Ministers of the Republic of Latvia No.754 of October 4, 2005. Available in Latvian at <http://likumi.lv/doc.php?id=118719>

non-utilisation of rights do not delay the progress of proceedings. A victim may implement the rights without assistance or with the participation of his or her representative who is authorised to perform on behalf of the victim. Both a victim and the representative thereof may invite a lawyer for the provision of legal assistance, in order to ensure the actualisation of the rights (CPL, Section 97, part 6).

A victim of legal age may be represented in the criminal proceedings by any other natural person of legal age and with the capacity to act, except an official who has been entered into the Criminal Proceedings Register and a person who may be directly or indirectly interested in deciding of a case in favour of a person who has caused harm. The rights of a legal person are implemented by the representative thereof (CPL, Section 97, parts 4 and 5).

The interests of a minor in criminal proceedings are represented by a member of the victim's immediate family – mother, father, one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant kinsperson has taken care of the minor; or a guardian, or a representative of an children's rights protection authority or non-governmental institution (CPL, Section 104, part 2). In accordance with Section 104, part 4 of the CPL, all the rights of a victim belong completely to his or her representative and the victim may not independently implement such rights, except for the rights of a minor to provide testimony and express his or her view. The representative of a minor who has reached the age of 15 years may implement his or her rights together with the person to be represented (CPL, Section 107, part 2). If the protection of the rights and interests of a minor is encumbered or otherwise not ensured, the person directing the proceedings may take a decision on retaining an attorney as the representative of the minor victim. The decision of retaining an attorney as the representative of the victim may be taken also in order to ensure the protection of interests of a low-income or needy person of legal age. In such cases, services of an attorney are covered by the state. Prerequisites, types and amount for state ensured legal aid is stipulated in the State Ensured Legal Aid Law³⁰ and Cabinet Regulations on the Scope and Procedures for Payment of State Ensured Legal Aid, Reimbursable Expenses and the Procedures for Payment thereof³¹.

If the victim's capacity to act is limited and the person cannot represent his or her rights in the criminal proceedings, the victim's rights are represented by the victim's guardian or a member of the victim's immediate family.

In all stages and types of criminal proceedings victims have the rights to participate in the criminal proceedings. The forms and amount of victim's participation is provided for in the Criminal Proceedings Law.

A victim has the right to be treated with respect. This significant principle is not directly stipulated in the Criminal Proceedings Law. The law does not contain any norms that would ask

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30 State Ensured Legal Aid Law. Law of the Republic of Latvia. Adopted on March 17, 2005. Available at <http://likumi.lv/doc.php?id=104831>

31 On the Scope and Procedures for Payment of State Ensured Legal Aid, Reimbursable Expenses and the Procedures for Payment thereof. Regulations of the Cabinet of Ministers of the Republic of Latvia No.1493 of December 22, 2009. Available in Latvian at <http://www.likumi.lv/doc.php?id=202908&from=off>

the person directing the proceedings to acknowledge the victim's sufferings, respect the victim's harmful experience, demonstrate empathy, provide emotional support and assistance, that could alleviate the pain caused by the crime. Though, it is important to notice that, for instance, the Professional Ethics and Conduct Code of the State Police Personnel stipulates that a police officer in his/her interaction with inhabitants respecting and defending dignity of a human being shall be decent and tolerant.³² Also the Code of Ethics for Prosecutors of Latvia emphasises that the prosecutor shall not verbally or by action create a false impression about his/her lack of impartiality or biased attitude, shall not express or support opinions which are directed toward restrictions or insults on the grounds of race, gender, religion, nationality, disability, age, sexual orientation, material or social status. The Prosecutor shall be tolerant and polite in contacts with visitors, witnesses, victims and other participants of proceeding which he/she shall encounter.³³

Ensuring the interests of victims, the legislator has prohibited to publish an image of a victim recorded as a photograph, video, or by other types of technical means, in the mass media during procedural actions without the consent of such victim except if such publication is necessary for the disclosure of a criminal offence (CPL, Section 97, part 9). In addition, the information acquired in the pre-trial criminal proceedings until the completion thereof shall be divulged only with the permission of an investigator or a public prosecutor (CPL, Section 396, part 1).

The Directive, in its turn, emphasises that the victim should be treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground such as ethnic or social origin, language, colour, religion or belief, gender, gender identity, sexual orientation, age, and other individual characteristics related to race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health.

It is important to mention that a person has the right to be treated with respect also before being recognised as a victim in the criminal proceedings, as well as before the initiation of the criminal proceedings.

A victim has the right to receive information about their rights and duties in the criminal proceedings. The legal norm, although self-evident, is not clearly enough implemented in the Criminal Proceedings Law and therefore the amount of information and its type of delivery are freely chosen by the person directing the criminal proceedings. The Criminal Proceedings Law stipulates certain special norms that provide for the information to the victim about his or her rights, for instance, Section 147, part 2 of the CPL states that the performer of an investigative action shall explain to a person being interrogated the rights and duties provided for him or her.

Determining the minimum standards of victims' rights, support and protection, Article 3 of the Directive stipulates that a victim has the right to understand and to be understood. It

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³² The Professional Ethics and Conduct Code of the State Police Personnel. State Police Regulations No.1, issued on May 31, 2005. Available in Latvian at: http://www.vp.gov.lv/faili/sadalas/policijas_darbinieka_etikas_kodekss.pdf In English: <http://www.vp.gov.lv/?id=205&langid=1>

³³ The Code of Ethics for Prosecutors of Latvia. Approved by the Council of the Prosecutor General by its decision No. 70 on June 17, 1998. Available in Latvian at: http://prokuratura.gov.lv/upload_file/Faili/Normativie_akti/etikas_kodekss.pdf In English: http://www.coe.int/t/dghl/cooperation/ccpe/profiles/latviaCodeEthics_en.asp

means that Latvia and other EU Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings, including where information is provided by that authority. The state has the responsibility to ensure that communication with victims is given in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim including any disability which may affect the ability to understand or to be understood.³⁴ When providing information, sufficient detail should be given to ensure that victims are treated in a respectful manner and to enable them to make informed decisions about their participation in proceedings.³⁵

In accordance with the Section 8 of the CPL, the law provides for a uniform procedural order for all persons involved in criminal proceedings irrespective of the origin, social and financial situation, employment, race and nationality, attitude toward religion, gender, education, language, place of residence, and other conditions of such persons. However, the prohibition of discrimination does not mean that the communication with all victims should be organised after a certain defined standard. Officials, representatives of institutions and organisations involved in the process should acknowledge particular person's individuality and specific needs working and communicating with a particular victim an informing him or her about the rights and duties of a victim. Point 9 of the Directive stipulates that in all contacts with a competent authority operating within the context of criminal proceedings, and any service coming into contact with victims, such as victim support or restorative justice services, the personal situation and immediate needs, age, gender, possible disability and maturity if victims of crime should be taken into account while further respecting their physical, mental and moral integrity.

A victim has the right **to receive information about the progress and content of the criminal proceedings**. The person directing the proceedings is not obliged to report every procedural action to the victim, nevertheless the information should be given about the progress of the criminal proceedings after the victim's request. In the cases determined by law, the person directing the proceedings is obliged to provide particular information to the victim, for instance, referring to the Section 413, part 4 of the CLP, the public prosecutor shall inform the victim or the representative thereof regarding the taking of a decision and the sending of the criminal case to a court, by sending the person a copy of the decision. In accordance with Section 417 of the CPL, the public prosecutor shall send to the victim a copy of the decision on the termination of the criminal proceedings, conditionally releasing from criminal liability, and notify regarding his or her rights to examine the materials of the criminal case and to appeal the decision taken to the next higher-ranking public prosecutor.

The right of a victim to receive information about the progress of the criminal proceedings is

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³⁴ Directive 2012/29/EU of the European Parliament and of the Council (of October 25, 2012) establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Available in Latvian at <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:LV:PDF>, in English – <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PD>

³⁵ See Point 26 of the Directive 2012/29/EU of the European Parliament and of the Council (of October 25, 2012) establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

not defined in the law in detail and can be stated through a teleological and systemic interpretation of the CPL. The victim in the pre-trial criminal proceedings has the right to familiarise himself or herself with the Criminal Proceedings Register³⁶ and to submit a recusation to officials entered therein (CPL, Section 98, part 1, point 1); to familiarise himself or herself with a decision on the determination of an expert-examination before the transferral thereof for execution, and to submit an application regarding the amendment thereof, if the expert-examination is conducted on the basis of the victim's application (CPL, Section 98, part 1, point 4). After the completion of pre-trial proceedings, the victim has the right to receive the copies of the materials of the criminal case to be transferred to a court that directly apply to the criminal offence with which harm has been caused to the victim, if such materials have not been issued earlier, or with the consent of a public prosecutor to become acquainted with the materials of the criminal case (CPL, Section 98, part 1, point 8). The victim in pre-trial criminal proceedings is eligible to submit a request to the investigating judge in order to get acquainted with the materials of the special investigation actions that are not appended to the criminal case (primary documents) (CPL, Section 98, part 1, point 10).

The victim in a court of first instance, as well as in a court of appeals has the rights: to be informed about the place and time of the trial in a timely manner; to familiarise himself or herself with the court adjudication and the minutes of a court session; to receive a copy of the appellate complaints if the adjudication of the court of first instance is appealed in the part regarding the criminal offence in which harm was caused to the victim; to receive an adjudication of a court of appeals on the day specified by the court.

The victim in a court of cassation has the rights: to receive a copy of the cassation complaints, if the adjudication of the court of appeals is appealed in the part regarding the criminal offence with which harm was caused to the victim; to receive information regarding the time, place and procedures for the examination of the complaints.

The victim, as well as other participants of the criminal proceedings, has **the right to a fair regulation of criminal legal relations**. It prescribes the termination of the criminal proceedings in a timely manner, the imposing an appropriate, fair and proportionate punishment or any other criminal legal measure to the perpetrator, and the compensation of the damage caused.

On April 1, 2013 the amendments to the Criminal Law entered into effect providing for the restoration of justice as one of the objectives of criminal punishment (CL, Section 35, part 2, point 2). The amendments indicate to the changes in the criminal policy and the criminal law doctrine in Latvia and, in fact, demonstrate the objectives not only for criminal punishment but also for the field of criminal justice in general. Principles of criminal justice are being implemented in the criminal law practice for more than 10 years and now the actions are performed in order to implement these principles also in legislation and normative acts.

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36 A Criminal Proceedings Register is the registration page, inserted in each criminal case, which begins with an entry regarding the initiation of criminal proceedings and ends with an entry regarding the entering into effect of a final adjudication. The following information is entered in a register: the initiation of the criminal proceedings, the legal classification of the offence and further direction; the legal classification of the offence; holding person criminally liable and the legal classification of the offence; the officials who perform the particular criminal proceedings and other information that is referred to in Section 376 of the CPL.

Section 97, part 8 of the CPL stipulates that the victim in all stages of the proceedings and in all types thereof may settle with the person who caused harm to him or her. If the victim has settled with the person who has committed a criminal violation or a less serious crime, the investigator with consent of the supervising public prosecutor, the public prosecutor or the court may terminate the criminal proceedings and release the guilty party from criminal liability. The amendments to the Criminal Law, entering into effect on April 1, 2013, limit the possibilities of releasing a person from criminal liability after settling with the victim. In accordance with the new edition of Section 58, part 2 of the CL, a person who has committed a criminal violation or a less serious crime, except criminal offences resulting in death of a human being, may be released from criminal liability if there is a settlement effected with the victim or with his or her representative and within the last year the person has not been released from criminal liability for the commission of an intentional criminal offence by reaching a settlement and has completely eliminated the harm caused by the criminal offences committed or has reimbursed for the losses caused. Although the amendments to the Criminal Law limited the possibilities to release the perpetrator from criminal liability, it must be taken into consideration that in cases when the person may not be released from criminal liability despite settlement, the fact of settlement may be recognised as mitigating the liability and affect the type and scope of the criminal punishment to be imposed on the perpetrator.

The victim has the right to settle with the suspect (CPL, Section 66, part 1, point 17), the accused (CPL, Section 70), the legal person in the proceedings regarding the application of coercive measure (CPL, Section 94, part 1). A settlement procedure may be initiated with the consent of the victim and it may be interrupted at any moment if the parties are not willing to continue the procedure.

From the perspective of the criminal proceedings, there is no difference whether the solution (settlement) of the crime between the victim and the offender is concluded with or without the participation of a mediator, attorneys or other persons. The participation of third persons in the settlement procedure does not strengthen the requirements of the settlement agreement and the absence of third persons does not provide grounds for doubting the result of the settlement. In order to recognise the agreement between the victim and the offender as a settlement agreement and enable the consequences referred to in the CPL, it is significant that the agreement is concluded voluntarily without fraud, duress or deceit. Taking into consideration that the settlement procedure with the participation of a neutral mediator ensures better provision of the victim's rights and prevents psychological harassment, the legal acts in Latvia define such norms that lead to a wider application of mediation (settlement with the participation of a mediator).

In accordance with Section 13 of the State Probation Service Law³⁷ the State Probation Service ensures the possibility for the victim and the person who has committed a crime to engage voluntarily in the process of mediation. In order to ensure settlement with the participation of a mediator, the State Probation Service performs the training of mediators and provides victims and offenders with a free-of-charge service – leading a settlement procedure.

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37 State Probation Service Law, Law of the Republic of Latvia. Adopted on December 18, 2003. Available at <http://likumi.lv/doc.php?id=82551>

It is important to mention that the attitude of the State Probations Service toward the settlement procedure and its significance is not limited by the norms of the CPL. The State Probation Service provides the organisation of settlement procedure not only in the course of the criminal proceedings but also before the initiation of the criminal proceedings and after the imposing the punishment on the perpetrator.³⁸ Moreover, the State Probation Service organises settlement procedures also beyond the criminal proceedings – in cases when compulsory measures of a correctional nature may be applied to a minor³⁹.

The victim has also the rights referred to in the Criminal Proceedings Law **to influence the process of the criminal proceedings**, submitting applications, complaints, and recusations for certain officials involved in the criminal proceedings.

The victim in a pre-trial criminal proceedings may submit applications regarding the performance of investigative and other operations (CPL, Section 98, part 1, point 3); submit complaints regarding the actions of an official authorised for the performance of criminal proceedings (CPL, Section 98, part 1, point 6), as well as appeal procedural decisions in pre-trial criminal proceedings in accordance with the cases, term, and procedures specified by law (CPL, Section 98, part 1, point 7).

The victim in a court of first instance, as well as the victim in a court of appeals, has the rights: to submit a recusation to the composition of the court, an individual judge, a maintainer of state prosecution, and an expert; to participate in the examination of the criminal case; to express his or her view regarding every matter to be discussed; to participate in an examination performed directly and orally of each piece of evidence to be examined in court; to submit applications; to speak in court debates; to appeal a court adjudication in accordance with the procedures specified by law; to submit objections against trial of the case in a written procedure in the institution of appeals; to submit a cassation complaint (CPL, Sections 99 and 100).

The victim in a court of cassation has the right to submit a recusation to the composition of the court, or an individual judge; to submit objections regarding the complaints of other persons in writing or orally if the complaints / prosecutor's objections are examined in an oral procedure; to submit a substantiated request regarding the examination of a complaint in an oral procedure in an open court session in his or her presence; to maintain or withdraw his or her complaint (CPL, Section 101).

In all the stages and types of the criminal proceedings the victim and the representative thereof has the right to participate in the criminal proceedings **in the language that such person commands** and use the assistance of an interpreter free of charge, whose participation shall be ensured by the person directing the proceedings (CPL, Section 11, part 2, Section 97, part 3). The Criminal Proceedings law does not stipulate whether by using the assistance of an interpreter the victim has the right to interpretation or translation. Taking into consideration that on May 23,

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38 See Procedures How the State Probation Service Organises and Leads the Process of Mediation. Regulations of the Cabinet of Ministers of the Republic of Latvia No.825 of December 4, 2007. Available in Latvian at <http://www.likumi.lv/doc.php?id=167543&from=off>

39 See Law On Compulsory Measures of a Correctional Nature. Law of the Republic of Latvia. Adopted on October 31, 2002. Available at <http://www.likumi.lv/doc.php?id=68489>

2013, the amendments to the Criminal Proceedings Law were adopted⁴⁰ that should broaden the rights of the accused and the suspects to interpretation and translation of the actions within the criminal proceedings, it would be logical to stipulate also the cases when the victim may request and acquire translations.

The CPL provides not only for the procedural rights of the victim but also the duties. The amount of the victim's duties is not big and the main objective for setting these duties is to prevent the situation that the progress of the criminal proceedings is hindered by the victim's unwillingness to participate in the investigative actions. Section 103 of the CPL stipulates that the victim does not have a duty to use his or her procedural rights – it may be performed at his or her own discretion, however the victim has a duty to arrive for the performing of criminal proceedings at the time and place indicated by an authorised official, and to participate in the investigative action (CPL, Section 103, part 1). The victim has a duty to respond to the request of the person directing the proceedings and immediately notify in writing the postal or electronic address for the receipt of his or her consignments. By this notification the victim undertakes to receive consignments sent by the official performing the criminal proceedings within 24 hours and to arrive without delay on the basis of a summon of the person directing the proceedings or perform other particular criminal-procedural duties (CPL, Section 103, part 3).

The victim may be subjected to conveyance by force only in cases if he or she has failed to arrive to the place of investigative actions on the basis of a summons by the person directing the proceedings without a justifying reason (CPL, Section 103, part 2, and Section 250, part 1). In accordance with Section 244, part 3 of the CPL, conveyance by force shall not be applied to a minor who has suffered from violence committed by a person from whom the victim is materially or otherwise dependent, or sexual abuse, as well as to a juvenile victim.

In general, a court psychiatric or psychological expert-examination or an expert-examination related to the examination of the victim's body may be conducted only with the consent of the victim. In accordance with Section 204, part 2 of the CPL, the above mentioned expert-examinations may be conducted by force in case where the conditions to be proven in the criminal proceedings cannot be ascertained without such expert-examinations and the decision to use the expert-examination is made by the investigating judge. With the decision of the investigating judge also the samples necessary for a comparative study may be taken by force from the victim (CPL, Section 209, part 1).

The victim may be a subject for the application of procedural sanctions – a warning, a fine, an expulsion from the court room (CPL, Chapter 16).

Before an interrogation, the person directing the proceedings explains the victim's rights and duties to the victim and notifies regarding the liability for refusing to testify or for the conscious provision of false testimony (CPL, Section 151, part 1). The victim may be interrogated regarding all the circumstances and any person involved in the criminal proceedings if the information provided is or may be significant in the case (CPL, Section 151, part 3). However, the victim has the right not to testify against himself or herself and his or her immediate family (CPL, Section 97,

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40 Amendments to the Criminal Proceedings Law. Law of the Republic of Latvia. Adopted on May 23, 2013. Available in Latvian at <https://www.vestnesis.lv/?menu=doc&id=257425>

part 3). In case of the interrogation of a minor, special regulations and features shall be applied (CPL, Section 152).

The victim has the right to submit a recusation to the officials who perform the criminal proceedings, interpreters, and specialists, if the victim considers that these persons are personally interested in the result of the criminal proceedings. It must be noted that the submission of the recusation does not automatically mean an objection for the participation in the criminal proceedings to these persons. The recusation has to be justified, and in case the above mentioned persons are interested in the result of the criminal proceedings or there is a reasonable ground to believe that such interest may exist, the person shall withdraw from participation in the criminal proceedings. The person directing the proceedings or the officials specified by law shall, on the basis of the initiative thereof or on the basis of an objection, suspend the participation of the persons referred to in the proceedings if they have not excused themselves.

The victim has the right to acquire compensation. In accordance with Section 22 of the CPL, a person upon whom harm has been inflicted by a criminal offence shall be guaranteed procedural opportunities for the requesting and receipt of moral and financial compensation, taking into account the moral injury, physical suffering, and financial loss. Taking into consideration the moral injury⁴¹, physical suffering and the amount of financial loss caused to him or her, the victim submits the amount of the harm and uses his or her procedural rights for acquiring moral and material compensation. In accordance with Section 350 of the CPL, compensation is a payment specified in monetary terms that a person who has caused harm with a criminal offence pays to the victim as atonement for moral injury, physical suffering, and financial loss.

Compensation is an element of the regulation of criminal-legal relations that an accused pays voluntarily or on the basis of court adjudication (CPL, Section 350, part 2).

The victim has the right to submit an application regarding the compensation for the harm caused in any stage of the criminal proceedings up to the commencement of court investigations in a court of first instance. The application shall justify the amount of the requested compensation for financial losses⁴², whereas the amount of compensation for moral injury and physical sufferings shall just be indicated. The application may be submitted in writing or expressed orally. The failure to ascertain the person being held criminally liable shall not be an impediment to the submission of the compensation application. The victim has the right to recall the submitted compensation application at any stage of the criminal proceedings up to the moment when the court retires to make a judgement. The refusal of the victim to request compensation may not be grounds for the revocation or modification of prosecution, or a justifying judgement (CPL, Section 351).

