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Directorate E : Justice
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REPORT DOCUMENT:
**“MAPPING OF LEGISLATION, POLICIES
AND IMPLEMENTATION ABOUT DOMESTIC
VIOLENCE IN BALTIC STATES”**

FINAL VERSION

2012

The methodology of the report

This document presents the methodology used for the mapping of legislation, policy and implementation in the Baltic Countries made for the European Project Putting Victims First. The document's aims are to analyze:

- the presence of legislation which punishes, tackles and prevents domestic violence;
- to show which institutional and private organizations are present to support victims before and during trials against the perpetrators of violence and to help them re-integrating in society;
- to understand the level of preparation of the people working in the institutions (like police and legal-judiciary) in communicating and dealing with victims of domestic violence, deriving from standardized and normalized training on the topics of violence and domestic violence to women and children.

The partnership decided to adopt a multi-system approach, using different tools to gather different data and analysing the different aspects of the scenario.

In general it has been decided to use a qualitative approach rather than a quantitative, since most of the analysis presupposes contacts with victims of violence or people working with or for them, and its aim is to point out what are the strengths and weaknesses in the processes of:

- emergence of the violence (the report, the “victim’s coming out”),
- communication, understanding and awareness of police, prosecutors and courts on the specific, distinctive features of domestic violence,
- awareness raising of the policy makers about the importance of adopting the point of view of victims in designing new and more effective policies to tackle domestic violence,
- Cooperation within all actors involved in combating and preventing domestic violence.

In the next paragraph we are going to present the different tools used for the mapping, which target they are going to reach, and which are the foreseen results. In the annexes all instruments will be shown with a guide on how to use them.

Desk analysis – legal framework

In the following chapters the legal framework on domestic violence and on violence on women and children in general in the three Baltic Countries will

be analysed to map the state of the art and to recognize strengths and weaknesses.

The main instrument to get the foreseen results will be a desk analysis, using the following means to gather information:

- internet, looking at the involved ministries' national websites, possible existing legal databases of public and private institutions;
- Contacts with lawyers or organizations dealing with domestic violence and its victims.
- Direct research on the legal codes.

Depending on the skills of the researchers all or just some of the means can be used, anyway the outcomes should be the ones listed in the following table:

Content	YES	NO	Notes
1. Laws specifically targeted to domestic violence	<i>Example given</i> YES		<i>Ex. Given Law number xx/1997</i>
1.a If 1 is yes, targeted both to women and children	<i>Ex given</i> NO		<i>The law is only targeted to women</i>
1.b If 1 is yes, what are the main provisions of the law	-	-	<i>The main features of the law are.....</i>
1.c If 1 is yes, the provisions are only focused on punishment		<i>Ex given</i> NO	<i>.....</i>
1.d If 1.c is NO, the provisions are also focused on prevention and support to the victims	<i>Ex given</i> YES		<i>The provisions focused on the prevention and support to the victims are the following.....</i>
2. Laws tackling violence on women and/or children	<i>Example given</i> YES		<i>Ex. Given Law number xx/1997</i>
2.a If 2 is yes, what are the main provisions of the law	-	-	<i>The main features of the law are.....</i>
2.b If 2 is yes, there are specific commas related to domestic violence	<i>Example given</i> YES		<i>Article 23 comma 4 says.....</i>
2.c If 2 is yes, the provisions are only focused on punishment		<i>Ex given</i> NO	<i>.....</i>

2.d If 2.c is NO, the provisions are also focused on prevention and support to the victims	<i>Ex given</i> YES		<i>The provisions focused on the prevention and support to the victims is the following.....</i>
.....

Note: you should expand the table for every present law combating and preventing violence, sexual crimes, stalking, violence to children and custody of children.

Focus groups – organizations working for the victims – police forces

In the following chapter great attention will be given to the organizations that work for the victims of domestic violence, for two main important reasons:

- Making a detailed list of the organizations and the areas in which they work (victims, perpetrators, psychological counselling, persuasion to report crimes, help in becoming reintegrated to society, etc.)
- Gathering information and point of views on the effectiveness of laws and the cooperation processes between them, the victims, judicial courts, police and policy makers.

The first point can be reached with a simple desk analysis and with the contacts the project partners have in their field of work.

The second and crucial objective can be accomplished with the effective tool of focus groups.

