



# The EU Mutual Learning Programme in Gender Equality

## Support services for victims of violence in asylum and migration

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### Comments Paper – Latvia



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# Support services for victims of violence in asylum and migration in Latvia

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## 1. Relevant country context

### 1.1. GBV and asylum and migration perspective

Latvia is not the destination country for asylum seekers, not on the main migratory routes<sup>1</sup>. In 2017 the origin of asylum seekers has been Syria, Vietnam, Russia, Eritrea and Kazakhstan. Latvia has accepted to host refugees within the EU relocation programme and the main focus has been on families with children. Thus, the number of accepted refugees within the programme in 2017 were 367, while overall from 1998-2017 only 2531 persons have requested asylum, and of which 157 persons have received refugee status, and 514 alternative status (of which in 2017 – 39 and 259 respectively).

There is no specific data on the migrants and asylum seekers with regard to attitudes. There are individual cases of gender based domestic violence and terminated relationships among asylum seekers, but it rather demonstrate individual cases, than general tendencies.

#### ***Trafficking in human beings***

Like for migration, Latvia is primarily a transit country for trafficking in human beings. The system established allows for 2 ways of being recognised as a victim within a criminal case, or without a criminal case initiated<sup>2</sup>:

- Decision made by police investigating trafficking case;
- Decision made by the Service provider organised Commission (consisting of psychologist, police representative, lawyer and social worker) which assesses the facts of the case and makes a decision, which is later approved or denied by the Social Integration State Agency.

In both cases the victim then is eligible for state funded support arranged according to the needs of the individual, but not exceeding maximum hours allocated for legal/social/psychological support.

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<sup>1</sup> Latvia is off North from the main migratory routes to Europe <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/>

<sup>2</sup> Law On Social Services and Social Assistance articles 1, 3, 13 define who can received social rehabilitation services and who can determine the status of the trafficking victim; Regulation No 889 “Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings” defines service procedures and criteria to be sued by Social Service Provider Commission to determine victim status outside criminal case.

In 2016 all 14 formally identified victims were Latvian nationals, and in 2017 of 24 victims 2 were of other nationality. Most identified victims were of labour exploitation outside Latvia, followed by people involved in arranged marriage and sexual exploitation. Of victims identified in 2017 3 were children (2 girls, 1 boy), and in total 18 women and 6 men. The data demonstrates that women are primarily exploited for marriage and sex, and men for labour.

There are some cases of migrants requesting status of *trafficking victims*, and the procedures of referring the victims to either Police or Service provider are not definite. Women have claimed they have been abused during the migration route by smugglers, however once they are registered as illegal migrants their chances of getting trafficking victim status with resulting consequences of temporary residence, protection and support, are limited. Discussions within the National Coordination Mechanism have started, but there are no successful cases of claiming trafficking victim status.

### **Functions of Ombud's office**

Ombud's office has the monitoring function over detention and return of migrants. Functions include: site visits to detention centres, surveying the conditions and detainees, monitoring the return of persons to their country of origin. During the monitoring Ombud's representatives are potential entry points for information on gender based violence.

## **1.2. Gender based violence**

### **1.2.1. Law and policy**

Laws related to violence prevention (through temporary protection and forced removal of perpetrator) are listed below.

#### **Forms of violence**

Criminal Law defines various forms of violence, including trafficking with amended definition to include abuse of vulnerability of the person (as of 2015) and stalking introduced as a crime (in force as of 01.01.2018).

#### **Forced removal and temporary protection<sup>3</sup>**

In 2014 a forced removal of perpetrator of violence option was introduced.<sup>4</sup> This means in cases of domestic violence police can issue immediately a forced removal order, valid for 8 days, or victim can submit such request to the court and a decision on temporary protection has to be issued within 24 hours (extension possible for additional information requests).

- Police – municipal/state police: act with order of forced removal (restraining order) of perpetrator from the home;
- Court may issue a temporary protection order with set conditions for the perpetrators.

<sup>3</sup> Civil procedure law, Articles 250.<sup>45</sup> and 250<sup>47</sup>. Detailed information on the process is provided here <http://www.pretvardarbibu.lv/>

List of all relevant laws is well presented by Iveta ŠTRAUSA, presentation, "Tiesiskais regulējums vardarbības draudu novēršanā un pagaidu aizsardzības pret vardarbību nodrošināšanā" refers to specific legal norms for tackling violence.