The court determines the amount of the compensation by assessing the victim's application and taking into account the amount of financial losses caused (a); the seriousness of

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41 Additional information about the compensation of moral injury can be found in the summary "Court practice related to the compensation of moral injuries in the criminal proceedings". Available in Latvian at http://www.at.gov.lv/files/docs/petijumi/tiesu%20prakse%20moralais%20kaitejums_an.doc

42 See the decision of the Department of Criminal Cases of the Senate of the Supreme Court of the Republic of Latvia, November 28, 2007, for the case No. SKK - 653/2007 (criminal case 1303000206). Available in Latvian at <http://www.at.gov.lv/files/archive/departments2/2007/kd28112007.doc>

the crime and the nature of its commitments (b); the physical suffering, permanent mutilation and loss of ability to work caused by the crime (c); the depth and publicity of the moral injury (d); mental trauma (e). If the harm has been caused to a legal person, the amount of compensation is determined taking into account also the difficulties caused to commercial activities. Direct losses are assessed at the prices used for the determination of the amount of prosecution. The causer of harm may voluntarily agree to the amount of the compensation specified by the victim, or the amount may be determined by a mutual agreement between the guilty party and the victim. Such agreement shall be drawn up in writing or recorded in the minutes of the procedural action on the basis of a request of both parties (CPL, Section 352).

If the victim considers that the compensation obtained within the criminal proceedings is not sufficient and only partially covers the damage caused by the crime, he or she has the right to request the non-received part of the compensation in accordance with the procedures specified in the Civil Procedure Law. In this case, the victim is discharged from the state fee for the submission of the requirement application. The adjudication in criminal proceedings regarding the guilt of a person is binding in the adjudication of a civil case, it means that within the civil proceedings it is not necessary to examine the facts that are determined in within the criminal proceedings. Satisfying the civil legal request of the victim regarding the compensation for the damages caused, the amount of the compensation determined within the criminal proceedings is taken into account ($K_c = K - K_k$)⁴³.

Victims of violent crimes who are recognised as victims within the criminal proceedings have **the rights to state compensation** for the damage caused. The procedures of compensating the damage caused to the victim and the amount of the state compensation are provided for in the law "On State Compensation to Victims"⁴⁴. The law regulates the procedures by which compensation shall be paid to the victim by the Legal Aid Administration and the amount of the state compensation.

The right to the state compensation is recognised if, as a result of an intentional criminal offence:

- >> the death of a person has occurred;
- >> severe or moderate bodily injuries have been caused to the victim;
- >> sexual inviolability or morality of the victim has been violated;
- >> the victim has suffered in the result of human trafficking;
- >> the victim was infected with human immunodeficiency virus, hepatitis B or C.

The victim has no right to receive the state compensation if the criminal offence had

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43 In this formula, K is the amount fully compensating the damage caused to the victim; K_c is the amount to be received as a compensation by the victim within the civil proceedings; K_k – the amount received as a compensation within the criminal proceedings

44 Law On State Compensation to Victims. Law of the Republic of Latvia. Adopted on May 18, 2006. Available at <http://likumi.lv/doc.php?id=136683>

been directed towards the traffic safety and the victim has the right to insurance compensation in accordance with the regulatory enactments on the mandatory civil legal liability insurance for the owners of land means of transport.

The payment of the state compensation does not depend on whether the perpetrator and the joint participants of the criminal offence have been identified. The victims may receive the state compensation also in cases when the perpetrators are identified but not held criminally liable, for instance due to state of incapacity or being under the age from which criminal liability applies.

The maximum amount of the state compensation to be paid to one victim of a criminal offence is 4 minimum monthly wages specified in the Republic of Latvia, i.e. 800 lats. From January 1, 2014, the maximum amount of the state compensation is 5 minimum monthly wages.

The compensation is paid:

>> in the amount of 100% if the death of a person has occurred;

>> in the amount of 70% if severe bodily injuries have been caused to the victim or the crime has been classified as rape or the satisfaction of sexual desire in an unnatural manner using violence, or the morality or sexual inviolability of a minor has been violated, or the victim has suffered from human trafficking;

>> in the amount of 50% if moderate bodily injuries have been caused to the victim or the morality or sexual inviolability of the victim has been violated, or the victim has been infected with human immunodeficiency virus, hepatitis B or C.

>> The person who has been recognised as a victim of a criminal offence that has been qualified according to Section 120, 121, 122, 127, 128 or 129 of the CL, the state compensation is paid in the amount of 50% from the amount of the state compensation specified for the victims affected by the particular damages in other cases.

The perpetrator who has been found guilty of committing the crime according the judgement of conviction or the prosecutor's injunction regarding a punishment, or due to the termination of the criminal proceedings based on other circumstances that do not exonerate the accused, has a duty to repay to the state budget the state compensation paid to the victim.

In accordance with Section 367 of the CPL, the victim, as well as other members of the criminal proceedings, has the right to obtain compensation for procedural expenditures – compensation to cover travel expenses that are related to arriving at the place of the performance of the procedural action and returning to the place of residence, payment for accommodations; as well as sums that are paid as an average work remuneration for the term wherein the victim did not perform the work in connection with the participation in the procedural action. The procedures on covering the procedural expenditures from state resources and the amount are specified by the Cabinet Regulations.⁴⁵ In accordance with these Regulations, the expenditures

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⁴⁵ Procedures and Amount of Compensation for Criminal Procedural Expenses. Regulations of the Cabinet of Ministers of the Republic of Latvia No.754 of October 4, 2005. Available in Latvian at <http://www.likumi.lv/>

related to arriving at the place of the performance of the procedural action and returning to the place of residence, as well as the payment for accommodations are covered in the following procedure and amount:

>> travel expenses for public transport (except a taxi) — according to the tariff in the particular means of transport. If a person requires compensation for travel costs before returning to his or her place of residence, the costs are covered for both directions according to the tariffs in the particular means of transport. If the person has not kept the document proving the travel costs, compensation is paid according to the minimum amount of price (tariff) in the particular route;

>> expenses for using private means of transport – proportionate to the fuel costs, taking into account the route and mileage of the travel, as well as the fuel consumption for the particular means of transport;

>> accommodation (hotel) costs — up to 30 lats per night in Riga and up to 20 lats per night outside Riga if the invited person is not able to return to his or her place of residence on the same day and arrive at the place and time specified by the person directing the proceedings in time.

The sums to be paid for the victim or the witness as an average work remuneration for the term wherein the victim did not perform the work in connection with the participation in the procedural action shall be paid in accordance with the regulatory enactments on the procedures of a state institution compensation to the employer covering the average earnings for an employee.

Victims have the right to protection. The state has the duty to take care of the security of the victim and his or her relatives and to prevent repeated and secondary victimisation. In order to reach these objectives, special measures can be applied that avert the opportunities of intimidation of the victim and vengeance, defend victim's dignity during the interrogation and provision of testimony.

The CPL provides for a possibility to apply a security measure to a suspect or an accused if there are grounds for believing that the person will continue criminal activities, hinder pre-trial criminal proceedings or court, or avoid such proceedings and court (CPL, Section 241, part 2). Taking into consideration that the hindering of the criminal proceedings may be related to the activities of the offender with the aim to influence the victim by intimidating or causing damages, and the eventual continuation of criminal activities may also be related to potential harm to the victim, the security measures referred to in the CPL serve as one of the legal instruments that are applied in order to guarantee security to the victim and prevent threats to the victim's interests.

The intimidation of the victims shall be recognised as an activity that is directed to hinder the criminal proceedings and may be the grounds for the application of a security measure or amending the existing security measure to a more restrictive. Section 243 of the CPL provides

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for a detailed list of security measures. In relation with the provision of the victim's security, the following measures are of great significance: prohibition from approaching a specific person or location; residence in a specific place; prohibition on a specific employment; bail; placement under police supervision; house arrest; arrest; placement of a minor in a social correctional educational institution.

Prohibition for approaching a specific person is a restriction upon the suspect or accused, provided for with a decision of the person directing the proceedings, from being located closer than the distance referred to in a decision from the relevant person, from having physical or visual contact with such person, and using means of communication, or techniques for transferring information, in order to make contact with such person. Prohibition from approaching a specific location is a restriction upon the suspect or accused, provided for with a decision of the person directing the proceedings, from visiting the relevant location or being located closer than the distance referred to in the decision. Prohibition on a specific employment is a restriction upon the suspect or accused, provided for with a decision of the person directing the proceedings, from performing a specific type of employment (activities) for a time, or from execution of the duties of a particular position (job). Mostly, the prohibition on a specific employment is applied in order to avert the possibility for the person to continue criminal activities, but it may be applied also to ensure the provision of the victim's interests, for instance, if the victim has no other possibilities to avoid contacts with the suspect/accused if the latter continues the execution of his or her duties. Placement under police supervision is the relocation and the restriction of the discretionary power of the suspect or accused with the provision that the relevant person shall not change his or her permanent or temporary place of residence without the permission of the person directing the proceedings, visit the locations or institutions referred to in the decision, meet with the persons referred to in the decision, that such person shall be located in his or her place of residence during specific hours of the day, and that he or she shall declare him or herself not more than 3 times per week at the police institution according to the place of residence thereof. Arrest is the deprivation of the liberty of a person that may be applied to the suspect or accused with the decision of the investigating judge or the adjudication of the court in the cases provided for by law before the entering into effect of the final adjudication in the particular criminal proceedings, if there are grounds for placing under arrest. House arrest is the deprivation of the liberty of a person that may be applied to the suspect or accused with the decision of the investigating judge or the adjudication of the court in the cases provided for by law before the entering into effect of the final adjudication in the particular criminal proceedings, if there are grounds for placing under arrest but the holding of the person under arrest is not desirable or not possible due to special circumstances. Placement of a minor in a social correctional educational institution is the deprivation of liberty of a person that may be applied with the decision of the investigating judge or the adjudication of the court before the entering into effect of the final adjudication in the particular criminal proceedings if the holding of the suspect or accused, who is a minor, under arrest is not necessary, but there is insufficient conviction that the minor will fulfil his or her procedural duties and will not commit new criminal offences, while at liberty.

The decision of the application of a security measure shall be made taking into account all the circumstances of the case, behaviour of the suspect/accused in the criminal proceedings, risks of hindering the progress of the criminal proceedings or avoiding it, or continuing criminal

activities. Victims' security is one of the factors that influence the choice and application of a particular security measure. The person directing the proceedings evaluates this factor on his or her own initiative. In case when, to the victim's mind, this factor is turned too little attention to and risks occur that are not appropriately assessed by the person directing the process, the victim may use the rights referred to in the CPL and require the person directing the proceedings to apply a security measure to the suspect or accused (if it was not applied before) or amend the measure applied to another, more limiting measure, or to apply additional security measure to the person.

In order to ensure the protection of the life, health and other legal interests of such persons who are testifying in criminal proceedings or who participate in the disclosure, investigation or adjudication of a serious or particularly serious crime, the Special Protection of Persons Law was adopted in 2005⁴⁶ and the Criminal Proceedings Law was supplemented with Chapter 17 (Special Procedural Protection).

In accordance with Section 299 of the CPL, special procedural protection is the protection of victims, witnesses and other persons who testify or have testified in criminal proceedings regarding serious or particularly serious crimes, as well as of minors who testify regarding the crimes referred to in Sections 161, 162 and 174 of the CL, and of a person the threat to whom may influence the above mentioned persons.

The victim may be recognised as a person under special protection if there is a real threat to the person's life, health or property, or information that gives reasonable grounds for believing that a threat may be real in connection with the testimony provided by the person. In accordance with the CPL, the person directing the proceedings, in case of sufficient grounds, may submit a proposal of the application of special procedural protection and the decision on determination of special procedural protection is taken by the Prosecutor General.

The special protection of a person is ensured by investigatory operations measures specified in the Investigatory Operations Law⁴⁷ and the following special protection measures:

- >> a security guard for the person to be protected;
- >> the securing against unsanctioned wiretapping of the conversations of the person to be protected, the securing against unsanctioned control of his or her correspondence;
- >> the movement of the person to be protected to other unknown (confidential) residential premises;
- >> the issuance of a passport and other documents with different personal identity data;
- >> the change of the permanent place of residence and work of the person to be protected;
- >> the protection and non-issuance of the data of the person to be protected from the

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46 Special Protection of Persons Law. Law of the Republic of Latvia. Adopted on May 19, 2005. Available at <http://www.likumi.lv/doc.php?id=109241>

47 Investigatory Operations Law. Law of the Republic of Latvia. Adopted on December 16, 1993. Available at <http://likumi.lv/doc.php?id=57573>

state information systems;

>> the transfer of the person to be protected to another state in accordance with the concluded international contracts or an agreement with the particular state;

>> if necessary, insurance of the property of the person to be protected;

>> escorting of the detained and convicted persons to be protected separately from other prisoners;

>> change of the identity of the person to be protected.

Special protection of the victim is performed by a specially authorised division of the State Police and other persons performing investigative operations, if, according to the instructions of the Prosecutor General, it is necessary to ensure particular special protection interests. Special protection by using criminal procedural measures is performed by the person directing the proceedings in accordance with the procedures specified in the Criminal Procedure Law.

A person who has been recognised as requiring special procedural protection has the rights and duties of a person to be protected, specified in a special law (CPL, Section 307). In accordance with Section 14, part 2 of the Special Protection of Persons Law, the special protection institution has the duty, if necessary, to ensure the person to be protected with consultations in legal and employment matters (a); to ensure the person to be protected who does not have his or her own means of subsistence with means of subsistence (b); if necessary, to ensure the person to be protected with medical and psychological assistance (c). The procedures of ensuring the means of subsistence, consultations, medical and psychological assistance to the person to be protected are stipulated by the Cabinet Regulations⁴⁸.

The victim for whom the special procedural protection has been determined is invited to the interrogation through the intermediation of the special protection institution. Recording in the documents the procedural actions wherein the protected person participates for whom the personal identity data has been supplemented with a pseudonym, the person directing the proceedings indicate only the pseudonym instead of the identity data of the person. If an indication of the address for receiving a consignment is necessary, the address of the special protection institution is indicated. In performing procedural actions wherein several persons participate and there is a necessity to prevent the possibility of identifying the person under special procedural protection, technical means that do not allow identification of the person shall be used. The person under protection has the right to not answer questions if the answers may provide the opportunity to determine the person's identity. The address of the special protection institution is indicated instead of the person under special procedural protection in the list of persons to be invited to the court session. For the person whose personal identity data has been substituted with a pseudonym, only the pseudonym and the address of the special protection institution are entered (CPL, Section 308).

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⁴⁸ Procedures on Ensuring the Means of Subsistence, Consultations, Medical and Psychological Assistance to the Person to Be Protected. Regulations of the Cabinet of Ministers of the Republic of Latvia No.960 of November 20, 2008. Available in Latvian at: <http://www.likumi.lv/doc.php?id=185274>

The criminal case wherein the person has been recognised as requiring special procedural protection is examined in a closed court session. If necessary, the protected person may participate in the court session by using technical means, being located outside the court room. The person whose identity data has been substituted with a pseudonym in the criminal proceedings has the right to not testify in court if there are grounds for believing that the security of the person is threatened. Such person shall not be held criminally liable regarding the refusal to testify in court. In such case, the testimony provided in the pre-trial proceedings by the person whose personal identity data has been substituted with a pseudonym are not read in the court session and may not be used as evidence in the case. If the person whose personal identity data has been substituted with a pseudonym in the criminal proceedings provides testimony in court using technical means in order not to allow for the possibility of identifying the person, visual or acoustic disturbances may be created, ensuring the court with the possibility to see and hear the person without the disturbances. The protected person has the right to not answer to questions, if the answers may provide the opportunity to determine the person's identity. If necessary, the court may interrogate the person whose identity is being hidden in a separate room ensuring the ability to hear the provided testimony in the court room, as well as the possibility to ask the person questions and hear the answers (CPL, Section 309).

The special protection of the victim is terminated in the following situations:

- >> the grounds for protection have ceased;
- >> the protected person with his or her actions has made protection impossible;
- >> the protected person has refused the special protection in writing.

2.4. The right to access to victim support services

In Latvia, there is still no victim support system that would plan and provide assistance to victims. The Criminal Proceedings Law enumerates the rights and duties of the victim but does not regulate issues related to the victim's possibility of receiving the necessary support. Certain support measures already function but their composition and access to them are provided for in other legal enactments.

In accordance with the State Ensured Legal Aid Law⁴⁹ **legal aid** in criminal proceedings may be obtained by a victim who has a status of a low-income or needy person (a) or suddenly find himself or herself in a situation and material condition which prevents from ensuring the protection of his or her rights (due to a natural disaster or force majeure, or other circumstances beyond the person's control), or are on full support of the state or local municipality.

The state ensures the following legal aid in the criminal proceedings: drawing up of the procedural document in the pre-trial and legal proceedings, as well as representation in the pre-trial proceedings and court hearings. State ensured legal aid can be provided for the victim until

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⁴⁹ State Ensured Legal Aid Law. Law of the Republic of Latvia. Adopted on March 17, 2005. Available at <http://likumi.lv/doc.php?id=104831>

the entering into effect of the final court adjudication.

In accordance with Section 51 of the Protection of the rights of the child law, the child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall be provided with emergency assistance free of charge, in accordance with the procedures stipulated by the Cabinet of Ministers, in order to ensure the regaining of the child's physical and mental health and reintegration into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-esteem and dignity of the child, carefully guarding the child's intimate secret.⁵⁰ Section 52 of the law stipulates the establishment of special institutions or sections in general medical institutions and the allocation of special resources in the state budget for the medical treatment and rehabilitation of the child suffered from violence. The expenditures for the medical treatment and rehabilitation of the child are covered by the state and afterwards collected from the guilty persons by subrogation procedures. It is prohibited for the child who has suffered from violence (illegal act):

>> to be left alone, except in cases when the child himself or herself wishes to be left alone and this choice is considered appropriate by a psychologist who has been trained and prepared for the work with children suffered from violence;

>> to be left without psychological and other form of care;

>> to be confronted by the possible perpetrator of the violence (illegal act) while the child is not sufficiently psychologically prepared for such a confrontation;

>> to be subjected to the use of any compulsory measures in order to obtain information or for any other purpose.

The child who has suffered from violence (illegal acts) in his or her family or for whom a real threat of violence exists shall be immediately provided with extra-familial care, if it is not possible to isolate the guilty persons from the child.

The necessary medical and psychological assistance to the victims, consultations in legal and employment matters shall be ensured by the state in cases when the person is recognised as a person under special protection in accordance with the Special Protection of Persons Law⁵¹. The procedures of ensuring the relevant assistance are provided for in the Cabinet Regulations⁵².

In accordance with Section 13 of the Social services and social assistance law⁵³ the state ensures **the social rehabilitation of the children who have suffered from violence** and **the social rehabilitation of the victims of human trafficking**, according to the funds granted in the annual

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50 Protection of the Rights of the Child Law. Law of the Republic of Latvia. Adopted on June 19, 1998. Available at <http://likumi.lv/doc.php?id=49096>

51 Special Protection of Persons Law. Law of the Republic of Latvia. Adopted on May 19, 2005. Available at <http://www.likumi.lv/doc.php?id=109241> <http://www.likumi.lv/doc.php?id=109241>

52 Procedures on Ensuring the Means of Subsistence, Consultations, Medical and Psychological Assistance to the Person to Be Protected. Regulations of the Cabinet of Ministers of the Republic of Latvia No.960 of November 20, 2008. Available in Latvian at <http://www.likumi.lv/doc.php?id=185274>

53 Social Services and Social Assistance Law. Law of the Republic of Latvia. Adopted on October 31, 2002. Available at <http://www.likumi.lv/doc.php?id=68488>

State budget law. From January 1, 2015 the state shall provide **the social rehabilitation services also for adults who have suffered from violence.**

The procedures how a person is recognised as a victim of human trafficking, receives social rehabilitation services ensured by the state, and the criteria for the recognition of a person as a victim of human trafficking are regulated by the Cabinet Regulations⁵⁴.

On December 22, 2009 the Cabinet of Ministers adopted the regulations “Procedures for Providing Support to the Child Who Has Suffered From Wrongdoing”⁵⁵. The regulations set the procedure of granting aid to children who are victims of an unlawful act – crime, exploitation, sexual abuse, violence or other unlawful, cruel or demeaning acts, in order to ensure the regaining of the child’s physical and mental health and reintegration into society.

In accordance with the Cabinet Regulations, if the medical institution provides aid to a child who has potentially suffered from violence, the medical institution is obliged to immediately report the case to the police and the municipal social service. If the orphan’s court has suspicions that the child has suffered from the violence of his or her parents, it informs the municipal social service and when the child has received the necessary treatment and medical rehabilitation sends the child to a psychologist or social worker in order to assess whether the child needs social rehabilitation. Social rehabilitation services at the place of residence or institution are provided in the form of consultations (not more than 10 consultations, 45 minutes each) or in the form of social rehabilitation course at a social rehabilitation institution. Based on a justified application from the provider of social services, the rehabilitation course may be prolonged up to 30 days or the complex rehabilitation course may be prolonged up to 60 days.

In accordance with Section 152, part 2 of the CPL, the minor who has not reached 14 years of age or, on the basis of the discretion of the performer of an investigative action, any minor shall be interrogated in the presence of a pedagogue or a specialist who has been trained to perform tasks of a psychologist for children in criminal proceedings (hereafter – psychologist). One of the lawful representatives, a kinsperson or a trustee of the minor has the right to participate in the interrogation if he or she is not the person against whom the criminal proceedings have been initiated, a detained person, a suspect, or an accused, and if the minor does not object to such participation.

The length of the interrogation of the minor shall not exceed six hours, including an interruption, during a twenty-four hour term without the consent of the minor. If a psychologist indicates to the person directing the proceedings that the psyche of the person who has not reached 14 years of age, the psyche of the minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of the minor who has been recognised as a victim of sexual abuse, may be harmed

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54 Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings. Regulations of the Cabinet of Ministers of the Republic of Latvia of October 31, 2006. Available at <http://www.likumi.lv/doc.php?id=147113&from=off>

55 Procedures for Providing Support to the Child Who Has Suffered From Wrongdoing. Regulations of the Cabinet of Ministers of the Republic of Latvia No. 1613 of December 22, 2009. Available at <http://www.likumi.lv/doc.php?id=202912&from=off>

by repeated direct interrogation, such direct interrogation shall be performed only with the permission of the investigating judge, but in a court – with a court decision (CPL, Section 152, part 4).