One or more focus groups will be organized in each Baltic country with a number between 6 and 12 representatives of organizations working for the victims (and/or the perpetrators) of domestic violence to gather their point of views and helping explaining together what are the strong and weak aspects of society, courts, police and policies in facing the problem.

A detailed guide to the focus groups for the moderators will be given and it is available in the annexes.

The same tool of the focus group interview has been chosen to gather information on the way police forces perceive and deal with domestic violence.

Police forces have a crucial role in the emersion of violence. Police officers are often the first people met by victims when they want to report a crime and they should be prepared and trained to understand if they are dealing with a case of domestic violence, they should know how to behave with a victim and be ready to give them the best information on their rights and the services provided to them.

A group interview with 6 to 12 policemen can be useful to understand their awareness of the issue, to know if there are particular provisions and procedures in case of domestic violence, and if those procedures are victims friendly.

Questionnaires – legal professionals

In the following chapters the partnership will gather information on the existence of specific training to for judges, lawyers and prosecutors on the themes of domestic violence, and the specific needs, behaviours and psychology of the victims. It will be also reported what is the average awareness of the problem and the victim's point of view in the institutions combating and preventing domestic violence.

Therefore it has been decided to “let them speak”, in order to listen directly to the point of you of judges, lawyers and prosecutors, and to adopt another tool to reach the best results on such work categories: the adapted questionnaire tool.

A questionnaire with both closed and open answers will be administered to a number of legal professionals in each country.

In the annexes the full questionnaire is presented with a guide on how to use it.

In-depth interviews – victims

A research on the state of the art of the battle against domestic violence can't be conducted without giving word to the victims. It will be precious to listen to the direct experiences of victims that had to face:

- the shame of reporting crimes committed by their relatives,
- communicate with police forces that could not know the specific needs of the victims and could underestimate their reports
- dealing with courts that could not take their point of view
- in case of parents or sons and daughters, facing separation from their beloved.

The tool that is most suitable for this part of the research has been identified in the in-depth interviews. A complete guide to in-depth interviews for the project is present in the annexes.

The tools for mapping

The following paragraphs will show all the tools that have been used during the research, with guidelines on how to use them, for further analysis and replication.

0.1.PREFACE – DOMESTIC VIOLENCE AGAINST A WOMAN AND CHILD: STRUCTURE

0.1.1. Normative acts related to discrimination and violence worldwide and in Europe

1. Legally binding documents issued by the United Nations Organisation (UN)

a. The Universal Declaration of Human Rights (10.12.1948)

Although the Declaration is not a legally binding document, the human rights norms contained in it are legally binding as a customary law on all UN member states.

The declaration comprises the fundamental human rights, including:

- equal treatment obligation,
- prohibition of discrimination,
- right to life, freedom and safety,
- prohibition of inhuman or degrading treatment or punishment,
- the right to respect for private life, family and correspondence protection,
- the right to a fair trial, etc.

b. The *International Covenant on Civil and Political Rights* (16.12.1966. and its protocols

Together with the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, it forms UN Human Rights Charter.

The pact contains such fundamental rights as:

- equal treatment obligation,
- prohibition of discrimination,
- rights to life, freedom and safety,
- prohibition of inhuman or degrading treatment or punishment,
- the right to protection of private life, family and correspondence;
- the right to effective protection;
- the right to a fair trial, etc.

c. UN Convention on the Elimination of All Forms of Discrimination Against Women(18.12.1979.)

Includes the definition of discrimination against women, and sets the obligations to the countries to abate such discrimination:

- to introduce the principle of equality in the national normative acts, to repeal all the discriminating normative acts and norms and instead to adopt normative acts prohibiting discrimination,
- to form a national institution and to introduce such rights protection mechanism that provides women with protection against discrimination,
 - to ensure elimination of any kind of discrimination against women by private individuals, enterprises or organisations.

2. UN documents of legally non-binding character

a. UN World Conference on Human Rights. Vienna Declaration and Programme of Action (14-15.06.1993)

A unanimously adopted declaration whereby the post of the *UN High Commissioner for Human Rights* is established. The declaration also specifically addresses the issues regarding discrimination and violence against women and girls:

- draws attention to the issues of discrimination by stating that the eradication of all forms of discrimination on grounds of sex are among the priority objectives of the international community,
- clearly admits the sex-based violence, sexual harassment and exploitation,
- requires the states to combat the sex-based violence against women and girls.

b. Fourth World Conference on Women: Action for Equality, Development and Peace. Beijing Declaration and Platform for Action (15.09.1995)

The Convention addresses the issues for prevention of obstacles to ensure the participation of women in all public and private spheres of life and full participation in economic, social, cultural and political decision making.