[http://www.lm.gov.lv/upload/vardarbiba\\_gimene/ivetas\\_prezentacija.pdf](http://www.lm.gov.lv/upload/vardarbiba_gimene/ivetas_prezentacija.pdf)

<sup>4</sup> <https://likumi.lv/doc.php?id=265314> Kārtība, kādā novērš vardarbības draudus un nodrošina pagaidu aizsardzību pret vardarbību

Criminal law envisages consequences for not respecting temporary protection order.

### **Services for victims**

State financing for social rehabilitation services to victims of violence (adults) was agreed upon in 2014 and came in effect as of January 2015.<sup>5</sup> It provides assistance to both victims and programmes for perpetrators in managing violence. Victims can receive the support if a temporary protection order was issued, or if they are recognised as victims of violence in administrative or criminal proceedings.

Service providers<sup>6</sup> for victims of violence are NGOs and Crisis centres/shelters providing social, legal and psychological support and other activities. The conditions of services include support to the family members of the victims, including children. However, assistance to children, victims of violence, is regulated under separate legislation. With the introduction of the state support for violence victims, the programme also envisaged education and supervision of the relevant specialists.

### **Challenges from Migration/asylum perspective**

The state financed support services can be provided only to nationals of Latvia or those with permanent residence, including person who have received alternative status or refugee status. Persons detained for illegal immigration and seeking asylum are covered by the services provided by the immigration authorities. The specialised training and service system established by the state does show good results in connection with restraining orders introduced in 2014, and could be improved to include all victims of violence, allowing access of service providers to the immigration centres.

Illegal migrants are also claiming status of trafficking victims. The challenge is to draw the clear line when a person detained for illegal border crossing and subject to voluntary repatriation or forced removal claims trafficking victims protection. The risk seen by the agencies is that by legitimately recognising some illegal migrants as trafficking victims this will open the gates for the new waves of immigration. From monitoring and experience of NGOs – there have been cases where women have been sexually exploited, but the status of trafficking victim has been denied.

### **1.2.2. Culture and attitudes**

The extent of self-reported violence has been measured by Fundamental Rights Agency of the EU as published in the report of 2014<sup>7</sup>, and in 2017 the first comparative data was compiled within the European Gender Equality Index<sup>8</sup>.

- 38.6% women have experienced physical and/or sexual violence since age of 15;
- 6.8 % of women having experienced violence as above in the past 12 months;

<sup>5</sup> Social Services Law Article 13. part 1, points 3.1 and 11, and corresponding Cabinet of Ministers Regulation of 23 December 2014 No 790 “Social rehabilitation service provision to adult victims and perpetrators of violence crimes.”

<sup>6</sup> Centres are listed her <http://www.pretvardarbibu.lv/kur-versties-pec-palidzibas/> and <http://www.cietusajiem.lv/lv/palidziba-cietusajiem/>

<sup>7</sup> “Violence against women across the EU: Abuse at home, work, in public and online”, FRA, 2014.

<sup>8</sup> Gender Equality Index 2017: Violence against women - the most brutal manifestation of gender inequality, EIGE, 2017, available at <http://eige.europa.eu/rdc/eige-publications/gender-equality-index-2017-violence-against-women>

- 1.56 women victims of intentional homicide by perpetrator per 100.000 inhabitants. In absolute numbers that means 26 women being killed every year, with national police reports indicating higher number – 50 in 2017;
- 84% of the victims experiencing health consequences;
- 32% of victims have never told anyone about the violation.

Ministry of Internal Affairs statistics on violent crimes shows a steady picture of similar numbers in 2014 and 2016, with slight drop in 2015 (yet unexplained):

- Murders and death from injuries in total were 127 (2016) of which women constituted 45%. Furthermore, 47 cases (or 37%) of all deaths were within the family setting and 30 (or 63%) of those were women. Women are primarily murdered by people within the family, and 16% of them murdered by their partner.
- Rape numbers have decreased - 40 criminal cases in 2016 compared to 51 in 2014.
- Bodily injury crimes are committed more towards men, only 26% were carried out against women; however out of 127 cases in domestic setting – 70% are against women, including 40% of the cases against ones partner/wife.