If a psychologist considers that the psyche of the person who has not reached 14 years of age, the psyche of the minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of the minor who has been recognised as a victim of sexual abuse, may be harmed by a direct interrogation, such direct interrogation shall be performed with the intermediation of technical means and a psychologist. If the investigator or public prosecutor does not agree, the direct interrogation shall be performed only with the permission of the investigating judge, and in a court – with a court decision (CPL, Section 153, part 1).

3. Description of the victimisation of the Latvian population

3.1. Role of victimisation surveys in efficient crime prevention

Today, criminology⁵⁶ as a science is one of the broadest branches of social science within the framework of which innumerable methods and research tools have been collected with the aim to find out and gather such information that would allow forecasting and managing criminality as a social phenomenon. One of the branches of criminology, that studies people injured and affected by the crime (victims) with the aim to improve the security of the society and to plan appropriate support for the victims, is victimology⁵⁷. On this basis, it is possible to conclude that, in fact, victimology as a branch of criminology serves as a planning tool for prevention⁵⁸ activities – delivers information and data, in order to enable the protection of people in particular situations from harm caused by a crime.

Victimisation surveys, in the form of this – the first Victimisation survey conducted in Latvia⁵⁹ – appeared rather recently in the world. “Manual on Victimisation Surveys”, published in 2010 in Geneva⁶⁰, gives an insight in the history of Victimisation surveys and the reasons for conducting such surveys. Initially, in the majority of countries the information on the crimes committed and related issues was collected for statistical purposes from the law enforcement institutions – the police, court, prosecution and other. In the 1930s the attention of criminologists was focused more on studies of offenders rather than victims in order to better understand the causes of offending, whereas the attitude of the population towards the offending was started to be studied only after the Second World War⁶¹.

Only in the middle of the 1960s criminologists began to understand that the statistical data from the law enforcement institutions alone do not allow drawing all the necessary conclusions about the real impact of the crime on the society. It resulted in the very first victimology surveys in order to examine what the members of the society actually thought about the crime impact and how these negative processes affected their lives. The results of these surveys provided the possibility to examine the successes and failures of the crime prevention strategies implemented

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56 Criminology – usually used in the Singular, Branch of Jurisprudence that studies crime, its causes, personality of the offender, and develops actions for crime prevention. Definition available in Latvian on <http://www.tezaurs.lv/sv/?w=kriminolo%C4%A3ija> [Consulted on 5.05.2013]

57 Victimology – branch of criminology that studies victims of crime; the study of the victims affected by a criminal offence. Definition available in Latvian on <http://www.tezaurs.lv/sv/?w=viktimolo%C4%A3ija> [Consulted on 5.05.2013]

58 Author’s note: prevention is a purposefully organised set of activities aimed at the prevention of criminal actions and deterring part of the members of the society of becoming offenders and others correspondingly of becoming victims of criminal offences.

59 Author’s note: The first Victimisation survey in Latvia, data of which can be compared to victimisation surveys in other countries, was conducted from June 18 till August 17, 2012. The complete version of the survey in Latvian is available at: http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Victim%20support/Viktimizacijas_petijums_Fieldex_2012_Final.pdf [Consulted on 7.05.2013]

60 MANUAL ON VICTIMISATION SURVEYS, UNITED NATIONS OFFICE ON DRUGS AND CRIME UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE UNITED NATIONS, Geneva, 2010, page 2, paragraph 10, <http://ej.uz/vz9f> [Consulted on 7.05.2013]

61 Ibid, page 2, paragraphs 11 and 12.

by the government. In the UK, the first wider social survey relating to crime impact on the population, including the components for the assessment of national victimisation, was conducted in 1972, in Finland – in 1970, and in the Netherlands – in 1973. One of the most important turning points for the victimisation surveys is considered to be the United States’ national victimisation survey in 1972⁶².

Thus, in 1972 the United States implemented a new tool⁶³ that allowed collecting data from new sources, namely, the development of the system of victimology surveys was launched. The first pilot studies in the USA in 1966 demonstrated that there are significantly more people affected by crime than it was captured in official police records. Today, the vast majority of the countries across the globe carry out victimisation surveys with one of the aims being the identification of the actual number of crime victims and types of crimes, and planning of the crime prevention policy more accurately⁶⁴.

Consequences of criminal behaviour affect significantly particular persons’ sense of security and the quality of life. Different types of crime leave multiform impact on the victims of crime, their relatives, acquaintances and the society at large. Each criminal offence has direct consequences on the victims of crime causing financial, physical, psychological adverse consequences, whereas the fear of repeated victimisation significantly limits the style and quality of the individual’s life. Each criminal offence leads to particular consequences for the state – additional financial expenditures for the maintenance and development of the rights’ protection system: for the courts, penal institutions, police, and other. By developing an evidence-based and comprehensive approach for solving social problems that can result or have resulted from criminal offences, a socially inclusive national crime prevention policy is created, thus enhancing social wealth, development and security in general.

3.2. General conditions and objectives of the victimisation survey of the Latvian population 2012

The victimisation survey in Latvia was conducted in 2012, June 18 to August 17, 1515 respondents were interviewed. The majority of the respondents were from 25 to 54 years old⁶⁵; mostly women⁶⁶ with higher education. The interviewed persons were mostly employees or retired people residing in Riga or a rural village.

The objective of the research was to examine the actual proportion of crime victims in the population of Latvia, the most frequently committed types of crime, information on latent

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62 Author’s note: the original title of the survey – *National Crime Survey, 1972*.

63 National Crime Victimization Survey (NCVS), <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> [Consulted on 7.05.2013]

64 MANUAL ON VICTIMISATION SURVEYS, UNITED NATIONS OFFICE ON DRUGS AND CRIME UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE UNITED NATIONS, Geneva, 2010, page 3, paragraphs 15 and 16, <http://ej.uz/vz9f> [Consulted on 7.05.2013]

65 Victimization survey, page 4, available in Latvian at <http://ej.uz/bor4> [Consulted on 7.05.2013]

66 Author’s note: it must be taken into consideration that the difference in the gender proportion for the respondents was not big (45% men / 55% women).

criminality and reasons of not reporting the crime to the police, information about the support victims needed after the crime and other information related to ensuring fact-based crime prevention planning and the development of support system for victims affected by illegal actions.

Within the framework of the research, the experience of the respondents was examined in relation with an illegal action of another person (theft, robbery, corruption and bribery, consumer fraud, attack or threat), contact with law enforcement institutions and satisfaction with the work of the police and other specialists in particular situations. Another objective of the research was to learn whether in cases of contacting illegal actions people have received any support and whether any support was needed. Also, the survey inquired into the necessary type of the support. A significant component of the survey was the measuring of a person's sense of security. Besides, one of the objectives of the survey was to examine the number of people suffered from a crime over the past five years, as well as whether the victims had reported the crime to the police and, if not, the reason of not reporting.

The survey showed that over the past five years almost every second inhabitant of Latvia had been victimised in a criminal offence. The most frequent types of criminal offences committed towards individuals⁶⁷ had been burglary and robbery at non-residential premises, as well as petty theft of particular items of property (cell phone, purse etc.) and consumer fraud.

3.3. Description of victims in Latvia

In order to plan the protection of individuals against criminal offences within the measures of prevention, it is of high importance to know which groups of the society are the most vulnerable of becoming victims. Due to that, the socio-demographic description (profile) of a victim was created determining the age, gender, the main language used for communication, education level, and occupation of the person.

The survey lead to conclude that most frequently the victims of criminal offences are individuals from 25 to 54 years of age; the majority of the victims are women, although there is no big difference in the proportion between the genders⁶⁸. From all the respondents who indicated suffering from a crime, the majority were Latvian speaking (61%) individuals, mostly with higher education, employers or retired people. From those respondents who remembered rather precisely the circumstances of the criminal offence, the majority (62%) had reported to the police home robbery or burglary at non-residential premises (51%) with intent to steal. Less frequently (3%) people had reported direct or indirect bribe demand or an unforeseen fee for services by a person, including an official⁶⁹. The most frequent reports to the police were made by the residents of Riga (41%), the least – of Vidzeme and provincial towns⁷⁰.

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67 Victimization survey, page 6. Available in Latvian at <http://ej.uz/bor4> [Consulted on 7.05.2013]

68 Ibid, page 7.

69 Ibid, page 9.

70 Ibid, page 11.

The fact that the crime remains unreported leads to several adverse consequences: the police lacks the information about the crime committed and thus the offender can continue committing offences (a); conditions favourable for new crimes appear, new crimes are committed, whereas the person responsible for the crime obtains the feeling of impunity (b); the victim cannot obtain even the available support due to the fact that no one is informed about the crime (c); the offender who is not stopped at his first crime(s) continue victimising other people (d). The results of the survey lead to conclude that mostly young people aged 16 to 24 fail to report a crime, both women (49%) and men (51%), Latvian speaking employees, residing in Vidzeme and Latgale⁷¹.

The fact that the victim fail to report the crime correlates with the person's previous experience in communication with law enforcement institutions and the contact with the police. Therefore the respondents who had reported the crime to the police where asked whether they are satisfied with the work of the police in the situation where the respondents were the victims. This question was asked to the respondents who had reported fraud (a); theft of personal property (b); attack by people previously known with the use of physical force (c); burglary at non-residential premises with intent to steal (d) and breaking into property (e). Most frequently the victims were satisfied with the work of the police in cases of consumer fraud (46%), petty theft (42%) and attack (42%). Most frequently the respondents were dissatisfied with the work of the police in cases of home robbery (66%) and robbery or attempt of robbery at non-residential premises (59%)⁷². In view of the above, it can be concluded⁷³ that the victims' dissatisfaction in these cases can be related to the police being unable to recover the stolen property, but people are satisfied with the attitude of the police in cases of fraud or when treating the victims with understanding in cases of petty theft (stolen purse, cell phone etc.) and helping to regain the stolen, as well as creating the sense of security in cases of attack.

People affected by crime need support and assistance. These victims' needs are related both to the psychological and material damage caused by the crimes and to the necessity of the sense of security and emotional support, as well as the awareness of what and when to do next. As a result of the survey, a conclusion was drawn that those victims who suffered from crimes in the past five years⁷⁴ mostly would have needed legal aid in order to defend their rights (39%), a little less would have needed counselling by a psychologist (30%), whereas the information about the necessary actions in such situation would have been helpful to 26% of the victims⁷⁵. Thus, for instance, legal aid would have been of use mostly for both genders residing in Riga neighbourhood and Latgale, from 25 to 44 years old, not speaking Latvian on daily basis, business owners (employers) with higher education. At the same time, young (16 – 24 years old) and elderly

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71 Ibid, page 14.

72 Ibid, page 16.

73 Author's note: the conclusion is hypothetical and drawn on the consideration basis of the State police, available in Latvian at: <http://www.slideshare.net/providus/skotnj-kontakta-nozme-saskarsm-ar-cietuo-valsts-polijas-prakse> [Consulted on 7.05.2013]

74 Author's note: the mentioned victims had not received any type of help and support.

75 Author's note: detailed information on the socio-demographic profile of the victims and their needs for support can be found on page 24, Report of the results of the Victimisation survey, available in Latvian at <http://ej.uz/bor4> [Consulted on 8.05.2013]

(65 and over) victims with basic and secondary education residing in Vidzeme and Zemgale did not consider legal aid so important. Psychological support would have been necessary mostly for women and middle-aged (45 – 54 years old) victims who are self-employed or homemakers residing in Zemgale and Vidzeme. Information about the necessary action in case of a crime would have been needed for people from 16 to 34 years of age, residing in Riga, with high income. Such information was less important to people over 55, casual workers or unemployed, people with low income, retired, residing in Latgale rural villages.

The results of the survey lead to conclude that mostly the assistance was needed by the respondents who had been victimised during the past five years by burglary attacks or threats of an attack (46%) and who had been attacked by a previously known person using physical force⁷⁶. The results of the survey demonstrate that the support was needed also for the people affected by breaking in and burglary at residential premises (31%). The facts show that in fact people in Latvia are often subjected to the consequences of physical attacks, besides in a large number of cases they are attacked at their own households, thus leading to consider and assess both the attacks from people known previously by the victim and the vulnerability of the dwelling. The attention should be paid also to the fact that in case of home burglaries, despite the lack of physical violence, people get affected by psychological trauma.

The survey provides the analysis of the data gathered⁷⁷ about the individuals who have suffered from crimes and have not obtained help although it was needed, according to the victims' opinions. Mostly, the support was necessary for persons from 25 to 44 years of age, women (58%) who speak Latvian on daily basis (58%), with higher education (44%), employees (53%). The majority of these victims work and reside in Riga (42%)⁷⁸.

The obtained data lead to conclude that the majority if the victims who received any type of support had been affected by attacks related to physical violence. In other cases – of robbery and threats (16%), or robbery only, or breaking in the house (12%), the assistance had been received significantly less often. From all the age groups of the respondents, most often the help was received by both male and female Latvian speaking young people (16 – 24 years old) with higher education⁷⁹, working and residing in Riga. It leads to conclude that people with a lower level of education and income from rural areas and provincial towns have not received support, although it was needed. Analysing the situation according to the type of the necessary but not provided help, it can be observed that the most vulnerable social groups are people over 55 years of age (55 – 64 year old and over 75 years old) who do not speak in the official language of the state, unemployed or retired, with basic education – mostly people from these groups have been in need of material support, such as food, clothing and household goods. People from more socially active age group (35 – 44 years old) need legal aid more, whereas youth (16 – 34 years old)

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76 Author's note: the attack was committed by a previously known person, using physical force, for instance, hitting, kicking, or threatening to use a weapon.

77 Author's note: detailed information on the socio-demographic profile of the victims and their needs for support can be found on page 21, Report of the results of the Victimisation survey, available in Latvian at <http://ej.uz/bor4> [Consulted on 8.05.2013]

78 Ibid, page 22.

79 Ibid, page 18.

need information about the necessary action related to their victimisation in offences committed by other individuals.

The survey respondents were able to express their opinion also about general issues: how secure they feel (a); whether they know where to obtain support and help if a criminal offence is being committed (b); what punishment, to their mind, would be efficient for certain types of crimes (c).

The majority of the respondents (52%) admitted that they feel secure in their residential area and they do not try to avoid any particular streets or places for safety reasons leaving home in the dark. However, 46% of the respondents indicated that they do not feel secure in their residential area. Mainly, these were women and 25 to 34 years old people, as well as 55 to 64 years old people residing in Riga or other largest cities in Latvia.

If appearing into the situation of a crime, the vast majority of the respondents (88%) would know where to turn for help. Young people (16 to 24 years old) and people from the socially active age group (35 to 44 years old) with higher level of income, residing in Kurzeme, knew where to find help. On the contrary, 11% of the respondents did not know where to turn to; these were people over 75 years of age who do not speak Latvian in their families, with basic education and residing in Latgale⁸⁰.

In order to examine the attitude of Latvian population about the admissibility of crime and accordingly the punishment to be imposed for the criminal, the respondents of the survey were asked: "To your mind, what would be the most appropriate punishment for a person who has stolen 200 lats (a) and to a person who has stolen the same amount but has been violent (b)?" The majority of the respondents considered that in the situation of violence the person should be punished with the detention of liberty (64%), whereas in case of the theft without violence it should be community service as a punitive measure (37%). In case of non-violent crime also returning the money (10%), fee / penalty payment (9%), suspended sentence (5%) were mentioned. It must be admitted that in particular those were young people (aged 16 – 24) with monthly income over 301 lats per capita per household who held the opinion that also in the case of non-violent offence the perpetrator has to be isolated from the society.

3.4. Types of criminal offences mostly affecting the population of Latvia

In the main part of the survey the information was obtained on: what type of crimes people in Latvia suffer from mostly; how often people report the crimes; whether the victims are satisfied with the work of the police. In cases when the people admitted not having reported to the police they were asked to explain the reason of not reporting.

3.4.1. Burglaries

The results of the survey show that one of the most frequently committed crimes affecting

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80 Ibid, page 25.

people in Latvia is a burglary. Taking into consideration that burglaries can be of various types and therefore cause different adverse consequences, they were divided into three groups:

- a) burglaries with breaking into a house / residential premises,
- b) burglaries with breaking into non-residential premises,
- c) theft of property or vehicle burglaries.

It was detected that in 8% of the cases people were affected by a forced opening of their house with the aim to steal or to try to steal property. The majority of the respondents mentioned that they faced such situation 2 to 3 years ago and 62% of the cases were reported to the police. 34% of the respondents were completely satisfied or rather satisfied with the work of the police. The survey showed that among the respondents who had their property stolen the majority was 55 to 66 years old, with higher education and monthly income over 301 lats per capita per household. The majority of the victims of home robbery reside in Riga. From this group of victims, 66% were not satisfied with the work of the police, mentioning that the police did not do their utmost and were not interested to help. These negative opinions were received in the survey because the police had not found the perpetrator and recovered the stolen property. Thus, the conclusion can be drawn that in this case the justice was not received although required by the victim. It is possible that such a situation when the victim's needs for the restoration of justice are not met lead to the choice of not reporting the next time when being affected by the crime. Reasons of not reporting are the following: victims consider the crime not serious enough (42%), the police would not do anything anyway, i.e., victims do not trust in the ability of the police (33%), victims decide on their own accord that there is not enough evidence of robbery / burglary (25%), victims solve the problem themselves (18%). Moreover, 11% of the respondents indicated that there is no use reporting to the police, but 6% of the victims frankly admitted that they are afraid and antipathy to any contact with the police officers.

It was detected that from all the respondents who had suffered from home robbery only 15 persons had received any help after the situation of criminal offence. Those who had not received any support were asked whether they would have needed it. 31% gave an affirmative answer, adding that in 47% of the cases the counselling by a psychologist would have been of use, 29% of cases legal aid would have been needed, and 15% would have needed food, clothing and daily household items⁸¹.

From all the representatives of the population of Latvia participating in the survey, 24% admitted being affected by a burglary at their non-residential premises, namely, household buildings, garden cottages, sheds or garages. In the majority of cases the offence was committed 2 or 3 years ago and 51% of the victims reported the burglary to the police, out of them 39% were satisfied with the work of the police in the particular situation. Dissatisfaction with the work of the police was expressed by 59% of the respondents. The majority of the respondents who were not satisfied with the work of the police (65%) indicated that the police had not done their utmost;

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81 Ibid, page 31.

half of the respondents (50%) mentioned that the police had not shown interest to help the victim. The main reason of dissatisfaction was the fact that the police had not found the offender (38%), 31% of the respondents indicated that the stolen property was not recovered. More than a half (63%) of the victims who had not reported the crime to the police mentioned that the case, to their mind, was not serious enough to disturb the police, 12% solved the problem themselves, but 37% of the respondents considered that the police would not have done anything anyway⁸².

The survey results demonstrate that 3% of the population of Latvia have been robbed during the past five years. 30% of the robbed people indicate that the incidence happened in the previous year, but 44% were robbed 2 or 3 years ago. Only 35% or 17 individuals harmed by the robbery attacks had reported to the police. Answering the question why they failed to report, the victims indicated that they had solved the situation themselves (41%), that the case was not serious enough (24%), but 23% of the non-reporters indicated that the police would not have done anything anyway. Only 16% of the victims affected by the robbery had received help after the incidence. Those who did not receive any help were asked whether they would have needed it – 47% gave an affirmative answer.

From all the interviewed respondents, 18% had been affected by the theft of property: in 40% of the cases it was theft of money, in 19% of cases – theft of a purse; in 19% – theft of a cell phone, but in 14% of the cases the property was stolen from a vehicle. 32% of the victims had reported the crime to the police. Analysing the obtained data about the satisfaction of the victims with the work of the police in the particular situation, it is possible to conclude that 42% of the victims who had reported the crime to the police were satisfied with the work of the police, but 56% were dissatisfied. Among the reasons of dissatisfaction the victims mentioned that the work of the police was insufficient (50%), the perpetrator was not found, the money was not regained and the police officers were not interested to help. It is notable that 18% of the all respondents indicated that the police failed in giving sufficient amount of information to the victims. The victims who had not reported the theft to the police explained the reasons – they did not consider the crime to be serious enough, to their mind there would have been no use of calling the police because they would not have done anything anyway. 15% of all the victims had obtained support and help from their relatives or acquaintances (62%), and law enforcement agencies (12%). Other types of help appeared as single cases. One fourth of the victims who did not receive any help would have needed it: 32% would have needed assistance of a lawyer, and 25% of the respondents would have needed counselling by a psychologist.

3.4.2. Crimes related to bribery and corruption

The participants of the survey were asked whether over the last five years they had suffered from the situations where they were asked for an illegal additional payment or a bribe. 13% of the respondents gave affirmative answers. The respondents' answers show that they have faced the situation during the previous year (47%) or several years ago (49%). Comparatively more often the bribe has been demanded from people of 25 to 34 years of age and 45 to 54 years of

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82 Ibid, page 34.

age, who do not speak Latvian in their daily routine, have their own businesses or are employers and have over 301 lats of monthly income per capita per household. The respondents indicated that the person who had demanded directly or indirectly for a bribe or additional payment for the services was a medical worker (45%) or a road police official (31%). Almost none of the respondents had reported about the incident to the law enforcement agencies (97%). Being asked why they failed to report the bribery or payment demand, the respondents of the survey answered the following: there was no evidence (23%), the situation was solved by themselves (18%), the bribe was given, otherwise the desired result would have failed (16%); bribery is a norm and reporting would not have changed anything (11%), 9% indicated that they had bribed of their own free will and it was right. 27% of all the respondents expressed their opinion that they would have needed counselling by a psychologist (32%) or a lawyer (53%), but had not received it. The support was received by 7% of all the respondents⁸³.