Among the objectives to be achieved the platform for action has set the elimination of violence against women, emphasizing that violence against a woman is a breach of human rights, as it prevents achievement of equality, development and peace. It also precludes the woman from enjoying her human rights. The platform for action provides a definition of violence against a woman and sets forth several objectives to be achieved:

- all the necessary measures must be taken to preclude the violence against a woman;
- the causes and consequences of violence against women and the effectiveness of preventive measures must be studied;
- trafficking in women must be eliminated and victims of violence due to prostitution and trafficking must be provided with all the assistance necessary.

c. Resolution adopted by the General Assembly: Further Actions and Initiatives to Implement. Beijing Declaration and Platform for Action (16.11.2000)

The resolution provides evaluation regarding whether and how the objectives set forth in Beijing Declaration and Platform for Action have been achieved. Concerning the violence against women the following achievements are noted:

- violence against women has been recognised as a breach of human rights;
- the state has an obligation to ensure effective protection to the victims of violence, regardless of whether the violence has been perpetrated by a state representative or a private person;
- the society and the staff of law enforcement institutions have become more knowledgeable about the legal aspects of domestic violence.

There are several obstacles indicated in the resolution preventing elimination of violence against women:

- insufficient understanding of the causes of violence and no appropriate rehabilitation programmes for perpetrators directed at mastering peaceful conflict resolution methods;
- lack of information about violence precludes development of corresponding normative acts and action plans for reduction of violence;
- domestic violence, including sexual violence, is perceived as an internal matter of the family.

3. Legally binding documents issued by the Council of Europe

- a. *Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (04.11.1950.) and its protocols*

The fundamental human rights document in Europe, the application and interpretation of which is in the competence of the European Court of Human Rights (ECHR). The practice of ECHR shows that the violence against women is addressed in such articles as the right to life, prohibition of torture, inhuman or degrading treatment or punishment, the right to freedom and security, the right to a fair trial, the right to privacy and others.

The 12th Protocol of the Convention sets an obligation to the state to apply the principle of equality and to prevent discrimination. Unlike Article 14 of the Convention, which refers to the equal application of the rights included in the Convention, the 12th Protocol introduces a separate right that can be used without a reference to the other rights contained in the Convention.

4. Council of Europe documents of legally non-binding character

a. Council of Europe Resolution 1018 (1994) on Equal Rights Between Men and Women

The resolution is based on Council of Europe Recommendation No1229 of 1994. Among other things, the Council of Europe member states are invited to:

- introduce the prohibition of discrimination in the national normative acts, including the constitution,
- ensure effective monitoring and protection mechanism with the necessary funding,
- guarantee the equality in obtaining education,
- ensure equal opportunities in labour market, including protection against sexual harassment, etc.

0.1.2. World and European legislation on violence against women

1. Legally non-binding UN documents

a. General Assembly Resolution 48/104, Declaration on the Elimination of Violence Against Women

The document emphasizes the right of women to enjoy all human rights on equal footing with men, and to be protected from violence at home and in public. The declaration also accentuates the obligation of the state to introduce effective legal protection mechanisms, to ensure that the violence against a woman is punished, to provide training to the employees of law enforcement authorities.

b. Human Rights Resolution 2005/41: Elimination of Violence Against Women

The resolution once more provides the definition of the violence against women and emphasizes the obligation of the state to carry out all the necessary actions in the spheres of normative acts, penalty policy, prevention, informing, rehabilitation, to ensure elimination of violence against women and complying with the human rights of women.

c. In-depth Study on All Forms of Violence Against Women: Report of the Secretary-General (06.07.2006)

The objectives of the study are:

- to emphasize persistence and inadmissibility of all forms of violence against women;
- to strengthen the political commitment and joint efforts to prevent and eliminate violence against women;
- to identify ways and means of ensuring more effective application of obligations to include all forms of violence against women and to promote accountability of the state.