The data leads us to attitude surveys and attitudes towards violence indicate a rather disturbing picture. As documented in the 2016 EU Barometer survey on Gender Based Violence<sup>9</sup>:

- Compared to 2010, proportion of population that thought there is a problem with gender based violence decreased by 15%, or what it means, there are more people presuming there is no problem with GBV in Latvia.
- Women are more likely to recognise GBV against other women and men in the domestic setting.
- Respondents in Latvia (30%) are most likely to say that domestic violence against women is unacceptable but should not always be punishable by law.
- Latvia is the only country where at least one third of respondents know of men or women in their immediate area who have been a victim of domestic violence (36%).
- 31% agree domestic violence is a private matter and should be handled within the family.
- 29% believe it is acceptable trying to control a partner by preventing them from seeing and contacting family and friends, denying them money or confiscating mobile phones or official documents.
- 21% believe forcing a partner to have sex should not be illegal.
- Awareness: 44% are the most likely to say sexual harassment against women is not very common
- Victim blaming:
  - 57% agree violence against women is often provoked by the victim.

<sup>9</sup> Special Eurobarometer 449, Gender-based violence, 2016, Available at [https://data.europa.eu/euodp/data/dataset/S2115\\_85\\_3\\_449\\_ENG](https://data.europa.eu/euodp/data/dataset/S2115_85_3_449_ENG)

- 20% believe being drunk or using drugs or voluntarily going home with someone justifies sexual intercourse without consent. Other factors at play are revealing or sexy clothing, flirting beforehand, walking alone at night, not saying clearly no, or assailant not realising what s/he is doing.

The factors influencing the attitudes to consider violence as unacceptable is education, age (below 55 for women, and very young/and 55+ for men) and regular use of internet.

### 1.2.3. Police data and attitudes towards domestic violence

A 2015 State Police survey<sup>10</sup> concluded that police understanding of domestic violence and relevant police action in such cases is limited and inadequate. The factors that limited police activity were:

- existing stereotypes about domestic violence: if people live together 25 years, then the parties are happy, police should be involved for more important cases; it is impossible to re-educate adults; situation can be resolved through talking;
- police helplessness (not explained in detail what is understood with it);
- and lack of strategy for actions in such cases.

Since the adoption of forced removal clause the police decisions on forced removal have steadily increased, with dramatic change from 2016 to 2017. There have been further educational activities and with more awareness and interest of police to use the instrument in preventing further violence. It is not clear what type of activities have influenced the increase of the decisions, but it coincides with training activities and extensive public discussion on Istanbul convention in 2015-2016, which may have impacted higher awareness by both survivors of domestic violence and police and judges.

	Police decisions on removal of perpetrator				Court orders on temporary protection			
	2014	2015	2016	2017	2014	2015	2016	2017
State police	90	71	182	695	330	494	622	817
Municipal police	10	10	16	15*	-	-	-	-
<b>Total</b>	<b>100</b>	<b>81</b>	<b>198</b>	<b>710</b>	<b>330</b>	<b>494</b>	<b>622</b>	<b>817</b>

\*Data for 01.01.2017 – 15.11.2017; data from MoI Information Centre

### 1.2.4. NGOs and support to victims of violence

There are a number of NGOs providing support to survivors of domestic violence and very few working with asylum seekers and integration. Moreover, there is very little awareness on gender perspective, except for some NGOs.

<sup>10</sup> „Policijas darbinieku un kandidātu darbam VP izpratne un attieksme pret vardarbību ģimenē”, Valsts Policija, 2015, available at [http://www.lm.gov.lv/upload/prezentacija2/petijums\\_griskina.pdf](http://www.lm.gov.lv/upload/prezentacija2/petijums_griskina.pdf)

Since 2015 the government provides/compensates support to victims. With the awareness and better cooperation among the institutions, the total number of people receiving support increased 4 times from 2015 to 2017: from 114 (including 10 children not victims of violence but staying with parent who is) to 499 (including 21 children) individuals. Most are adults and around 90% are women<sup>11</sup>. The support work is outsourced to NGOs.