3.4.3. Fraud, including cases of consumer fraud

Over the past five years 22% of the population of Latvia have suffered from the situations of fraud, purchasing goods or using provided services. More than a half of these cases (57%) have occurred during the previous year, other 37% of the cases – during the past few years. It can be concluded from the results of the survey that the number of cases of fraud increases. Group of the people involved in fraud more often is between 16 to 34 years of age, residing in the biggest cities of Latvia and in Latgale. The participants of the survey indicated that most often they had been deceived in shops (53%) and the incidents had not been related to the use of credit cards. In cases of fraud 65% of all the victims had not reported to anyone, but 27% of the respondents had reported to the sales person. When asked about the reasons of not reporting, the respondents answered that the case had not been serious enough to call the police (45%), that they had solved the situation themselves (24%). 10% of the victims of fraud indicated that they had received help: support from relatives and acquaintances (38%), legal assistance (23%), and 17% mentioned that they had obtained support from the institution involved in the situation and that had led to a positive result. 42% of the victims who had not received help or support indicated that they would have needed counselling by a layer but 34% admitted that they did not have enough information about what to do in such a situation.

3.4.4. Cases of attack and threat

Gathering of the survey data for the analysis of attack and threat cases was structured in a way that allowed obtaining information about two types of incidents:

- a) when the attack was committed or threats were received from strangers, and
- b) when the attack was committed or threats were received by a person(s) previously known to the victim.

Over the last five years 5% of the population of Latvia have faces a situation when they have been attacked or threatened by a stranger. The majority of the cases had happened several

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83 Ibid, page 48.

years ago, but 43% of the survey respondents indicated that the incident had happened during the last twelve months. In most of the cases the damages caused to the victim were bodily injuries (48%) – bruises and more severe health damages, but 14% of the respondents indicated that the situation has caused emotional trauma. Only 19% of the respondents had reported the offence to the police. Those who had not reported explained the failure by insufficient seriousness of the case to turn to the police (43%), whereas 37% mentioned that they had solved the problem themselves. One fourth of the attacked had received various types of assistance and 19% of those who had not received any support admitted that they would have needed it.

6% of the respondents had been attacked by previously known individuals during the past five years. From all the respondents, 47% admitted that the attack had been committed during the previous year, but 37% had suffered from the attack a couple of years ago. The majority of the victims are 16 to 24 years old. It leads to conclude that this type of violence is spread particularly among youth. Notably, in the majority of cases such attacks have left emotional and psychological consequences (27%), the same amount of the respondents (27%) admitted that the violence resulted also in bodily injuries⁸⁴. From all the respondents, 22% indicated that the consequences had not been serious, but 25% mentioned that after the attack they had haemorrhagic subcutaneous areas (bruises). Only 31% of the victims who had suffered this type⁸⁵ of attack had reported it to the police. The majority of the attacked victims (69%) had not noticed the police about the wrongdoing. Those who failed to report the attack mentioned that they had solved the problem themselves (35%), or the case had not been serious enough to turn to the police (20%). Also the fact that the harm was done by a previously known person was of high importance for not reporting (17%), and 15% of the interviewed victims indicated that there would be no use of reporting because the police would not have done anything anyway. 42% of the victims who had chosen to report to the police were in general satisfied with the work of the police. 75% of all the respondents admitted that they did not receive any help after the incident – neither legal, nor psychological or from their relatives. Only in 39% of the cases the victims admitted that they would have needed help, should it be available. The mentioned leads to state that in cases when a person in Latvia suffers from an attack committed by a previously known individual, it is hardly ever reported to the police. It means that there is a possible high rate of latent violence both within the household and among the previously known people. Mostly, young people suffer from this type of crime and the majority of them do not receive any help after the incident, despite the fact that nearly a half of the victims are in real need of assistance.

3.5. Types of the necessary support for victims in Latvia

The survey conducted within the framework of the research⁸⁶ contains information about the needs of the victims affected by various types of crimes, according to the type of the criminal offence. It must be admitted that not all victims of the same type of crime will need the same

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84 Ibid, page 60.

85 Author's note: people who have suffered attack from a person previously known during the past five years, such as beating, use of physical force and hitting, kicking, throwing a household item at the victim, or threatening to use a weapon against the victim.

86 Victimisation survey, available in Latvian at <http://ej.uz/bor4> [Consulted on 7.05.2013]

type of support. Organising and planning support measures and systems for crime victims in the future, first the damage caused to the particular person and its variations should be assessed and only then the types of the necessary assistance should be identified, according to the particular person's needs. Due to these reasons, it would not be correctly to draw a conclusion that victims' needs depend fully on the type of the criminal offence. Each case should be evaluated separately, according to the specific circumstances. Rather often the society is affected by stereotypes due to which there is an opinion that, for instance, in case of a pecuniar offence, psychological and emotional injury is of secondary importance. However, the results of the survey prove the opposite.

The analysis of the survey data lead to conclude that, for instance, in case of *home robbery* almost half of the victims needed counselling by a psychologist or a psychiatrist the most and only one third of the victims were in need of a lawyer's assistance. The most frequently mentioned need in cases of *petty theft*, in its turn, was of legal aid, then of information about the actions to be taken and only then of psychological assistance.

In cases of being affected by *corruptive actions* by officials or institutions or their professionals and in cases of the demand of an additional payment, not provided for in the law, for the services more than a half of the respondents mentioned being in need of legal counselling and information about the necessary actions in such situations; significantly less people needed psychological support. Similar needs were identified also for the victims of *fraud* – mostly they needed consultations of a lawyer and information about the necessary actions. Victims' needs for dealing with emotional or psychological trauma were identified also in cases of physical attack where two types of victims' needs of the same importance were recognised: simultaneous psychological and medical care.

3.6. Conclusions

>> Victimology as a branch of criminology serves for planning preventive measures – provides information and data in order to prevent people from damage that, in particular conditions, can be caused by a criminal offence;

>> In the vast majority of the countries in the world victimisation surveys are conducted each year with one of the aims – to identify the actual number of crime victims in the country and the types of the crimes, and to plan crime prevention policy more precisely;

>> Over the past five years, almost every second inhabitant of Latvia has been victimised by a criminal offence. Most frequently, the population of Latvia have suffered from breaking in and burglary at non-residential premises, theft of particular items, and consumer fraud;

>> Mostly, victims of crime are people from 25 to 54 years old, women, Latvian speaking employees with higher education;

>> In most cases people report to the police of home robbery or burglary at non-residential premises with intent to steal; least reported crimes are briberies and demands for additional payments for state-guaranteed services;

>> Most frequently, people are dissatisfied with the work of the police in cases of various types of theft. Victims' dissatisfaction in these cases could be related to the failure of police officers to recover the stolen property. People are satisfied with the attitude of the police in cases of fraud, with the understanding of the police officials when a petty theft is committed and with their help recovering the stolen items, as well as with the sense of security the police provide in cases of attack;

>> Mostly victims need legal aid in order to defend their rights (1), little less number of victims need counselling by a psychologist (2), whereas others need information about the necessary actions in situations caused by the crime committed (3).

>> Mostly the help was needed for the victims of burglary attacks or threats of attack, including by people previously known to the victims;

>> In Latvia, people are often exposed to the adverse consequences of physical attacks; in a high number of cases these attacks occur exactly at their own households; therefore both attacks from people previously known and the vulnerability of the dwelling should be assessed and turned thorough attention to. It is significant also that in cases of home robbery, although no visible physical violence and harm is done, people suffer also from psychological damage;

>> 35 to 44 years old people need legal aid more than younger people, whereas 16 to 34 years old people need information about the necessary actions related to suffering from other persons' illegal acts;

>> The majority of the respondents admitted that they feel secure in their residential area, including leaving home in the dark;

>> In case of facing a crime, the majority if the interviewed admitted being aware of where to turn to for help;

>> Mostly people in Latvia suffer from burglary at non-residential premises, namely, household buildings, garden cottages, sheds or garages (1), from property theft – money, purse, cell phone; and from vehicle burglaries (2);

>> Crimes related to bribery and corruption were hardly ever reported to the law enforcement institutions, although the survey respondents have been affected by such cases over the past five years;

>> During the five past years 22% of the population of Latvia have faced fraud when purchasing goods or using the provided services;

>> In cases of fraud, two thirds of the victims have failed to report the situation to the police or other law enforcement agencies;

>> During the past five years 5% of the population of Latvia have faced situations of attack or threat by a person not previously known. 81% of the victims have failed reporting the case to the law enforcement institutions;

>> In cases when a person has suffered an attack from an individual previously known to the victim, the majority of victims do not report the incident to the police. It means that there is a possibility of high latent crime rate in the society both in households and among acquaintances. Mostly, such offences affect young people and the majority of them do not obtain any assistance, although almost a half, in fact, has a need for help;

>> In the future, organising and planning support measures and systems for crime victims, initially the forms of damage to the particular victim should be assessed and only then the types of assistance should be identified, according to the needs of the particular person;

>> In cases of home robbery, almost a half of the victims needed counselling of a psychologist or a psychotherapist most. Only one third of the victims needed legal aid. People affected by the theft of single petty items mostly needed legal assistance, then information about the necessary actions to be done and only then psychological help;

>> Victims of corruption or demand of additional payments, not provided for in the law, for the services committed by officials, specialists or institutions needed legal aid and information about further actions in more than a half of the cases. Significantly less people needed psychological help;

>> Victims of physical attacks were in need of two equally significant types of assistance at the same time: psychological and medical aid.

4. Results for the survey of the clients (victims) of the Legal Aid Administration and the State Probation Service (Anvars Zavackis)

4.1. Introduction: Methodology of the research and process of the survey

This survey is a part of the research project “Support System for Crime Victims: in Latvia and Beyond”. The research is aimed at fostering an effective system for supporting people affected by crime. The opinion and experience of crime victims is particularly important as the system for crime victims support can be developed only taking into consideration the needs of people who have been affected by crime.

The survey was conducted by the Centre for Public Policy PROVIDUS in cooperation with the Legal Aid Administration, State Probation Service, Crisis and consultation centre *Skalbes*, Centre against abuse *Dardedze*, Foundation *Talsi Crises centre*. Support for elaborating the survey was received also from foreign experts from victim support organizations.

Comprehensive system for supporting crime victims can be developed through cooperation among state and municipality institutions and non-governmental organizations thus providing the society for the possibility to participate in solving crime problems. This support system should be based on knowledge and facts therefore the survey and the research serve as the first step for developing a better support system for people affected by crime. The survey do not include all issues concerning crime and crime victims though we hope that it would stimulate a discussion and help us make an effective support system for people affected by crime in Latvia.

Methodology of the research and process of the survey

In order to study the opinion of crime victims about the current support system and victims’ received services a survey was organized within the Project. It was conducted in 2012 and the field study of the survey was organized from 16 July 2012 to 15 October 2012.

Taking into consideration that the victims’ personal data are not available for the third parties in accordance with the regulations for personal data protection, the chosen method for the survey was inquiry (by phone and by mail). Project partners Legal Aid Administration and State Probation Service were involved in the provision of survey data gathering (ensuring sending out questionnaires by mail and making phone calls).

The target group of the survey included adult crime victims who have received help and support from the Legal Aid Administration or State Probation Service from January 2010 to 30 June 2012. For the survey, as the respondents those crime victims were chosen who had cooperated with the abovementioned institutions comparatively recently. The decision was made due to the consideration that such a respondent could have it easier to remember the case and give his or

her opinion on rather recent events than those that had happened longer time ago. Due to ethical reasons cases ending with victim's death were excluded from the survey, i.e. the questionnaires were not sent to the respondents if the support receivers from the Legal Aid Administration were relatives of a crime victim who had died in a crime.

The field study of the survey was conducted in two parts. The first part consisted of an inquiry by post involving crime victims who had received support from the Legal Aid Administration or State Probation Service. In total, 145 respondents participated in the inquiry by post. Considering the low indicators of participation for the victims who had taken part in a settlement procedure, the decision was made to conduct additional phone interviews. The interviews were done by previously trained State Probation Service officials who interviewed 32 victims that had taken part in a settlement procedure during the abovementioned period of time (January 2010 – 30 June 2012) and were not sent the questionnaire by post.

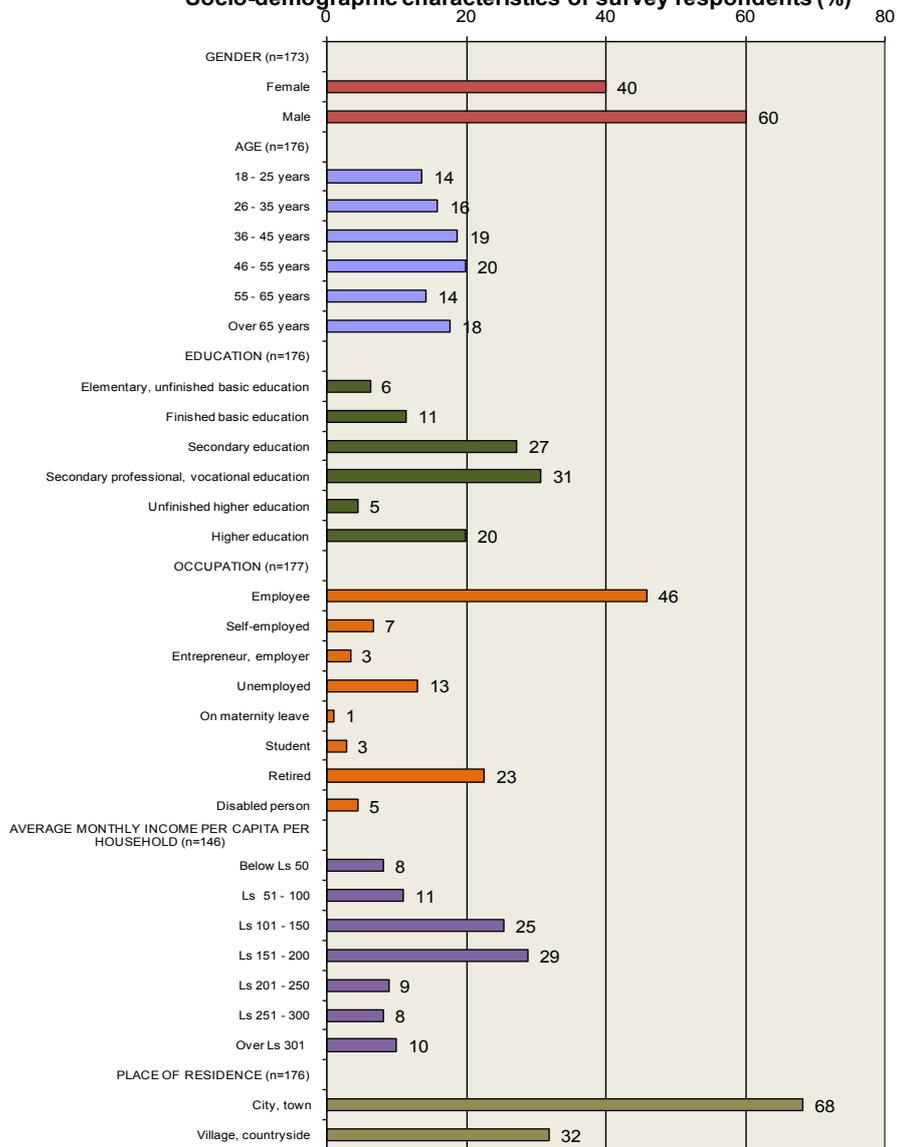
Analysing the possibilities of generalizing survey results it must be admitted that the results cannot be generalized to the whole group of respondents. The representative sample of the survey consisted of those crime victims who had received help and support from the Legal Aid Administration or participated in the settlement procedure organized by the State Probation Service, i.e. the data can be generalized only to this part of victims. Although the research staff acknowledged the possible effects of the sampling and survey process on the survey data and results the effects were not averted completely due to the accessibility to victim and limited resources.

The processing and analysis of the survey results were done by using SPSS programme.

4.2. Socio-demographic characteristics of survey respondents

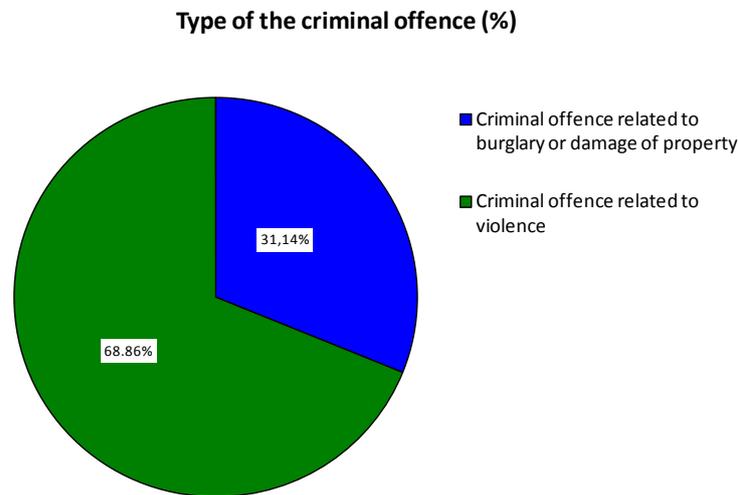
Altogether 177 victims of crime were interviewed in the survey. 60% of the respondents are male, 40% – female. Analysing the distribution of respondents by age it cannot be stated that any of the age groups in the survey would be represented significantly more often than others. The majority of respondents have secondary education, 17% of the respondents have unfinished basic or basic education and 20% have higher education. Almost half of the respondents are employees (46%), the second largest group analysing by employment is retired people (23%). Analysing the data about per capita household monthly income it can be concluded that people affected by crime with income level of 101 to 150 lats (25%) and 151 to 200 lats (29%) are represented more often in the survey. Victims' place of residence more often is a city (68%) than the countryside (32%).

Socio-demographic characteristics of survey respondents (%)



4.3. Criminal offences and their impact on the victim

More than three thirds of the respondents have suffered from criminal offences related to violence (69%), whereas 31% of the respondents have suffered from crime related to burglary or damage of property. 16 of the violence victims (14%) had light bodily injuries, 61 victims (52%) had moderate bodily injuries, whereas 40 respondents (34%) had serious bodily injuries.



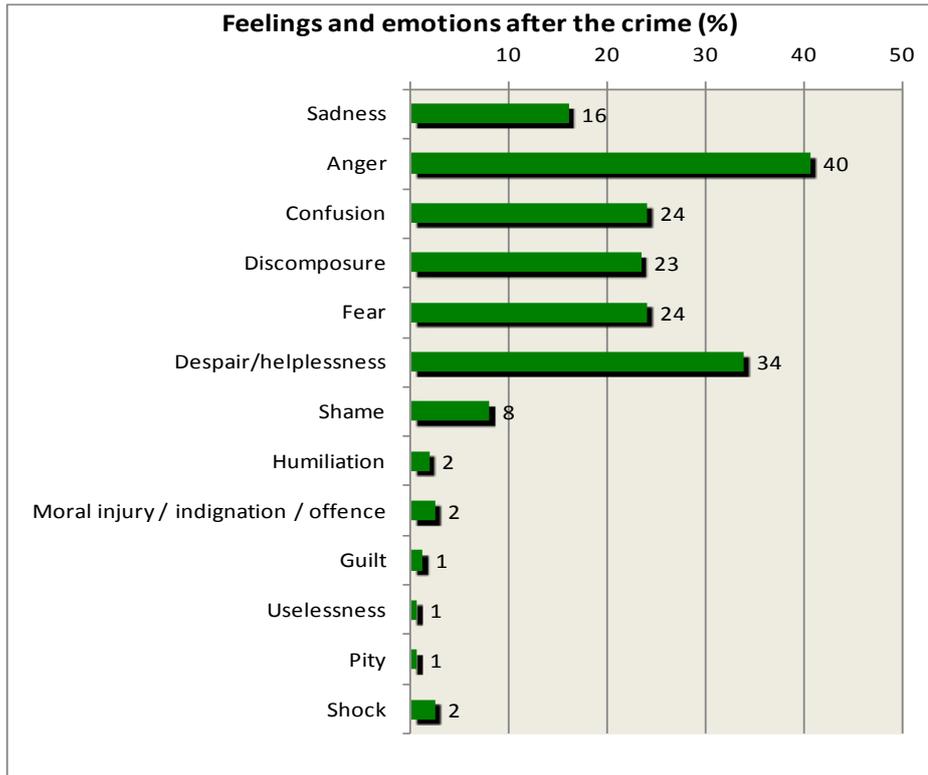
Basis: All respondents, n=177

Note: Picture shows the distribution of valid responses, n=167

14% of the respondents have suffered from a criminal offence that has happened in the year of the survey. Almost half of the respondents (48%) have suffered from crimes in 2011, 29% of the respondents have been affected by crime in 2010 and 9% of the respondents informed about a formerly suffered crime (2007.-2009.).

More than a half of the respondents (57%) have suffered from criminal offences that have been committed by one individual or a group of individuals not previously known to the victim. Almost every third respondent (30%) has suffered from a criminal offence committed by a previously known individual and 13% of the respondents have suffered from a wrongdoing committed by victim's partner, spouse or family member.