The study:

- provides an overview regarding development of the international movement addressing men's violence against women;
- provides a broader context, in which the violence against women appears and continues;
- reviews various shortcomings and challenges regarding the availability of data, including the methodology for evaluating the existence of different forms of violence;
- emphasizes the states' obligations to prevent violence against women;
- provides examples of good practice;
- offers an action project for ensuring progress in preventing and eradicating violence proposed to the countries at the national level, intergovernmental organizations and United Nations bodies.

d. Good Practices in Legislation on Violence Against Women (26-28.05.2008.)

A portion of the study analyses the East European and the former Soviet Union countries' laws and regulations in the field of violence against women. It was noted that some countries have a very progressive approach to the punishment of violence and to legal protection of victims, but in part of the countries the existing laws and regulations are detrimental to the victims and do not provide sufficient protection. One of the most significant problems emphasized in the study was the enforcement of normative acts.

- the states should re-evaluate the normative acts in force to ensure that they provide effective legal protection;
- it is necessary to assign sufficient funding for elimination of the domestic violence;
- effective enforcement of the normative acts must be ensured through education of the public and the employees of law enforcement agencies.

e. A study for the Meeting of the Expert Group on Good Practices in National Legislation on Violence Against Women(07.05.2008)

The research provides a review of effective international and national normative acts and policy documents related to the state's obligation to create and apply a comprehensive and effective legal framework as a critical element to solve the issue of violence against women. The research provides the examples of the existing normative acts and the resources developed to address the violence against women, and summarize the legal reforms implemented in the states.

f. UNICEF study „Domestic Violence Against Women and Girls” (06.2000)

The document focusses on domestic violence as one of the most widespread and at the same time least visible of all the types of violence directed against

women and girls globally. The domestic violence is a matter of health, rights, economy, education, development, and, above all, a human rights issue. The document reviews the occurrence of domestic violence and its influence on the rights of woman and child. It emphasizes the exigency of coordinated and integrated policy, adjusting the existing normative acts and ensuring a greater responsibility of the states in elimination of violence.

2. Council of Europe documents of legally non-binding character

a. Resolution 1247 (2001) Female Genital Mutilation

Resolution has been issued in connection with the increase of female genital mutilation cases in the Council of Europe member states. It is related to the growth of immigrant population. The resolution states that the female genital mutilation is an inhuman treatment and torture. Therefore, it is emphasized that the respect for an individual, and inalienable rights to bodily integrity, as well as full equality between men and women should take precedence over traditions and customs. The resolution calls for an effective defence system in order to eliminate such unacceptable practices, including preventive measures among immigrants, combating forced marriages, with penalties for such practices, etc.

b. Recommendation Rec(2002)5 of the Committee of Ministers to Member States on the Protection of Women Against Violence

Recommendation:

- calls on the states to review existing policies and laws to ensure effective protection of women against domestic violence;
- emphasizes the duty of the member states to exercise due diligence to prevent, investigate and punish violence against women, regardless of whether the perpetrator is a public institution employee or an individual. Similarly, the state has an obligation to ensure the effective protection of victims of violence;
- calls on the states to study and collect data on violence against women;
- insists on educating the public and law enforcement institution staff to promote awareness of violence against women and to take the necessary preventive measures.

c. Council of Europe Recommendation 1582 (2002) on Domestic Violence Against Women

Recommendation emphasizes that:

- free legal assistance to victims of violence must be provided;
- crisis centres and social protection of victims of violence must be provided,
- effective legal protection of victims of violence must be ensured;

- the public, law enforcement institution employees, medical personnel, social workers, etc. must be educated;
- statistics on domestic violence must be collected, and co-operation between institutions must be promoted,
- sufficient funding to reduce domestic violence, etc. must be provided.

d. Campaign to Combat Violence Against Women, Including Domestic Violence (21.06.2006)

The goal of the campaign was to raise awareness of violence against women as a human rights violation. It called on the member states to demonstrate the political will to provide adequate resources to achieve specific goals in this area. It also contributed to the introduction of effective legal protection remedies and application at the national level through legislation and policy documents.

The campaign was concluded with a conference in Strasbourg held from 10 to 11 June 2008.

e. An analytical study of the Rec. (2002) 5 on the protection of women against violence in Council of Europe member states in monitoring the application of first-, second- and third-round results (2007, 2008, 2010)

The research reviews the implemented Council of Europe member states' legislative changes, as well as statistics on the Council of Europe Recommendation Rec. (2002) 5 application in the member states.