Two NGOs are providing state delegated support to trafficking victims:

- Centre MARTA [www.marta.lv](http://www.marta.lv) which is the only organization working with clear gender perspective and serves as crisis centre for women of gender based violence;
- Patvērums Drošā māja <http://www.patverums-dm.lv/en/> māja, which focuses more on immigration and asylum seekers assistance.

An NGO Gribu palīdzēt bēgļiem (GPB) <http://gribupalidzetbegliem.lv/> initially established as Facebook group of volunteers to support the asylum seekers in the context of quota agreement, established as NGO and continues providing support for asylum seekers. GPB recognises that many asylum seekers have experiences some forms of violence, but there has been no monitoring and data collection with this regard. Through supporting the asylums seekers in integration and practical aspects of moving to Latvia, the organization is providing volunteer support, including legal support. In early 2018 there is no specific strategy how to address gender based violence in the asylum seeker community.

Some of the support to the asylum seekers is provided through *Sabiedrības integrācijas fonds* [www.sif.lv](http://www.sif.lv), neither with specific awareness or attention to the gender based violence aspects.

## 2. Related good practice initiatives

The temporary protection order system introduced by Latvia has proved to serve well, with accompanying state funded social rehabilitation services.<sup>12</sup>

Trafficking victim's recognition linked to Criminal case, and opportunity to afford victims status in cases where the person fits the criteria without being part of criminal investigation. This leads to better cooperation of victims with police and better chances to initiate criminal cases at a later stage.

## 3. Policy debate

The following themes are in the focus of attention in Latvia:

- Istanbul convention and related issues of police involvement, victim blaming and victim support, perpetrator rehabilitation. Key concerns expressed by primarily church based organisations are concept of “gender” (Art 3) and inclusion of gender equality aspects in education (Art 12, 14). There needs to be a discussion

<sup>11</sup> The report on 2017 is in preparation by the Ministry of Welfare and further data will be available in the annual report on prevalence of violence.

<sup>12</sup> Infographic available here [http://www.lm.gov.lv/upload/infografikas/pret\\_vardarbibu\\_infografiks\\_gala\\_versija.pdf](http://www.lm.gov.lv/upload/infografikas/pret_vardarbibu_infografiks_gala_versija.pdf)



of the implications of victim protection to the cases of family violence and other forms of GBV in immigration and asylum centres.

- Migration, asylum and trafficking – interconnections are dominated by the agenda of
  - keeping illegal migrants out;
  - hate speech like rhetoric over asylum seekers;
  - limited interest in identifying illegal migrants and asylum seekers as trafficking victims.

## 4. Learning

Experience of Greece in tackling migration crisis is incomparable to issues Latvia has to deal with, however from the presented information initial learning points could be (to be updated after the seminar):

- Learning tools and programmes for agencies and stakeholders in dealing with intercultural aspects;
- Adapting guidelines for immigration, police and other first contact agencies on;
- System of shelters for violence survivors, and collaboration of asylum institutions with the shelters.

## 5. Conclusions and recommendations

The data on prevalence of violence and attitudes towards violence demonstrate a bleak picture for victims of domestic and gender based violence in Latvia. Violence is accepted as domestic issue, victim blaming is common, and there is little recognition among men and women on what constitutes violence.

On the other hand, the awareness and support received from the state institutions and NGOs is increasing.

The restraint order system seems to provide the initial breathing space for the survivors of violence and the challenges related to the overturn of the restraint order by another judge immediately, should be resolved by law.

There is little attention to migration and gender based violence. As the asylum seeker numbers in Latvia are low, the design of services is presumably made neutral, but has negative gender aspects and needs to be researched.

Migration and trafficking in human beings are interlinked, and while the protection of trafficking victims is relatively well established, the migrants are protected to a lesser degree and the points to be addressed are:

- Service providers should have gender sensitisation awareness increased, to address the specific needs of men/women.

Challenges:

- Temporary protection order system needs to be harmonised with parental rights. At the moment, there are 2 challenges – if the parents are separated and have a court order on parenting rights, if one of the parents receives restraining order, it does not halt the execution of the parenting order.
- Trafficking victims entering as illegal immigrants have not received trafficking victim status as of yet. In general, there is no case of third country national registered as trafficking victim.
- Support provided to the people who have not yet received alternative or refugees status, and those in illegal immigration centres are left to the authorities of the centre.