Criminal offences lead to a wide range of sufferings and negative emotions. 40% of the respondents who answered the question about their feelings and emotions after being affected by the crime admitted that they felt anger, 34% admitted that they felt desperate or helpless, 24% of the victims felt fear, 24% were confused, 23% – disquiet, 16% felt sad and sorrowful, 8% felt shame. This wide range of feelings and negative emotions points to the victim's experience and reveals that at least initially an offence affects victim's sense of security. This information leads to contemplations about whether the victims have managed to overcome the effects caused by the offence.



Basis: All respondents, n=177

Note: Picture shows the distribution of valid responses, n=173

Comparing the answers related to victims' feelings and emotions after the offence from people affected by violent crimes and offences against property (non-violent crimes), statistically significant differences can be found (the difference was found statistically significant if $p < 0,5$). Victims of violence felt fear ($p=0,000$), despair/helplessness ($p=0,005$) and shame ($p=0,013$) more often than victims of offences against property, whereas victims of offences against property felt anger ($p=0,000$) more often than victims of violence.

Analysis of the impact of crime on various spheres of victim's life leads to conclude that offences against property have more affected victim's financial state – 24% of the respondents admitted that the crime has affected their financial position very significantly, whereas 41% of the respondents had chosen the answer “rather significantly”. Other personal spheres of life had been affected less in cases of offences against property – the impact of crime on psycho-emotional state was indicated in 48% of the responses of victims affected by offence against property, 32% of the victims of offences against property mentioned the impact of the crime on their relationships with other people, but 14% indicated a negative impact on their health.

The majority of the victims of violent crimes acknowledged an impact on all the above mentioned areas of life. 82 % of the violence victims mentioned impact of the crime on their psychological and emotional state (49% – very significant, 33% – rather significant), 92 % of the victims mentioned a negative health impact (71% – very significant, 21% – rather significant). 85 % of the respondents mentioned the impact of the crime on their financial state (51% – very significant, 34% – rather significant) and 65 % – a negative impact on personal relations (30% – very significant, 31% – rather significant).

From the 117 respondents affected by violent crimes more than half, i.e. 67 victims, indicated that the criminal offence had left lasting consequences – 53 victims admitted that the crime had resulted in permanent health problems, 13 respondents mentioned that they have lasting consequences in their psychological or emotional state or in their relationships with other people, 6 victims indicated that the wrongdoing had affected their capacity for work, whereas 4 victims mentioned other lasting consequences.

The effect of the criminal offence on the victims' sense of security is indicated also by the responses to the question whether the victims avoid certain locations for safety reasons. More than a half of the respondents (58%) gave a positive answer to this question.

Comparing the responses from violence affected victims and people affected with loss or damage of their property, it can be concluded that the victims of violence more often admit avoiding certain locations for safety reasons. 64% of respondents affected by violent crimes admitted that they avoid specific neighbourhoods because of safety reasons, whereas people suffered from loss or damage of their property admit avoiding specific locations in 45% of responses. The differences between these two groups are statistically significant ($p=0,024$).

4.4. Victims' opinion about punishment

Answering the question about the most appropriate punishment to impose on the offender who has stolen 200 lats, more than a half of the respondents (59%) indicated community service / forced labour, 15% of the respondents mentioned penalty fee and the same amount of respondents (15%) indicated deprivation of liberty as the most appropriate sanction. Suspended sentence which is one of the most frequently imposed sanctions about such an offence was mentioned less often in the victims' answers: only 9% of the respondents acknowledged this sanction as appropriate.

In the situation of a theft of the same amount of money but with violence (Criminal Law defines such offence as a robbery) almost two thirds of the respondents (65%) indicated deprivation of liberty as the most appropriate type of punishment. 20% of the respondents held the opinion that suspended sentence is the most appropriate punishment for this crime and only 9% mentioned community service as an appropriate punishment.

4.5. Victims' satisfaction with the work of the police

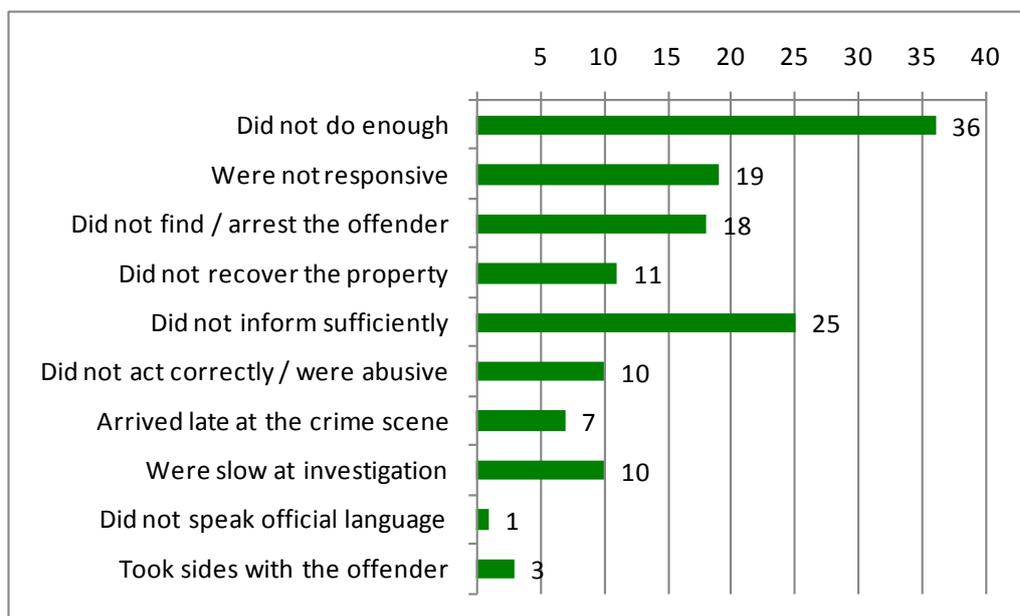
In the framework of the survey the victims were asked to evaluate the attitude of the police officials. From all the respondents who answered the question (n=161), more than 80% admitted that the police staff had shown understanding. 61% of the respondents strongly agreed with this statement and 23% – rather agreed. The attitude of the police was assessed negatively by 16% of the respondents – 7% strongly disagreed but 9% rather disagreed with the statement that the police staff showed understanding.

The victims were also asked to indicate whether the police officials explained them their rights and responsibilities. 58% of the respondents strongly agreed with the statement that they got informed about their rights and responsibilities, 26% indicated that they rather agree, 9% – rather disagreed and 7% strongly disagreed with this statement.

Evaluating the satisfaction with the work of the police it can be stated that three out of four victims answering to the statements were satisfied with their work – 44% were fully satisfied, 29% – rather satisfied. Dissatisfaction with the work of the police was indicated by every fourth victim in the survey – 12% were fully dissatisfied but 15% were more dissatisfied than satisfied.

From the respondents who were not fully satisfied or were dissatisfied with the work of the police, 36 victims held the opinion that the police did not do enough, 25 thought that the police did not inform them properly, but 19 victims indicated that the police were not responsive. 18 victims were dissatisfied with the work of the police because the police did not find or did not arrest the offender, whereas 11 responses of the crime victims indicated that they were dissatisfied because they did not get back their property. 10 victims mentioned that the police officials did not act properly or were abusive and the same number of victims (10) was dissatisfied because the process of investigation was too slow, to their mind. Less frequently

mentioned reasons for dissatisfaction with the work of the police were: late arrival of the police to the crime scene (7), the police taking sides with the offender (3) and not talking in the official language of the state (1).



Basis: All respondents, n=177

Note: Picture shows the distribution of valid responses, n=73

4.6. Victims' satisfaction with the prosecutors' work

Approximately a half of the victims have come into contact with the work of prosecutors (48%). These respondents were asked to evaluate the cooperation experience.

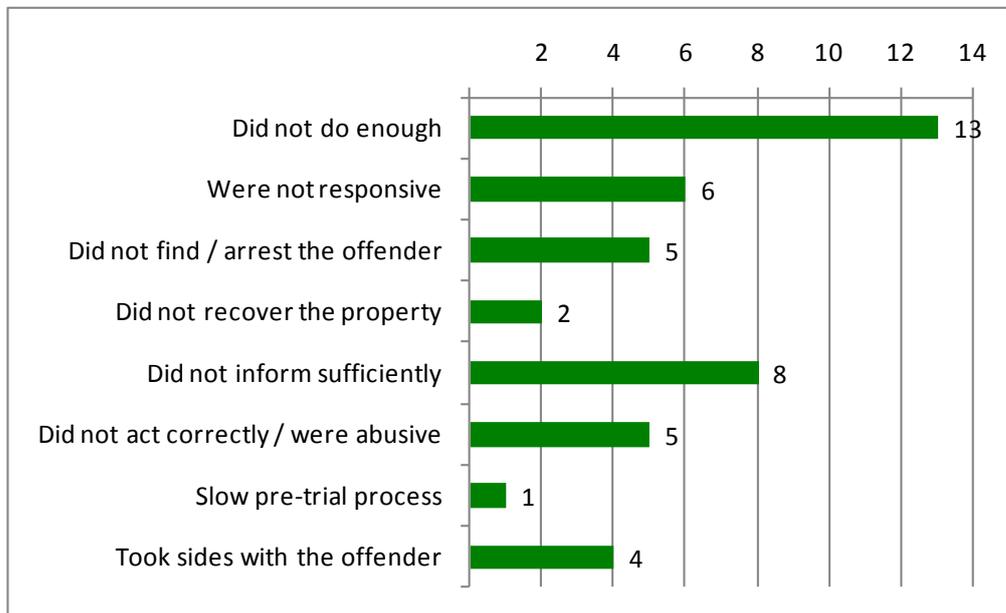
Evaluating the attitude of prosecutor's office staff, 88% of the respondents in total (n=177) admitted that the officials showed understanding. 58% of the respondents strongly agreed and 30% rather agreed with this statement. The attitude of the prosecutor's office staff had not been satisfactory and therefore indicated as negative for 12% of the victims answering to this question – 9% strongly disagreed but 3% rather disagreed that the staff in the prosecutor's office acted showing understanding.

Analysing the satisfaction with the work of the prosecutors it can be concluded that four out of five victims who answered to the questions were satisfied with their work – 51% were fully satisfied, and 32% were rather satisfied. 18% of the respondents were dissatisfied with the prosecutors' work – 11% were fully dissatisfied, but 7% were more dissatisfied than satisfied.

From the respondents who were not fully satisfied or were dissatisfied with the prosecutors' work, 13 victims held the opinion that the prosecutor's office did not do enough, 8 indicated that they were not informed properly by the prosecutor, but 6 victims mentioned that the officials in the prosecutor's office were not responsive.

5 victims were dissatisfied with the prosecutors' work because the offender was not found

or arrested, the same number of respondents admitted that the officials did not act properly or were abusive. Less frequent reasons of dissatisfaction were: the prosecutor taking sides with the offender (4), disability to regain lost property in the crime (2) and slow process of pre-trial proceedings (1).



Basis: All respondents who had come in contact with prosecutors' work, n=85

Note: Picture shows the distribution of valid responses, n=77

4.7. Victims' satisfaction with the work of the court

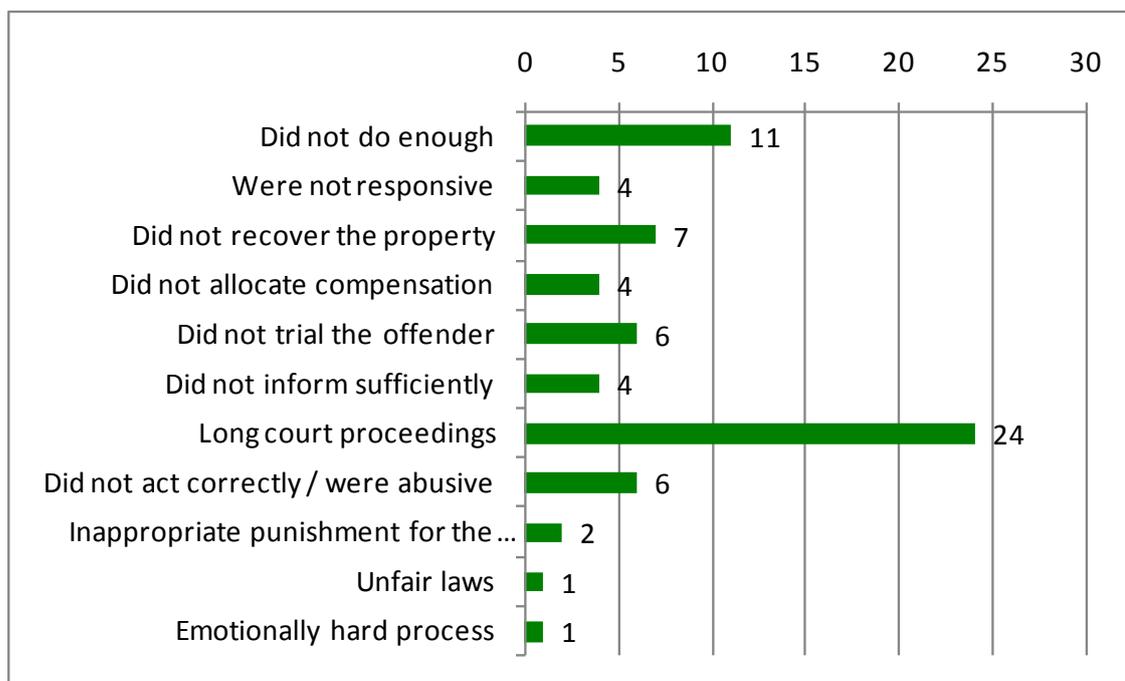
More than a half of the respondents (57%) admitted that they had not come in any contact with the court. 43% of all the respondents had come in contact with the court and they were asked to evaluate the attitude and work of the court officials.

Evaluating the attitude of the court officials, 82% of the respondents in total (n=67) admitted that the court officials acted with understanding. 57% of the respondents fully agreed and 25% rather agreed with this statement. 17% of the victims who answered to this question evaluated the attitude of the court officials negatively – 7% fully disagreed and 19% rather disagreed with the statement that the court officials showed understanding.

Analysing the satisfaction with the work of the court it can be stated that more than two thirds of the victims who gave their responses to questions about the court's work were satisfied with it – 51% were fully satisfied, and 22% were rather satisfied. 27% of the respondents were dissatisfied with the work of the court officials – 9% were fully dissatisfied, but 18% were more dissatisfied than satisfied.

The most frequent reason of dissatisfaction was the long process of court proceedings. This negative aspect of the court's work was mentioned by 24 victims. Also, from those respondents

who were not fully satisfied or were dissatisfied with the work of the court officials, 11 victims mentioned that the courts did not do enough, 7 victims were not satisfied because they did not get back their property lost in the crime. 6 victims admitted that the officials of the court did not act properly or were abusive. The same number of victims (6) was not satisfied with the work of the court because the offender was not brought to trial. Less frequently mentioned reasons of dissatisfaction were: unresponsiveness of the court (4), no compensation (4), giving insufficient amount of information (4), imposing an inappropriate punishment for the offender (2), inappropriate laws and legislation (1), and emotionally hard process (1).



Basis: All respondents who had come in contact with the work of the court, n=76

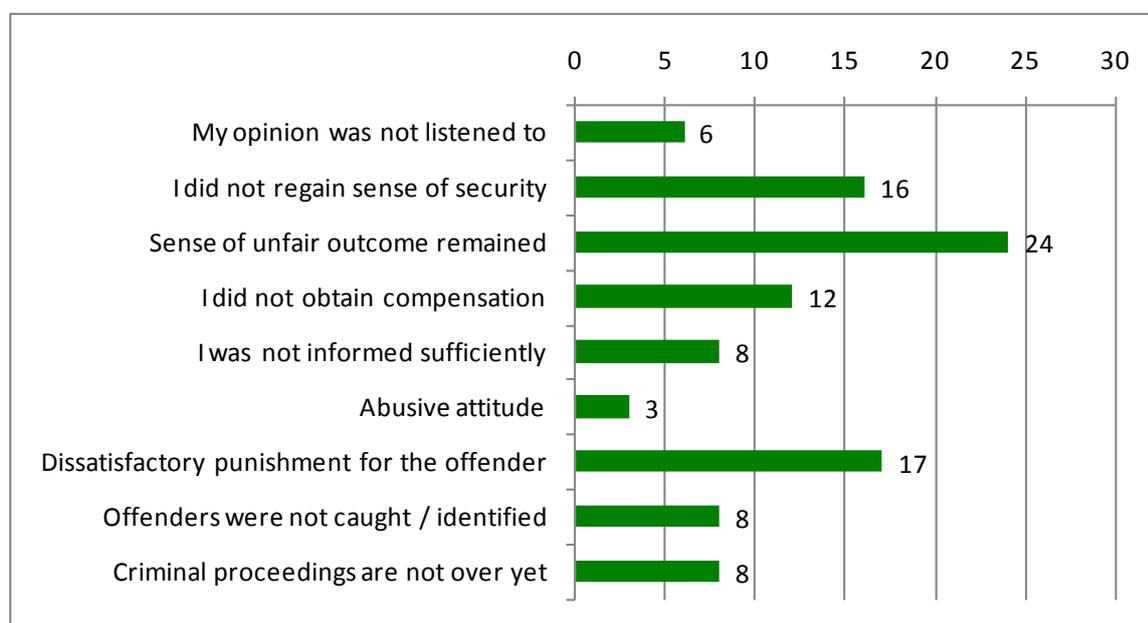
Note: Picture shows the distribution of valid responses, n=41

4.8. Victims' satisfaction with the outcome of the criminal procedure

Along with the questions about the work of the police, prosecutors, and court institutions the victims were asked to describe their satisfaction with the outcome of the criminal procedure. The majority of the victims who gave answers to this question (n=136) indicated that in general they are satisfied with the outcome of the criminal procedure. This answer was given by 61% of the respondents.

Victims who were not satisfied with the outcome of the criminal procedure were asked to explain the reasons of their dissatisfaction. The most frequently mentioned reason of dissatisfaction was the remaining sense of unfair outcome. This negative aspect was mentioned by 24 victims. 17 respondents were not satisfied with the imposed punishment on the offender, but 16 victims admitted that they had not regained the sense of security. 12 victims were not satisfied with the outcome of the criminal procedure because they did not obtain compensation for the crime committed against them. 8 victims were not satisfied with the result because they

did not get a sufficient amount of information. The same number (8) of victims mentioned the reason of dissatisfaction related to the fact that the offenders were not caught or the criminal proceedings had not yet ended. Less frequently mentioned reasons of dissatisfaction were not willing to hear out the victim's opinion (6) and abusive attitude (3).



Basis: All respondents, n=177

Note: Picture shows the distribution of valid responses, n=57

4.9. Victims' satisfaction with the aid of attorneys/lawyers

One fourth of the respondents (26%) admitted that they had a need or would have needed help from an attorney or lawyer. Such help was received by 40 victims, i.e. 85% of the victims who mentioned the need for the help of an attorney/lawyer. 7 victims (15%), who held a view that they would have needed such help, did not receive any legal aid – 3 respondents gave no reasons for that, 3 respondents mentioned that the aid of an attorney was not offered or no information was provided, 1 respondent admitted that attorney's/lawyer's services are too expensive.

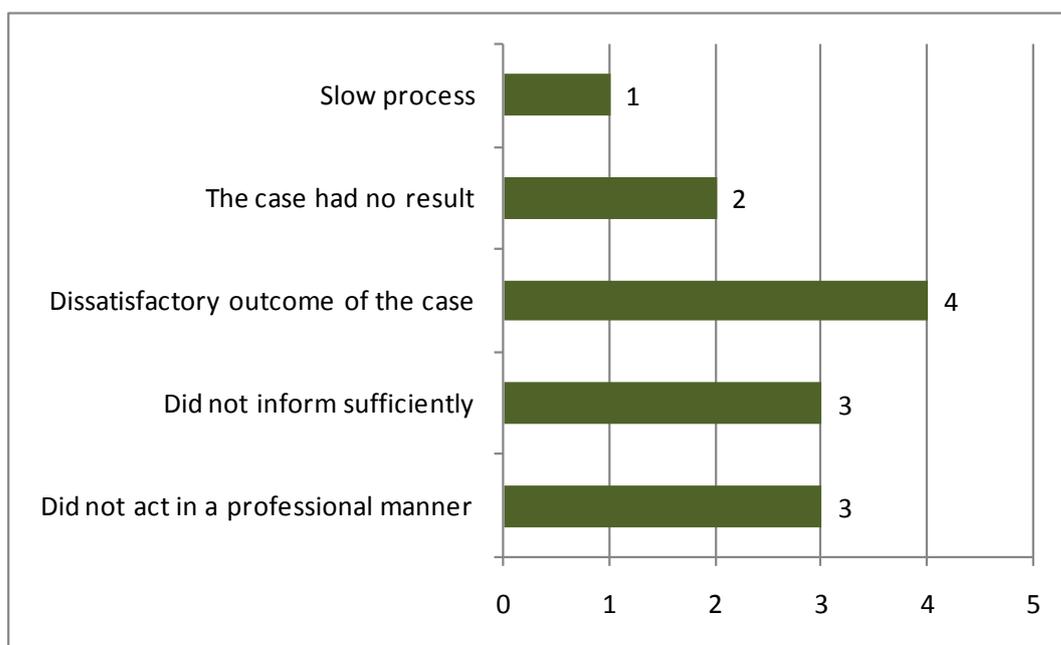
Describing the place of receiving legal aid, 31 respondents (82%) mentioned that they received help at the attorney's/lawyer's office. 3 respondents received help at the Legal Aid and Assistance Centre of the University of Latvia, 2 respondents used the help provided by the Legal Aid Administration, but 2 respondents sought for legal aid from their relative or acquaintance working as an attorney/lawyer.