0.1.3. Legislation relating to violence against children worldwide and in Europe

1. UN Rights of the Child. Report of the independent expert for the United Nations study on violence against children (August 2006)

The report analyses the situation concerning violence in the family, at school, in the education system, care institutions, corrective and penal institutions, workplace, the local community.

Recommendations are provided at national and local levels to take positive action to:

- prevent all forms of violence against children;
- give priority to the prevention of violence;
- raise awareness and promote the "non-violent values" among the public;
- increase the capacity of institutions and professionals working with children or for the benefit of children;
- provide children with social reintegration services;
- promote the participation of children;

- create a child-friendly reporting systems and services;
- prevent the perpetrator impunity;
- draw attention to the gender dimension of violence against children;
- develop and implement systematic data collection and research at the national level;
- Build a closer international cooperation.

2 .Convention on the rights of the child (20.11.1989.)

The fundamental principles of the convention for ensuring the rights of children:

- prohibition of any type of discrimination against children;
- the priority principle regarding the rights of the child;
- the special protection principle of the child;
- the principle of the best interests of the child;
- support to the family in ensuring the child's full development and in preparation for an independent life in society;
- protection of the child from all forms of violence;
- respect for the child's personality and hearing the views of the child in all matters affecting the child's interests.

3. UNICEF. Eliminating Violence Against Children. Handbook for Parliamentarians (2007)

The authors of the handbook emphasize the responsibility of the states to protect all children from all forms of violence, noting the special role of the parliament in prevention of violence against children, including the legislation, in which the parliament should ban violent abuse of children, prohibiting corporal punishment and humiliation of children both at home and anywhere else where children are present, in education and care facilities, places of detention.

The handbook underlines the need to provide support for the most vulnerable groups of children - children with special needs, children from the families at risk and young children who cannot yet tell about the abuse suffered.

The handbook also indicates the need for legislation to impose strict bans on all forms of violence and sanctions against abusers, on the other hand, it points to the need to provide the support to parents, particularly the young parents, in the form of educational and counselling activities in order to prevent domestic violence.

The handbook provides the descriptive definitions of the most common forms of violence in the family, school, medical care institutions, pre-trial detention institutions and prisons, in the workplace, especially emphasizing the unacceptability of sexual exploitation of children for commercial purposes

(involvement of children in prostitution, production of pornography materials, etc.), in the local community.

In conducting the study particularly useful are the questions included in the self-assessment checklist that should be completed by the parliament and the government to ensure that the country takes all the necessary measures to prevent any type of violence against children.

4. UNICEF Report Card. The Child Care Transition: A league table of early childhood education and care in economically advanced countries

The report analyzed the pre-school child care and education trends in 25 economically developed countries.

Pointing to the need to take into account the rapid changes in the life of society, leading to more pre-school children spending a large part of the day outside home in the care or educational institutions, because their parents want to combine working life (career) with a successful family life, which includes raising children. The report stresses the need to ensure the pre-conditions for the child's full development in the future already during for early childhood, - to give the child the sense of security, to meet his or her emotional needs.

The report offers 10 recommended standards that countries can use when planning their policies for ensuring the development of children in early childhood, and further personal progress, which is largely dependent on the early childhood experience:

1) Paid parental leave

A minimum standard proposed - one of the parents is entitled to the benefit for a year, an amount of which is at least 50% of the salary. For parents who are not employed the benefit should not be lower than the minimum wage or the social assistance benefit. At least for two weeks the childcare benefit should be paid to the child's father.

2) Development of the national plan (strategy) for providing the children from the families at risk with the care and education services at an early age

It is necessary to develop a plan for pre-school age childcare and education services organization and financing, in order to provide accessibility of the services to all children, with a special focus on the children from the disadvantaged families.

3) Ensuring the care services for children under 3 years of age

As a minimum, the state should provide accessibility to subsidized and accredited care and education services for at least 25% of children under 3 years of age.

4) Ensuring the care services for children aged 4

As a minimum, the state should provide accessibility to subsidized and accredited care and education services for at least 80% of the four-year-old children, encompassing at least 15 hours per week.

5) The minimum level of training for the persons involved in childcare

The minimum requirements are that at least 80% of the staff who have a direct contact with the child, including nannies and caregivers, have been specially trained and all staff have attended at least the preparatory courses.

6) The minimum ratio between the employees with the higher education and the employees with basic training

At least 50% of the state-accredited pre-school staff should have a higher education (not less than 3- year programme) in the sphere of pre-school education or a related field.