The majority of the respondents who received help from an attorney or a lawyer paid for legal aid themselves, i.e. 29 out of 36 respondents who gave answer to the question indicated that they or their family members paid for the service, 6 respondents mentioned that the service was government covered and the victim was released from the payment as a needy person, whereas 1 respondent admitted that the costs for legal aid were covered by his employer.

All 37 victims who had received attorney's/lawyer's help admitted that the service providers acted with understanding – 30 victims strongly agreed with the statement that attorneys/lawyers were understanding, but 7 respondents gave the answer that they agree more than disagree with the statement.

38 victims who received help from attorneys/lawyers admitted also that they are satisfied with the aid received – 25 were fully satisfied, 13 were more satisfied than dissatisfied and only 1 victim indicated that he was more dissatisfied than satisfied with the help received from the specialist.

Victims who were not fully satisfied with the help of the attorney/lawyer were asked to explain their opinion. 4 victims were not fully satisfied with the service because they did not like the outcome of the case, 3 victims stated that the providers of legal help did not act in a professional way and the same number of victims claimed that they did not receive enough information. Victims were also dissatisfied with the help of the attorney/lawyer because the case had no result (2 respondents) and the criminal procedure was slow (1 respondent).



Basis: All respondents who received legal aid from an attorney/lawyer, n=40

Note: Picture shows the distribution of valid responses, n=11

4.10. Compensations for the victims and satisfaction with the work of the Legal Aid Administration

The majority of the survey participants (77%) admitted that they had obtained compensation for the harm inflicted by the offender. 13 victims indicated the reasons for not obtaining the compensation – 6 respondents mentioned that they did not obtain any compensation because it was not claimed, not offered or not needed, 4 victims did not receive any compensation because the offender did not carry out obligations related to the payment of the compensation, 2 victims

stated that they did not obtain compensation because the offender did not have financial resources for paying, whereas 1 respondent admitted that the compensation was not obtained due to the fact that both parties were declared guilty.

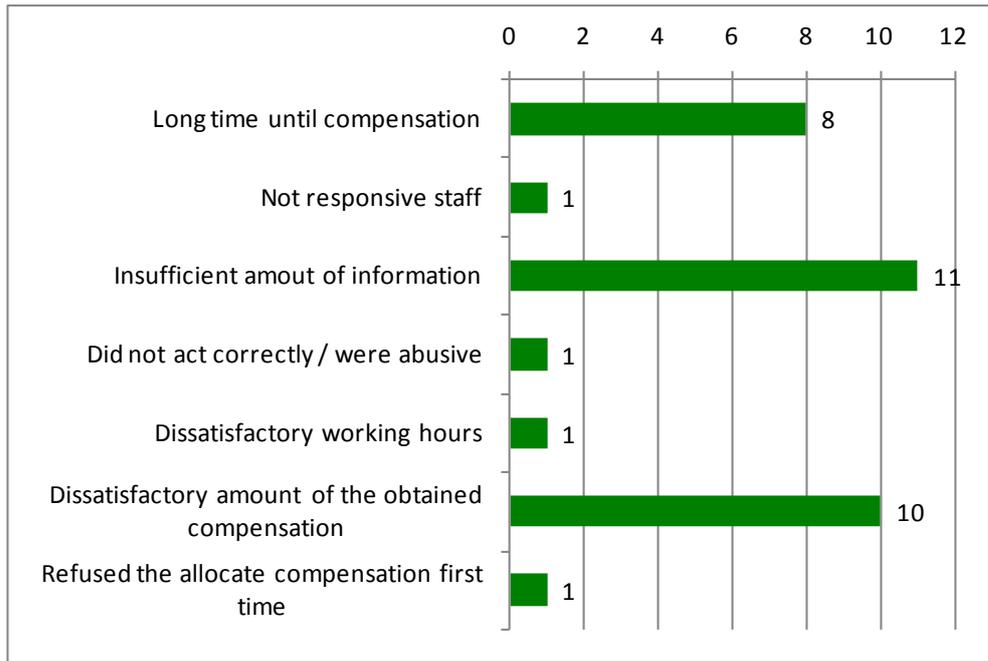
The majority of the victims obtained compensation from the government. From all the victims who mentioned the payer of the compensation, 101 respondents stated that they obtained compensation from the government, 26 victims obtained compensations from the perpetrators, 1 victim obtained the compensation from the insurance company, but 2 respondents indicated that they obtained the compensations from their employers. It must be explained that the financial support that people affected by criminal offences obtain from their employers is considered as a financial aid (allowance) for the victim of the crime but not as compensation according to the Criminal Law.

107 victims who obtained the compensation answered to the question whether the compensation is proportionate for the harm inflicted. Only one third (35%) agreed that the compensation was proportionate. 70 victims (65%) considered the compensation disproportionate.

Analysing satisfaction with the work of the Legal Aid Administration, it can be stated that more than four fifths of the victims (84%) who answered to the question were satisfied with the Administration's work – 57% were fully satisfied, 27% were rather satisfied. Dissatisfaction was mentioned in 16% of the respondents' answers – 7% were fully dissatisfied, but 9% were more dissatisfied than satisfied.

From the respondents who were not fully satisfied or were dissatisfied with the work of the Legal Aid Administration, 11 victims held a view that the officials of the institution did not provide enough information, 10 respondents were dissatisfied due to the dissatisfactory amount of the obtained compensation, whereas 8 victims' satisfaction was reduced by the long period of time until obtaining the compensation.

Less frequently mentioned reasons for dissatisfaction were: unresponsive attitude of the staff (1), abusive and indelicate treatment (1), dissatisfactory working hours for the Administration (1), refusal of compensation after the first application (1).



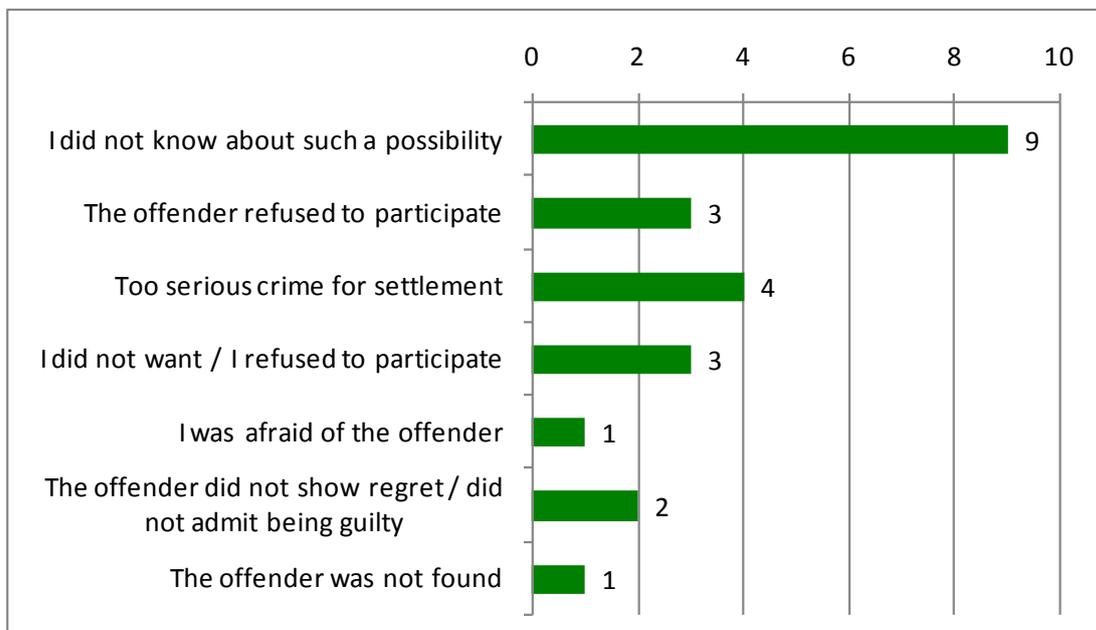
Basis: All respondents who obtained compensation from the government, n=101

Note: Picture shows the distribution of valid responses, n=30

4.11. Settlement and victims' satisfaction with the work of the State Probation Service

Half of the survey respondents (51%) acknowledged the necessity of the settlement and 80 victims participated in the settlement procedure organised by the State Probation Service.

Victims who did not participate in the settlement procedure were asked to explain the reason of not participating. From 23 respondents who answered to this question, 9 respondents did not participate in the settlement because they did not know about such a procedure, 4 victims found the crime too serious to resolve the case in a settlement procedure with the offender, 3 respondents indicated that they do not want it without further explanations, and the same number of victims did not participate in the settlement because the offender refused to participate. Other reasons of not starting a settlement procedure: the offender did not express regret, did not admit being guilty (2), fear from the offender (1), the offender was not found (1).

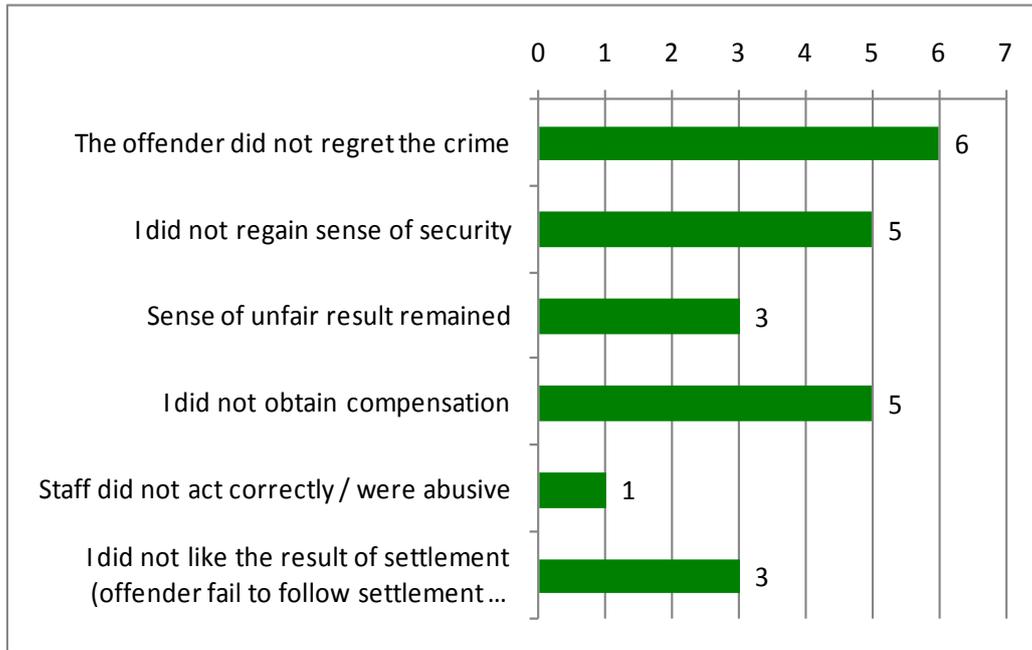


Basis: All respondents who did not participate in the settlement, n=97
 Note: Picture shows the distribution of valid responses, n=23

Evaluating the attitude of the State Probation Service officials – mediators, almost all (97%) from the participating respondents (n=79) indicated that the mediators showed understanding. 78% of the respondents strongly agreed and 19% rather agreed with this statement. The attitude of settlement mediators were assessed negatively only by 3% of the victims who gave answer to the question.

Analysing satisfaction with the mediators’ work it can be stated that 96% of the victims who answered to the question about the mediators’ work were satisfied with it – 81% were fully satisfied, 15% were rather satisfied. Dissatisfaction with the work of the State Probation Service was mentioned only by 3 victims – 2 victims were fully dissatisfied, but 1 victim was more dissatisfied than satisfied.

From the respondents who were not fully satisfied or were not satisfied with the work of settlement mediators, the majority were dissatisfied with the result of the settlement or the offender’s attitude but not with the settlement procedure. 6 victims were dissatisfied with the settlement because the offender did not express regret, 5 victims were dissatisfied because of not regaining the sense of security after the settlement, and 5 victims were dissatisfied of not obtaining compensation. 3 victims mentioned that the feeling of injustice had remained after the settlement, 3 victims were not satisfied with the result of the settlement procedure and only 1 respondent was dissatisfied with the mediator’s attitude, i.e. the mediator did not act correctly but rather abusive.



Basis: All respondents who participated in the settlement, n=80

Note: Picture shows the distribution of valid responses, n=14

4.12. Satisfaction with the work of the social services

From all the respondents, 33 victims (19%) admitted that they needed support from the social services. The help was received by 19 victims, whereas 14 victims who considered that they were in a need of such support did not receive any of it – 5 respondents did not mention the reason of not receiving the support, but 9 respondents indicated that they did not receive help from the social services because it was not offered or the victim did not know about the availability of the support.

Analysing the victims' satisfaction with the work of social services it can be stated that 3 out of 4 victims who mentioned receiving support from the social services were satisfied with their work – 11 respondents were fully satisfied, 4 – rather satisfied. 4 respondents were not satisfied with the work of the social services – 2 were fully dissatisfied and 2 were more dissatisfied than satisfied.

From the respondents who were not fully satisfied or were dissatisfied with the work of the social services, 2 victims described the work of the services as unprofessional, 2 held a view that they did not receive enough information from the social services, 2 victims indicated that the social services staff was not responsive.

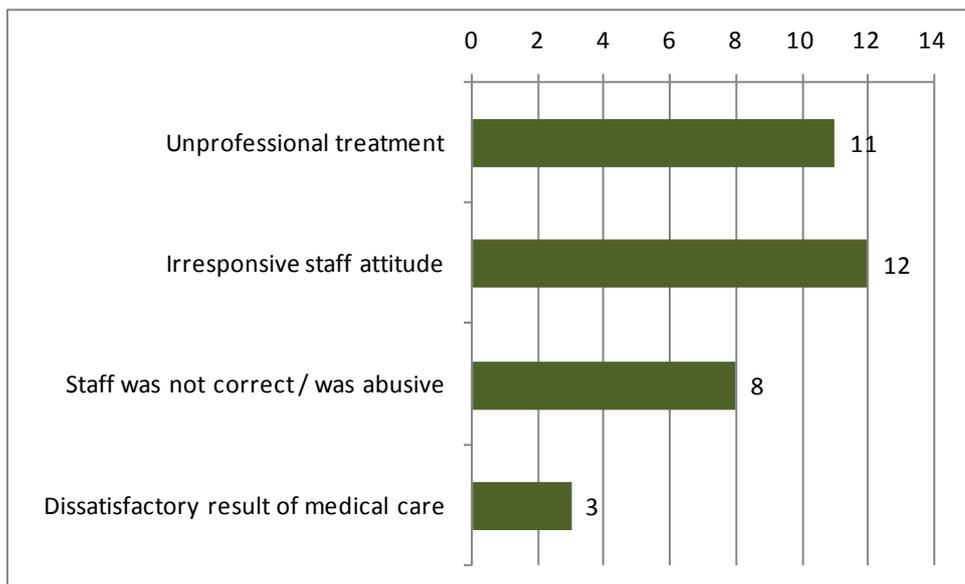
4.13. Victims' satisfaction with medical care

From all the respondents, 114 victims (66%) admitted that they had a need for medical care. 112 victims of criminal offence received the aid, whereas 2 victims who considered that they needed medical care did not receive such support – 1 respondent mentioned that the family hampered professional medical care, the other indicated that he did not receive emergency medical care but received medical care when arrived at the medical institution on their own (“they told me to ‘fixate’ the fracture and go to the hospital”).

Evaluating the attitude of the medical staff, from all the respondents who gave their answers (n=96), 88% admitted that the medical staff showed understanding. 70% of the respondents strongly agreed and 18% rather agreed with this statement. Medical staff's attitude was assessed negatively by 12% if the victims who answered to this question – 2% strongly disagreed and 10% rather disagreed with the statement that the medical staff acted with understanding.

Evaluating the satisfaction with the work of the medical staff, it can be stated that 4 out of 5 victims who mentioned that they had received medical care were satisfied with their work – 61% were fully satisfied, 23% were rather satisfied. 15% of the respondents were not satisfied with the work of the medical staff – 3% were fully dissatisfied, but 12% were rather dissatisfied than satisfied.

From the respondents who were not fully satisfied or were dissatisfied with the work of the medical staff, 27 respondents explained the reasons of dissatisfaction – 12 victims indicated that the medical staff was not responsive, 11 victims described the treatment of the medical staff as unprofessional, 8 victims mentioned that the staff was abusive or incorrect, 3 victims were not satisfied with the work of the medical staff because they were not satisfied with the result of the medical care.



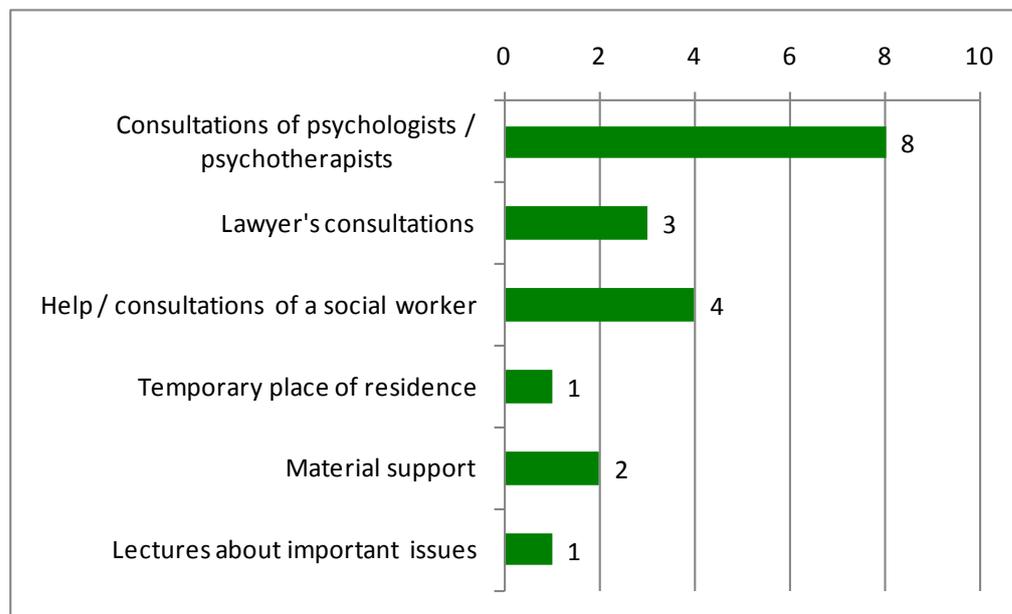
Basis: All respondents who received medical care, n=112

Note: Picture shows the distribution of valid responses, n=27

4.14. Victims' satisfaction with the work of crises centres

From all the respondents, 20 victims (12%) admitted that they had a need for help from crises centres. 8 victims received such aid, whereas 12 victims who considered that they would have needed help from crises centres did not receive it – 5 respondents did not mention the reason of not receiving help, but 7 respondents mentioned that they did not receive help from crises centres because it was not offered or the victim did not know about the possibility of receiving help in a crises centre.

Crises centres offer a various range of services and the victims who have received help in a crises centre have been provided with more than one type of services. All 8 victims who have received support from the crises centres have attended consultations of psychologists and psychotherapists, 4 victims have received help or consultations from a social worker, 3 victims have been consulted by a lawyer. 2 victims have received material support at a crises centre, 1 victim has been offered a temporary place of residence, and 1 victim has received support in the form of lectures about an important issue for the victim.



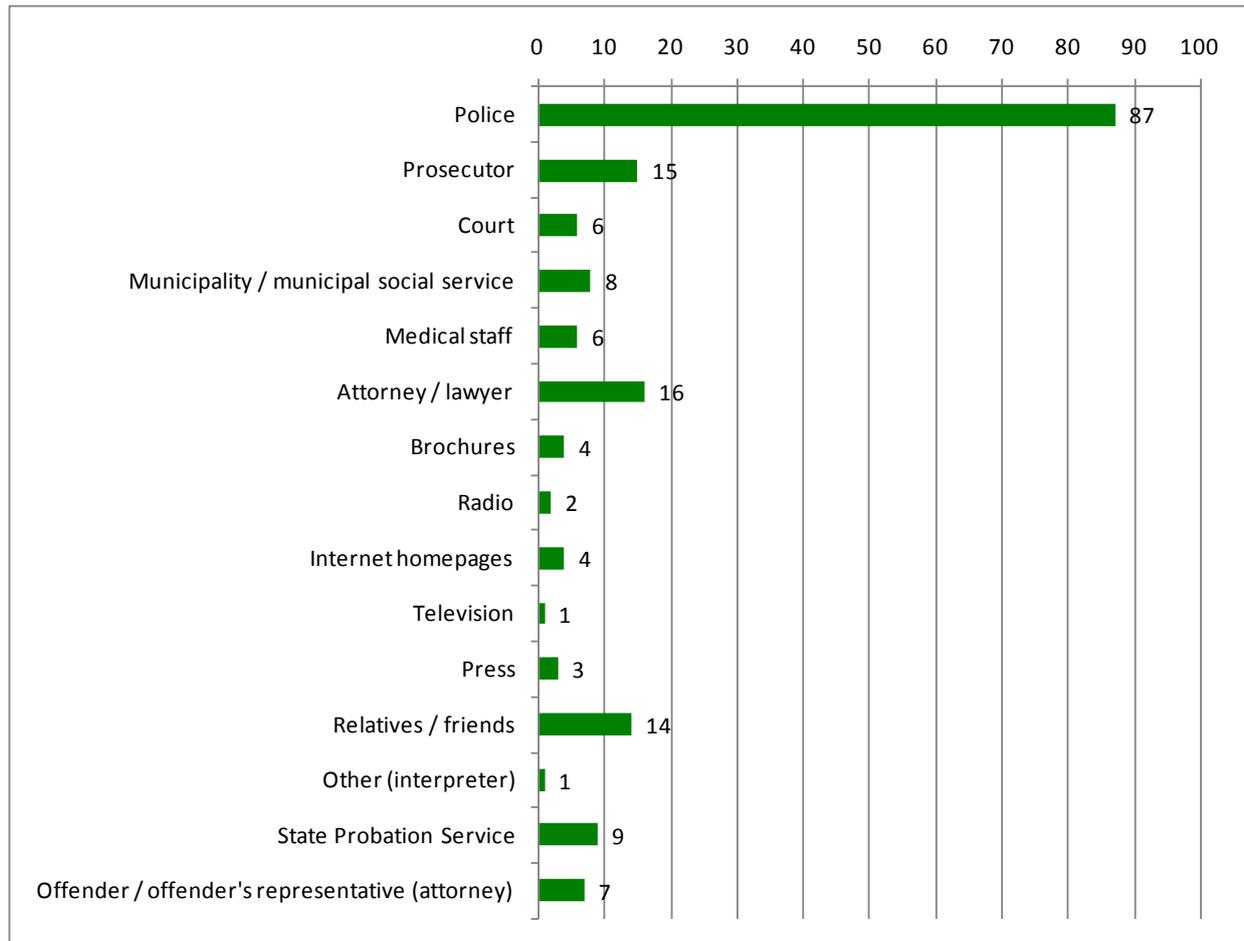
Basis: All respondents who received help from crises centres, n=8

All 8 respondents who had received support from the crises centres admitted that the workers in the crises centres acted with understanding. All the respondents also were satisfied with the work of the crises centres – 7 were fully satisfied, 1 respondent was rather satisfied than dissatisfied.

4.15. Sources of information about the services available for victims

Answering the question about where they received information about the services available for the victims of criminal offences, slightly more than a half of the respondents, i.e.

87 victims, indicated that they had received information from the police. Attorneys/lawyers, prosecutor's office staff, and relatives/friends are the next more frequently mentioned sources of information –16 victims were informed by their attorneys or lawyers, 15 victims received information from prosecutors, but 14 victims were informed by their relatives or friends. Other sources of information were mentioned less frequently. One could expect that the victims, along with the officials from various institutions, relatives and friends, would mention mass media as important sources of information, however this hypothesis was not confirmed, i.e. only 4 victims indicated that they obtained information about victim support on the internet, 3 – from the press, 2 – from the radio, and 1 – from TV.



Basis: All respondents, n=177

Note: Picture shows the distribution of valid responses, n=158

4.16. Conclusions

1. Victims of criminal offences who turn to the police and seek for help in general are satisfied with the work of state, municipal and non-governmental institutions.

Both the institutions that are involved in disclosing a crime and solving the further conflict and the institutions that provide support for the victims are evaluated positively all in all, i.e. at least 3 out of 4 victims have evaluated the institutions that participated in the further process of the situation positively: 74% of the victims evaluated the work of the police, 83% of the victims evaluated the work of the prosecutors, 73% evaluated the work of the court, 84% evaluated the work of the Legal Aid Administration, and 95% evaluated the work of the State Probation Service positively.

2. Victims acknowledge the impact of crimes on various spheres of an individual's life.

The negative impact of criminal offences have various forms and the wide range of feelings, sufferings and negative emotions show to the victim's traumatic experience, victim's sense of security. More than a half of the respondents affected by violent criminal offences have indicated that the crime has left consequences on their psychological/emotional state (82%), health (92%), financial state (85%) and relationships with other people (61%). The victims of the offences against property have indicated that the wrongdoing has affected their financial state (65%). The most frequently mentioned irreversible consequences were permanent health problems – 53 out of 117 respondents affected by violent crimes have indicated on such lasting consequences. The victims of violence have mentioned more frequently than the victims of the offences against property that they avoid certain locations for safety reasons. It can indicate to the fact that the crime has affected not only victims' psychological/emotional state, health, financial state and relationships with other people but also the sense of security and further actions, i.e. the crime has stimulated part of the victims to avoid insecure places and situations.

3. Victims who are not fully satisfied or are dissatisfied with the work of institutions have indicated to various reasons for their evaluation:

3.1. Victims find the contribution of the institutions in disclosing their case as insufficient.

Explaining why the victims were not fully satisfied or were dissatisfied with the work of an institution, the most frequently mentioned reason was "they did not do enough". This was the most frequently mentioned answer describing the work of the police and the prosecutor, and the second most frequently mentioned answer for the work of the court. The answer "not enough" indicates that the feedback from the institutions could be more active, i.e. the institutions should not only be professional at their responsibilities but also communicate actively with the parties of the proceedings, including the victim.

3.2. Victims' dissatisfaction with the work of the institutions is related to the unavailability of information. The second most frequently mentioned reason for the victims' dissatisfaction of the work of the institutions is related to the availability of information. Answering the question why the victim was not fully satisfied or was dissatisfied with the work of an institution, every third respondent indicated that the police and the Legal Aid Administration did not inform the victim sufficiently. The same reason was mentioned explaining the victim's dissatisfaction with

the work of the prosecutor and attorneys/lawyers.

3.3. Also a long time period for the proceeding affects victims' satisfaction with the work of the institutions. The most frequently mentioned reason for the dissatisfaction of the victims who were not fully satisfied or were dissatisfied with the work of the court was the long process of litigation. The long period until obtaining the compensation was the third most frequently mentioned reason why the victims were not fully satisfied or were dissatisfied with the work of the Legal Aid Administration. Although the length of litigation and the period of time until obtaining the compensation do not fully depend on the organization of work at the court and the Legal Aid Administration, the attention should be turned to these factors considering the development of the victim support system.

3.4. Considering that the crime as a conflict is disclosed when the justice is restored, respondents' answers indicate that punishment or imposing alternative punitive means are not sufficient to restore justice.

Victims who were not satisfied with the outcome of the criminal proceedings were asked to explain the reasons of their dissatisfaction. Four the more frequently mentioned reasons for dissatisfaction were: feeling of injustice after the proceedings; victims were not satisfied with the punishment imposed on the offender; victims admitted that they have not regained the sense of security; and victims were not satisfied with the outcome of the criminal proceedings because they did not receive any compensation for the harm and suffering caused by the crime.

Victims were also dissatisfied with the amount of compensation, 65% of the victims evaluating the proportion if the compensation obtained considered the compensation disproportionate.

Similarly to the outcome of the criminal proceedings, also the outcome of the settlement procedure was evaluated negatively due to similar reasons, i.e. most of the victims who were not fully satisfied or were dissatisfied with the work of the mediators did not like the result of the settlement procedure or the offender's attitude, instead of the settlement procedure itself. Three the most frequently mentioned reasons were: the perpetrator did not express regret for the wrongdoing, the settlement did not help regaining the sense of security, there was no compensation obtained.

These opinions of the victims indicate to the limited possibilities of the current system of justice and victim support in restoration of justice. Taking the victims' opinion in consideration, more attention should be paid to support activities after the criminal proceedings or the settlement procedure or after awarding the compensation to the victims.

4. The survey does not indicate to the secondary victimization as to a widespread problem, however some victims' answers lead to conclude that the treatment of various institutions and officials involved in the proceedings have a negative impact of victims' experience.

Although only a few victims have indicated that the officials of the police, prosecutor's office, Legal Aid Administration, State Probation Service and medical care institutions have treated the victim in an abusive way, this factor should not be left without attention in order to prevent any possible recurrent and secondary victimization.

5. At the moment, mass media do not serve as an essential resource of information for victims about the availability of support services.

The conducted survey revealed that only 10 out of 158 respondents who answered the question about where they obtained information about the services for crime victims mentioned any form of mass media as the source of information. Possibilities to get information from mass media about victim support services and help in overcoming the consequences caused by a criminal offence are rather an exception than a priority/topicality for mass media. Developing the victim support system solutions should be sought for how to increase the availability of information and to involve mass media in informing the victims. At the moment, mass media is an insufficiently used source of information.

5. Victim support systems in European Union member states

5.1. The Netherlands⁸⁷

Intensive attention for victims of crimes in the Netherlands started in the 1970s. In 1976, the Compensation Fund for Victims of Violent Crimes was established by a special law and in the following years the Fund projects were joined by various initiatives by volunteers, private organizations, universities and the police, thus establishing the National Victim Support Platform. After a number of other local initiatives joined the Platform, in 1984 a national organization was established providing practical, emotional and legal support to victims of crime nationwide.

Today the Victim Support organization provides free of charge assistance for victims of crime and traffic accidents, offering a broad spectrum of services.

An important step toward a wholesome provision of victims' rights was made in 1995 with the Terwee Act, the first victim's law – the law stipulated that the police and prosecutors are responsible for treating the victims with understanding and respect, informing them about the progress of the criminal proceedings, identifying the harm and losses incurred to the victims, as well as for taking into consideration victims' interests in decision making. The law also provided for the expansion of the possibility for victims to claim damages and apply for the compensation in the framework of the criminal proceedings.

In the Netherlands, a victim may apply for the compensation in three ways:

- filing a claim for the compensation through the procedure in the criminal court – after issuing the Terwee Act in 1995, the limit on the maximum amount of the compensation is abolished, introducing the Compensation Order – if the Order is included in the ruling of the court, the compensation can be collected by the Central Fine Collection Agency on behalf of the victim. In 2011 a new compensation scheme for victims of violent and sex crimes was introduced – if the offender fails to pay the compensation for the victim within eight months after the verdict has become irrevocable, the compensation in full amount is paid by the state.
- appealing to the Violent Offences Compensation Fund – in cases when the victim has sustained serious injury due to an intentional violent crime. The application must be made within three years after the date on which the offence occurred. It is important that reporting the crime to the police is not a prerequisite for obtaining the compensation. This type of compensation has limits to be granted – 10 000 Euro for immaterial damage and 25 000 Euro – for material damage.
- filing an action in civil court – in order to start a civil action, the victim must have a representative at court and the burden of proof rests on the victim as plaintiff, therefore this is the most complicated and the least favourable option for the victim.

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⁸⁷ Report "Victim support services in the Netherlands", prepared in the Project No. JUST/2010/JPEN/AG/1597 "Atbalsta sistēma noziegumos cietušajiem – Latvijā un citur" (Support System for Crime Victims: in Latvia and Beyond), 2013. Available at: http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Victim%20support/1.%20NL.pdf [Consulted on: 25.05.2013.].

One of the Victim Support Netherlands basic principles is active contacting of the victims of crime. After the victim has reported to the police, the organization receives personal details of the victim and relevant information on the circumstances of the crime. The victim is contacted within two days and offered the necessary support. Services of the organization include also help in emergency situations and, in a very close collaboration with the prosecution, also in the course of the criminal procedure. The victims can receive support also via phone or email.

Staff in medical institutions is not allowed to report the case of victimisation to the police or any other institution without the consent of the victim involved – they can only try to convince the victim to seek help. Children are an exception to this rule – if a professional suspects that a child is abused, he may report to a special organization that will investigate the particular case.

From the restorative justice methods, Victim Offender Meeting (VOM) is the most common practice in the Netherlands, meeting either face to face, by letter or via a third person. These meetings are organised by a particular NGO – *Victim in Focus* (ViF), preparing both the victim and the offender for the meeting (annually about 1500 requests are received, in 50% of the cases the parties agree to meet). The outcome of the VOM has – in theory – no influence on the outcome of the criminal proceedings – the approach is used to guarantee maximum sincerity on the part of the offender who, consequently, has nothing to gain by participating in the meeting.

Mediation as a method of the restorative justice in the course of the criminal procedure is used less frequently. This approach is yet in a pilot stage; however it is expected that it can be used wider over time.

Although the official statistics show that crime rates in the Netherlands have been relatively stable and even decreasing over the past years, the surveys indicate that there is an issue about the unreported crimes. For instance, in 2011 5.7 million persons suffered from crime but only 1.1 million victims reported to the police. It means that the majority of victims remain outside the scope of the Victim Support organization and do not receive the needed support. This is one of the problems, which has solutions being searched for in order to constantly improve the situation for victims in the country.

5.2. Sweden⁸⁸

In Sweden the word “victim” was coined during the 1970 when also the criminal system started to use the term. In 1978 it resulted in a special law that gave victims of crime a right to compensation when an injury has been caused by a criminal act (CA).

An essential achievement in the development of the victim support system was the Crime Victim Compensation and Support Authority established in 1994, as well as the amendments in the legislation that extended the responsibility of the municipal social services. One of the most important elements in the victim support system is the Victim Support Association

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88 Report “Country report Sweden”, prepared in the Project No. JUST/2010/JPEN/AG/1597 “Atbalsta sistēma noziegumos cietušajiem – Latvijā un citur” (Support System for Crime Victims: in Latvia and Beyond), 2013. Available at: http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Victim%20support/6.%20SE.pdf [Consulted on 25.05.2013.].

(BOJ), established in 1988, with approximately 100 local offices all around Sweden. Generally, coordinators work at the local offices, they organise volunteer support persons for the victims – the support person listen and acknowledge the victim, gives advice, helps with filling in the compensation application, assists during the questioning and the court hearing. It is important that the support person is a peer who is not in a power position or there to judge; moreover, the provided support is individual and designed according to each individual victim's needs. BOJ also operates a National Call Centre – in case when the local offices are not able to answer themselves the victims' calls get connected to the National Call Centre and in this way all victims always receive first aid.

Also the law enforcement institutions are involved in a successful operation of the victim support system – the police has an obligation to give victims support and information; each police district has a victim coordinator who provides and organises support for the victim according to his or her individual needs. The prosecutor has an obligation to present the victim's claim in the court for the compensation of damages if this can be done without marked inconvenience and the claim is not manifestly unfounded. The court can appoint a legal adviser for providing assistance in matters of legal procedure.

The victim can obtain compensation in several ways:

- With the help of the prosecutor, the victim can claim damages at the court. If the court orders the defendant to pay damages, a copy of the sentence is sent also to the Swedish Enforcement Authority that contacts the victim and offers to collect the damages on behalf of the victim if the compensation is not paid voluntarily.
- From the insurance companies – if the convicted is unable or unwilling to pay the damages or if the offender is unknown, the crime victim may get compensation through insurance.
- From the Crime Victim Compensation and Support Authority – compensation can be obtained from the state under the following requirements: the CA must have been reported to the police, the injury cannot be fully compensated by the offender or through insurance, the claim for the compensation must be submitted within two years of the commission of the CA or of the termination of criminal proceedings. The decision of the Authority to grant or deny granting the compensation cannot be appealed against.

The involvement of health and medical services in the victim support system mainly confines to taking care of the victims of crime and securing evidence, for instance, in case of violence. A medical certificate or report about the damage caused by the crime is very significant to the legal procedure. In some Swedish hospitals victims of sexual abuse and domestic violence can get specialised care, however this care is not equal all over the country at the moment.

Although the victim support organizations have no direct cooperation with the providers of mediation services, methods of restorative justice are used in various situations in Sweden. The legal framework for restorative justice does not have any restrictions when it comes to the types of CA, the only limitation is related to the age of the parties – usually they have to be over 12 years of age. There are two basic preconditions for mediation – the CA has to be reported to the police and the offender has to admit participation in the CA. Usually the police refer the case to mediation, but it is also possible for the prosecutor, social service and victim support organizations. Mediation in Sweden is considered to be a supplement to the criminal proceeding.

If the CA has been committed by a youth offender, the agreement can become a part of the court ruling; also in other cases the judge can take the agreement into consideration in the judgement. It is important that since 2008 it has become mandatory for municipalities to offer mediation in all cases where young offenders under 21 years of age are involved.

The prosecutor can take the results of mediation into consideration when deciding whether to prosecute the case or terminate the criminal proceedings. There is also a certain control mechanism – if the mediator gets wind of that the agreement is not fulfilled, it is reported back to the prosecutor who can revoke the decision not to prosecute.

Altogether Sweden has support from its government in the issues related to the following and strengthening the rights of the victims. The legislation basis is developing, the funding is granted for doing research in important questions for victims.

5.3. Hungary⁸⁹

The Hungarian Victim Support Service (hereafter – VSS) started its activity on January 1, 2006, when the Victim Support Act was taken into effect. VSS is currently functioning within a two-level institutional framework – 20 regional offices all over the country (a) and the central office – Victim Support Unit of the Office of Public Administration and Justice with nationwide competence (including methodological and professional leadership).

In order to be acknowledged and get specific support, the victim must have a certificate issued by the investigating authority, prosecutor or court indicating basic data regarding the victim and the particular criminal act (CA). It is a duty of the police to inform victims about the available victim support services and their rights to have assistance the first time they meet.

The aim of the victim support activities is to mitigate the social, moral and financial damages of the victims whose quality of life has been endangered due to the CA. Support services are available for victims of every type of crimes, yet only victims of violent intentional CAs may be eligible for state compensation. Support services include: (a) providing help for assertion of the victims' interests, for instance, access to healthcare services, health insurance benefits, as well as psychological assistance; (b) instant monetary aid which is not compensation for the damages but rather a crisis aid (therefore it has to be applied for within five days after the CA was committed), for instance, for expenses concerning clothing, housing, nutrition, medical costs; (c) legal aid available for needy victims. In addition, human trafficking victims are entitled to get free accommodation for 90 days in a specialised shelter (safe house).

State compensation is granted for needy persons who have suffered from severe crimes, such as, for instance, murder, human trafficking, kidnapping, rape and robbery, submitting the application form within three months after the CA was committed. If the person is deceased in the CA, the compensation can be provided to the victim's immediate family. State compensation can be

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⁸⁹ Report "Report on Hungarian Victim Support", prepared in the Project No. JUST/2010/JPEN/AG/1597 "Atbalsta sistēma noziegumos cietušajiem – Latvijā un citur" (Support System for Crime Victims: in Latvia and Beyond), 2013. Available at: http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Victim%20support/4.%20HU.pdf [Consulted on 25.05.2013.].

a lump-sum cash payment compensating economic loss or regular monthly instalments if the person has to compensate the diminution of regular income. It must be noted that the term “needy victims” within this regulation include rather many people because the neediness level is stated at an income of 627 Euro per capita, which is high in comparison to the minimum wage – 341 Euro.

Medical institutions are part of the children’s rights protection system – in case they suspect that a child could be a victim of violence, they have a duty to inform the guardianship (children’s rights protection) institutions. The same approach applies in cases possibly related to domestic violence and human trafficking.

Hungary practises also the methods of restorative justice, for instance Victim Offender Meeting (VOM) under the guidance of specially trained probation officers. It has been a part of the criminal proceedings since 2007 and is applicable in cases of traffic offences, crimes against another person and crimes against property (the potential punishment may not exceed three years). A precondition for using VOM – the offender must admit his guilt beforehand. If the offender or the victim requests VOM, the prosecutor or the judge can suspend the criminal proceedings up to six months and refer the case to mediation. In addition to mediation, Hungarian Criminal Code has provisions about the termination of criminal proceedings based on voluntary restitution. As the wording “voluntary restitution” is rather open and can be interpreted rather broadly, this can be considered another method of restorative justice.

Hungarian legal framework stipulates several victim-friendly tools regarding the interrogation at the trial, using a possibility to have a delegated judge or request another court for the proceedings. The police also has an inner regulation stipulating particular attitude dealing with domestic violence cases or violence of children’s rights. In 2012, an essential improvement has been introduced – at least one child-friendly hearing room in the court in each county. The rooms have to be adjusted to particular criteria related to their size, lucidity and technical equipment and furnishing; they will be available not only for hearing children but also for victims with specific protection needs.

As the main elements of the victim support system in Hungary, the specialist name the access of the victims to the instant monetary aid, nationwide availability of the support offices and the 24/7 telephone line. The Hungarian experience shows that a special emphasis must be put on the training and education of the police and other law enforcement officials, because rather often they are the very first to contact the victims. As the legal framework do not envisage the possibility for the VSS to contact the victims on their own accord, it is very important that the police inform people about the available support.

5.4. Poland⁹⁰

In Poland, the Crime Victim Support Network comprises 15 Crime Victim Support Centres operating throughout the country and ensuring the availability of the services in each province of Poland. On January 1, 2012 the Victim and Postpenitentiary Assistance Fund (hereafter Fund) was enacted – its funding mainly consists of compensatory damages and benefits from offenders. The principle of spending the Fund’s resources is open competitions, out of which emerge subjects capable of providing free of charge assistance to victims.

Victim Support Centres ensure the following activities – free of charge legal and psychological counselling for victims of crime, support for volunteers working as victims’ guardians, establishment of crime victim support network, cooperation with Victim Support Centres in other districts of Poland, cooperation with the police, the judiciary, local governments, social services, schools, hospitals, NGOs, church institutions and other institutions related to providing assistance to victims of crime. Although the Fund operates only for a year, its resources are available for covering victims’ costs of health services, temporary accommodation, adapting victims’ dwelling to meet their needs, public transport expenses etc.

State Compensation act determines the rights of victims on state compensation for an intentional, violent CA, as a result of which the person has died or suffered bodily injury or impairment of health. If the result of the CA is the person’s death, the rights to obtain the state compensation are entitled to his or her immediate family. The law stipulates several preconditions due to which the compensation is not awarded; therefore the efficiency of this establishment altogether is a debatable issue.

In Poland there is no comprehensive proactive mechanism of reaching out to victims of crime. As an exception a preventive approach against domestic violence can be mentioned – the “Blue Cards” procedure. The procedure enables responsible services to reach persons who are suspected to be victims of domestic violence – an anonymous notification or suspicion is sufficient for the procedure to be initiated; subsequently, a potential victim is invited to a meeting and interviewed, information is given to the victim about the available protection and assistance.

Victims can contact Crime Victim Support Centres on their own accord in person, by telephone, by post, or by email. Centres cooperate with institutions where victims could turn to in order to have easy-accessible information. A website has also been established providing useful information for the victims of crime.

Health professionals have a duty to inform the law enforcement institutions about suspected CA victims. Moreover, at the request of a patient who is a victim of crime GPs are obliged to issue a uniform type of certificate free of charge containing a description of the patient’s condition, bodily injuries and their possible causes. A procedure of representatives of medical services is particularly regulated in cases of suspected crime committed on a child.

From the methods of restorative justice, a widely available practice in Poland is state-financed mediation. However it is very rarely used as a substitution for court proceedings.

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⁹⁰ Report “Assistance to Victims of Crime in Poland – selected issues”, 2013, prepared in the Project No. JUST/2010/JPEN/AG/1597 “Atbalsta sistēma noziegumos cietušajiem – Latvijā un citur” (Support System for Crime Victims: in Latvia and Beyond). Available at: http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Victim%20support/5.%20PL.pdf [Consulted on 25.05.2013.].

The issue of secondary victimisation is rather topical – at the moment activities to prevent secondary victimisation are more related to the protection of children’s rights envisaging certain limitations for questioning under-age witnesses, also amendments in the legislation are planned to decrease the possibilities of secondary victimisation for the victims of sexual abuse.

On February 12, 2013 the government of Poland adopted the strategy until 2020, where also the analysis of the position of victims of crime is included, emphasising the improvement of their protection. The social awareness-raising activities are continued, as well as the strengthening of mutual cooperation and coordination of various organizations. Assistance to victims constitutes one of priority activities of the government and the justice system now and for the future years.

5.5. Estonia⁹¹

Estonian Victim Support Act came into force in 2003. Firstly, it showed that the state had an interest in caring for victims and secondly, victims started to get more attention and real practical, material help. In January 2005, Victim Support Department was created, launching the system of victim support. The aim of the Estonian National Victim Support Service is to maintain and enhance people’s ability to cope after falling victim to physical, mental, sexual abuse, mistreatment or negligence. The services are provided by the Estonian National Social Insurance Board. At the moment there are 15 Victim Support Centres and 27 specialists employed across Estonia.

The main methods used in these Centres are listening, emotional support and empowering, informing about different possible solutions and help in communication with other organizations. Specialists provide help and counselling in crisis situations, organise seminars and trainings, and inform the society about all the topicalities. Since 2013 Centres are responsible also for the victims of human trafficking. Mostly victims turn to the Centres on their own initiative, or under the guidance of the police or other organizations – shelters, hospitals, also municipalities. Centres also cooperate with prosecutors, local government officials, child protection specialist, medics, rescue service etc. To solve the issues related, for instance, to domestic violence, child abuse, murders, the Estonian National Social Insurance Board has signed a cooperation contract with the Police and Border Guard Board – the cooperation means, for instance, that the police already on scene ask for the victim’s permission to forward his or her data to the victim support specialists. The cooperation is enhanced also by the fact that most of the Victim Support Centres are located in the same building as the police stations.

Victims have an opportunity to receive state compensation, too. It is paid to the victims of a violent crime as a result of which the injured person dies, sustains serious damage to his or her health, or sustains a health disorder lasting for at least six months. The application for receiving the compensation has to be submitted within a year from the incident. Another essential element in the system of victim support is the availability of compensation for cost of professional psychological care in an amount equal to one minimum monthly wage – Centre specialists seek out the proper

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91 Report “Supporting Victims of Crime in Estonia”, 2013, prepared in the Project No. JUST/2010/JPEN/AG/1597 “Atbalsta sistēma noziegumos cietušajiem – Latvijā un citur” (Support System for Crime Victims: in Latvia and Beyond), 2013. Available at: http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Victim%20support/7.%20EE.pdf [Consulted on 25.05.2013.].

professional psychologist if the victim's questionnaire shows the need for psychological care.

Since 2007, Estonian Code of Criminal Procedure states the possibility for the prosecutor or court to issue a ruling about the implementation of the mediation service (it can only be implemented in cases of a second degree criminal offence when the circumstances of the crime are clear and there is no doubt about the perpetrator). A successful process of mediation gives a possibility to terminate the criminal proceedings; besides, the data are not registered in the Punishment Register. Mediation is ensured and conducted by the Mediation Service; it is responsible not only for the organization of mediation but also for the monitoring of the fulfilment of the agreement signed as a result of mediation. The victim gives his or her proposals about the conditions of the mediation agreement and the perpetrator has to fulfil them within six months after the signing of the agreement – in case of failure, the criminal proceedings are renewed.

The legal framework in Estonia stipulates that only ambulance paramedics are obliged to notify the police of any victims of violence, other healthcare specialists do not have such responsibility. As an exception, the responsibility of immediate notification to the law enforcement institutions in cases of possible violence of children's rights and possible child abuse lies on every person, including health care specialists.

5.6. Lithuania⁹²

The Fund for Crime Victims established by the Law on Compensation of Damage Caused by Violent Crimes that came into force on March 1, 2009, is administrated by the Ministry of Justice. The Fund is funded by the state and from the payments that the court can appoint as one of the punitive measures. Over the past years, the number of submitted applications has grown rapidly which can be related to the amendments to the Law stipulating the obligation to inform victims about their rights to obtain compensation. According to the Law there are two ways to receive the compensation for material and non-material damages – in advance during criminal proceedings or after the final decision of the court.

State-Guaranteed Legal Aid Services informs the public about the procedures and conditions of receiving the compensation, accepts and examines requests, and submits them to the Ministry of Justice. A website www.ePolicija.lt is created in Lithuania, where every inhabitant can find information about the services provided by the police, and victims have the possibility to announce about the crime.

At the moment, Lithuania does not have a general victim support centre for all categories of victims – help must be sought referring to certain non-governmental organizations (usually they offer legal-psychological assistance, information and support), though the activities of these organizations are limited, project-based and mainly located in big cities. Thus, basically the victim support system consists of the compensation for the damage and state guaranteed legal aid.

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⁹² Report "Selected Case Studies: EU Best Practices – Victims Support Mechanisms. Lithuania", 2013, prepared in the Project No.JUST/2010/JPEN/AG/1597 "Atbalsta sistēma noziegumos cietušajiem – Latvijā un citur" (Support System for Crime Victims: in Latvia and Beyond). Available at: http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Victim%20support/3.%20LT.pdf [Consulted on 25.05.2013.].

One of the mechanisms in the Lithuanian Code of Criminal Proceedings is the reconciliation of the victim and the offender, however it has no elements of restorative justice – it is not a procedure of conflict resolution but rather a ground for a conditional exemption from the criminal liability.

In cases when health care specialists recognise that the person has suffered from a crime, Lithuanian legal framework stipulates the obligation to inform the police – no special agreement of the victim is required.

On a national level, currently the attention is turned towards the methods of restorative justice and their implementation into practice. Victims in general are not stated as a priority, more attention is turned to separate minor categories of victims, for instance, victims of human trafficking and domestic violence.

5.7. Scotland⁹³

The beginnings of the victim support system can be found in 1974, however its modern shape dates back to 1985 when the Scottish Association of Victim Support Schemes was established, now known as the organization Victim Support Scotland.

Victim support is provided in two main directions – providing support to the people affected by criminal acts (CA) and to the witnesses. Trained volunteers and staff deliver services to both groups. As the support is available on regional level, the funding is partly granted by local authorities, financial support is granted also by the government of Scotland.

The basic principles of Victim Support Scotland are confidentiality, availability of services free of charge and offered to all victims – regardless of crime category and severity, provision of the services as long as the victim requires them and in a manner (face to face, by phone or email) and location (at home, in the office, cafe) suitable for the victim, and provision of the services based on an individual needs assessment.

Approximately 90% of the victims turn to Victim Support Services under the guidance of the police. Given the high levels of confidentiality within the relations between the health care specialists and patients, very few victims come to support services under the guidance of medical staff. People turn to Victim Support Services also on their own accord and under the guidance of the partner organizations. It is important that the help is provided regardless of whether the victim has reported the CA to the police.

Victim Support services include providing information, emotional and psychological support, as well as assistance with applications for state compensations.

Blameless victims who have suffered from an intentional violent crime are eligible to receive state compensation for the damage, emotional pain, sufferings and any direct costs as a result of the crime – based on a very complex tariff system each injury is given a certain amount. It has

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93 Report “Case study regarding the setting up of a victim support service – Experiences from Victim Support Scotland”, 2013, prepared in the Project No.JUST/2010/JPEN/AG/1597 “Atbalsta sistēma noziegumos cietušajiem – Latvijā un citur” (Support System for Crime Victims: in Latvia and Beyond). Available at: http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Victim%20support/2.%20Skotija.pdf and http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Victim%20support/2.%20Skotija_2.pdf [Consulted on 25.05.2013.].

to be mentioned that the system is extremely complex – very often the victims are unable to fill in the necessary documentation and need the free assistance provided by Victim Support organization to solve this legal issue.

Restorative justice measures have become more popular over the past decade; however, they are used mainly in relation to crimes committed by youth. There are mediation programmes, restorative conferences, and reparative programmes available in Scotland, as well as methods for a particular category of victims, for instance, “Talk After Severe Crime” (TASC), and initiatives on regional level such as Voyce which is specifically designed for victims of youth crime.

Although the victim support specialists are aware of the risks of secondary victimisation, it is not always possible to avoid the risks. To limit secondary victimisation training for practitioners is organised, minimum standards regarding the behaviour and services of criminal justice specialists are set, special approach is used to ensure evidence in court, access to victim support services is improved and the awareness of victims and the general public is constantly improved by informative activities.

The vast majority of the services to victims are delivered by volunteers – therefore the representatives of the organization often attend local volunteer fairs, universities and community events to highlight the aim of the organization and the role of volunteers providing the services in the organization. One of the preconditions for a successful performance is training – both for the staff and the volunteers, and the officials working in the criminal and restorative justice systems.

On the national level, the cooperation among institutions is of high importance – with the police, prosecution, courts and prisons.

6. Final conclusions (Ilona Kronberga)

- Since April, 2013 the legal enactments of criminal justice envisage that one of the objectives of criminal punishment is the restoration of justice. These norms reflect the significant changes occurred in the criminal policy and the criminal law doctrine over the past ten years. The restoration of justice is one of the objectives for the practice implemented over the past ten years – restorative justice.
- In cases when the criminal offence has been committed, the state is obliged to restore not only the legal but also social justice. Justice is not restored if limited only by declaring the offender guilty of the crime committed – the victim has to regain both material damage and also the lost social functions.
- The main customer of the state – the crime victim – in fact, remains left in the background if the priority of justice authorities is not the restoration of justice but only the punishment of the offender.
- The system of criminal justice needs to contain preventive and reactive measures in order to interrupt the offence and impose punishment, as well as support measures for both the victim and the offender. If any of these components is weak or fail to work efficiently there is no ground for believing that the system of criminal justice is able to perform according to its objectives – to maintain social order and security, and to defend the person's right to a wholesome life in the community.
- The process of restoring justice reaches beyond the traditional criminal proceedings and its objectives – it is a broader conception. In order to achieve the restoration of justice, the law enforcement agencies have to develop a complex network of cooperation with local municipalities, providers of social services, as well as other institutions and organisations, as the restoration of justice and rule of law is possible only in an inter-institutional environment.
- The victim, as well as the offender, is the customer of criminal justice. The system of criminal justice have different tasks related to each of the customers, however the main goal is the same – to ensure and restore justice and rule of law working inter-institutionally. The needs of both customers are significant and the disregard of these needs leads to foreseeable consequences – repeated crime and new damages caused by the crimes.
- Not every person considering that damage is caused to him or her should be recognised as a victim in the criminal proceedings. Though, it is important that the institutions providing psychological, social, legal etc. assistance to the victims suffered from illegal acts would identify their customers not by the decision of the criminal proceedings but a real necessity for support for the victims of unlawful actions.
- The persons directing the criminal proceedings should take into consideration that criminal offences cause damage also to those people who do not have the procedural status of

a victim referred to in the legal norms; also they are directly interested in a fair regulation of criminal legal relations.

- The victim is not the central figure in the criminal proceedings in Latvia, However it does not mean total disregard of the victim's needs. Today, the needs of the victim are subordinated to general interests of the criminal proceedings – obtaining and examining information, as well as terminating the criminal proceedings within a reasonable time, free from unreasonable delay. Nevertheless, not paying sufficient attention towards the victim's interests it is not possible to regulate criminal legal relations in a fair manner.
- The persons directing the proceedings demonstrate empathy towards the victims, though victims in the criminal proceedings in Latvia are considered mainly as the source for information in order to obtain the necessary evidence for the guilt of the offender. Thus the victim, who is active in his or her interest about the progress of the criminal proceedings, uses his or her procedural rights and urges the person directing the proceedings to work more intensively, according to the point of view of the persons directing the proceedings, rather often become an obstacle in the process. Communication with the victim is considered as additional work and trouble bothering the person directing the proceedings and even complicating the progress of the case, instead of enhancing its sooner disclosure and imposing of a punishment of the perpetrator.
- At the moment the law does not contain a precise formulation of the victim's rights to receive information about the progress of the criminal proceedings; the right can be definable only by a systemic interpretation of the legislative norms referred to in the Criminal Law. Due to that, the victim's rights should be explained to the victim with particular thoroughness – in order to help the victim acknowledge the actions to be done in accordance with the legal norms of the criminal proceedings.
- The methods of restorative justice, such as settlement (mediation) in the criminal proceedings should be considered as efficient measures of restoring justice. The participation of a mediator in the process of mediation, from the legal point of view, neither strengthens nor leads to doubt the settlement agreement. Nevertheless, settlement procedure with the participation of a neutral mediator better ensures the provision of the victims' rights and prevents psychological pressure on the victim, at the same time providing the possibility for the parties (victim and offender) to solve the conflict caused by the criminal offence.
- The support system providing assistance for the victims is not yet established in Latvia. The Criminal Law lists the procedural rights and duties of the victim, however, they do not regulate all the issues related to the victim's possibility to receive the necessary aid.
- In Latvia, help and support measures are provided only to particular groups of persons: free of charge legal aid is available only for low-income or needy people; children who have suffered from crime, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts are provided with assistance in order to ensure the child's physical and mental health in the environment supportive for his or her self-esteem; assistance is

available also for the victims of human trafficking; but from 2015 the support is planned to be provided also for the adults suffered from violent crimes.

- In the majority of countries victimology surveys are conducted annually in order to identify the real number of crime victims (level of victimisation) in the particular country and types of crimes, and to plan the crime prevention policy more accurately. In Latvia, a regular monitoring of the victimisation level of population is needed with the aim to implement the results in the planning of crime prevention process.
- Over the past five years, almost half of the population has become crime victims in Latvia. Mostly, the population of Latvia have suffered from burglary and robbery at non-residential premises, as well as petty theft of particular items of property.
- Mostly, people report to the police home robberies or burglaries (breaking in) at non-residential places, the least reported types of crime are bribery and additional payments demanded for state ensured services.
- The majority of victims are dissatisfied with the work of the police in cases of various types of theft. Victims' dissatisfaction may be related to the inability of the police to recover the stolen property. Victims are satisfied with the attitude of the police in cases of fraud or situations when particular items are stolen, as well as with the sense of security in cases of attacks.
- As the first need mentioned, victims indicated help from an attorney in order to defend their interests, a little less victims need consultations by a psychologist; as the third type of support the victims mentioned information about the necessary actions in the situations caused by a crime committed.
- Mostly, the assistance was required by the people who had suffered from burglary attacks or attack threat, including from people previously known.
- In Latvia, people are often subjected to the consequences of physical attacks, in many cases these attacks occur particularly in their own households, among them – attacks by people previously known and vulnerability of the dwelling due to the carelessness of the owners. Besides, the attention must be turned towards the fact that regardless of the obvious physical violence in cases of home robbery people are affected by psychological, moral injuries as well.
- Legal aid is necessary more for people of 35 to 44 years of age, but young people (16 to 34 years old) need more information about the necessary actions in the situations when being affected by other person's illegal acts.
- The majority of the survey respondents indicated that they would know where to seek for help in case of getting into contact with criminal offences.
- Mostly, the population of Latvia are affected by burglaries at non-residential premises, namely, household buildings, garden cottages, sheds or garages, as well as by property theft – money, purse, cell phone; and burglaries from vehicles.

- Crimes related to bribery and corruption were hardly ever reported to the law enforcement institutions, although the survey respondents have been affected by such cases over the past five years.
- During the five past years 22% of the population of Latvia have faced fraud when purchasing goods or using the provided services.
- In cases of fraud, two thirds of the victims have failed to report the situation to the police or other law enforcement agencies.
- During the past five years 5% of the population of Latvia have faced situations of attack or threat by a person not previously known. 81% of the victims have failed reporting the case to the law enforcement institutions.
- In cases when a person has suffered an attack from an individual previously known to the victim, the majority of victims do not report the incident to the police. It means that there is a possibility of high latent crime rate in the society both in households and among acquaintances. Mostly, such offences affect young people and the majority of them do not obtain any assistance, although almost a half, in fact, has a need for help.
- In the future, organising and planning support measures and systems for crime victims, initially the forms of damage to the particular victim should be assessed and only then the types of assistance should be identified, according to the needs of the particular person.
- In cases of home robbery, almost a half of the victims needed counselling of a psychologist or a psychotherapist most. Only one third of the victims needed legal aid. People affected by the theft of single petty items mostly needed legal assistance, then information about the necessary actions to be done and only then psychological help.
- Victims of corruption or demand of additional payments, not provided for in the law, for the services committed by officials, specialists or institutions needed legal aid and information about further actions in more than a half of the cases. Significantly less people needed psychological help.
- Victims of physical attacks were in need of two equally significant types of assistance at the same time: psychological and medical aid.
- Victims of criminal offences who turn to the police and seek for help are satisfied with the work of state, municipal and non-governmental institutions at large.
- Victims acknowledge the negative impact of criminal offences on various spheres on their lives. The negative impact of crimes is multiform, the wide range of feelings and emotions indicate on the victim's trauma and sense of security. More than a half of the crime victims have responded that the crime has affected their psychological and emotional state, health, financial situation and mutual relations with other people.
- Victims who are not satisfied with the work of law enforcement agencies indicate the insufficient performance as their main reason of dissatisfaction. This evaluation leads to

conclude that the feedback from the institutions should be more active, namely, the institutions should not only be professional in their work duties but should also actively communicate with the participants and the involved people of the case, including the victim.

- Victims' dissatisfaction with the work of institutions is related to the lack or inaccessibility of information. In cases when the information was available, one third of the respondents indicated that the amount of information received from the police and the Legal Aid Administration had not been sufficient, whereas one fourth of the victims were not satisfied with the information provided by the prosecution and attorneys.
- Victims' dissatisfaction with the work of law enforcement agencies is increased also due to the long process of the criminal proceedings. Victims who are not satisfied with the work of the court in most cases indicate that the reason of their dissatisfaction is the long process of litigation. The long period until receiving compensation is the third most frequently mentioned reason of victims' dissatisfaction with the work of the Legal Aid Administration. Although the length of litigation and the time until obtaining compensation is not dependant on work organisation of the court or the Legal Aid Administration only, this factor should be paid more attention to when planning the development of the victim support system.
- Considering that the crime as a conflict is disclosed when the justice is restored, many victims indicated that justice is not restored simply by punishing or imposing alternative punitive means. The survey results demonstrate that four the most frequently mentioned reasons of dissatisfaction were: remaining sense of injustice after the criminal proceedings; dissatisfaction with the punishment imposed on the offender; permanent lack of the sense of security; dissatisfaction with the result of the criminal proceedings in general because no compensation was obtained for the sufferings caused by the crime; more than a half of the victims (65 %) are not satisfied with the amount of compensation obtained.
- The survey results show that the victims who are not satisfied with the work of the mediator, in fact, are not satisfied with the result of the settlement procedure or the offender's attitude rather than the settlement procedure itself. Three the most frequently mentioned reasons for dissatisfaction were: the offender did not express regret for the wrongdoing, the settlement did not help regaining the sense of security, and there was no compensation obtained. The above mentioned leads to conclude that the current system of justice and victim support is not developed sufficiently and therefore, in order to restore justice, more attention should be paid to supportive measures after the criminal proceedings or the settlement and awarding the compensation.
- Information received in the research do not show repeated and secondary victimisation as a widely spread problem, however several opinions of the victims indicate that the problem exists and some actions by various institutions and officials involved in the proceedings have caused negative effect for the victims.
- Although only a few victims indicated on the abusive behaviour of the police, prosecution, court, Legal Aid Administration, State Probation Service and medical staff, this opinion

may not be left without attention and should be considered in the planning of the professional training activities for the specialists of these institutions.

- Mass media offer very little information about the availability of support services for crime victims. The survey demonstrated that only 10 out of 158 respondents had mentioned media as a source of information on the services available for victims. Developing the victim support system, a solution should be sought how to increase the access to the information needed for victims, and the possibility of involving media in informing the victims should be developed, as it is underused at the moment.

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settlement procedures also beyond the criminal proceedings – in cases when compulsory measures of a correctional nature may be applied to a minor⁹⁴.

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94 See Law On Compulsory Measures of a Correctional Nature. Law of the Republic of Latvia. Adopted on October 31, 2002. Available at <http://www.likumi.lv/doc.php?id=68489>

PARTNERS





Provision for the Needs of Crime Victims:

Support to Prevention
of Victimisation in
Latvia