7) The maximum number of children in a group

The number of children in the group, which comprises the children from 4 to 5 years of age, should not exceed 24 persons and there should be at least one educated or trained employee per 15 children.

8) Funding for child care and early education

Funding for care and education of children from 0 to 6 years of age should not be lower than 1% of the GDP.

9) Low level of child poverty

Child poverty rate must be lower than 10%. The child poverty rate is the number of children (the percentage) who grow up in the families where income per family member is less than 50% of the median income.

10) Accessibility of services

Health care services in early childhood should be available to all children, including the children from disadvantaged families. Three key indicators to this effect:

- 10.1. infant mortality does not exceed 4 deaths per 1000 births;
- 10.2. the percentage of infants with a birth weight of less than 2500 g do not exceed 6%;
- 10.3. preventive vaccination at the age of 12 -23 months received by no less than 95% of children.

5. WHO Preventing Child Maltreatment: a Guide to Taking Action and Generating Evidence (2006)

The guidelines point out three key aspects of prevention of violence against children:

- the necessity to acquire information to act effectively;
- the importance of prevention of violence against children;
- services to the victims of violence and families, including the actions for protection of children.

To obtain the necessary information, it is necessary to conduct the studies about:

- outspread of violence against children;
- correlation between violence and high-risk behaviours;
- correlation between violence, high-risk behaviours and health status.

It is important to investigate all cases of children's deaths, which have occurred as a result of trauma.

Regarding prevention of violence against children, it is important to provide support to the social groups with a particularly high risk of violence. Possible methods listed are home visits and training programmes for the parents. The guidelines underline the need to evaluate the effectiveness of preventive measures, using scientifically based evidence.

With regard to support services for abused children and their families, the guidelines point to the necessity to involve well-trained professionals who work regularly with children, in detecting the abuse of children and providing the assistance.

It is necessary to develop standards for abused children's health care, which should include:

- injury documentation procedures;
- assessment (opinion) provided to the law enforcement institutions;
- psycho-social support.

The standards are also required in the sphere of children's protection, including:

- case-management;
- trial;
- social services in case of family intervention;
- Alternative care for a child.

The guidelines stress the need of a scientific research basis for development of policies, plans, programs, as well as planning and implementation of services, including studies on a variety of activities, the effectiveness of prevention programs and intervention forms. If such studies are not available, it is important to rely on theoretical knowledge.

6. WHO. Preventing Child Maltreatment in Europe. A Public Health Approach (2007)

The policy guidelines stress the need to develop a coordinated multi-sectoral country networks, including local and national level child protection coordination committees. The guidelines emphasize the importance of prevention to protect children from violence. The 3-level approach is proposed:

- primary prevention (universal services aimed at the entire population);
- secondary prevention (services that target families with identified risk factors of violence);
- tertiary prevention (special services aimed at the detection of violence and repeated violence and re-victimization prevention).

The guidelines emphasize the role of early intervention in violence prevention, especially in the light of the fact that young children are more often subject to the risk of physical abuse and neglect than older children, particularly in Eastern European countries where, due to social and economic changes, there is a decline in accessibility of health and social services.

The guidelines provide the definitions of violence, according to its various kinds.

WHO has defined the violence against a child as "the abuse and *neglect* that occurs to *children* under 18 years of age. It includes all types of *physical* and/or *emotional ill-treatment*, *sexual abuse*, *neglect*, *negligence* and *commercial* or *other exploitation*, which results in *actual* or *potential harm* to the *child's health*, survival, *development* or *dignity* (...)"

Physical abuse is any intentional use of force against a child, causing or being equal to causing harm to the child's health, life, development or dignity, including hitting, pushing, shaking, biting, strangulation, scalding, burning, deliberate poisoning and suffocation, or failure to prevent physical injury or suffering.

Sexual abuse is the involvement of a child in sexual activities that the child does not fully understand or to which he or she is unable to give informed consent, or for which he or she is not ready from the development point of view, or which is in violation of the society's laws or social norms. The abuse can be caused either by an adult or other children, which are in the position of responsibility, trust or power regarding the child.

Emotional and psychological violence is any single act or pattern of behaviour from parents or carers. This type of violence includes: restrictions of movement, belittling, blaming, threatening, bullying, discriminating against or ridiculing, as well as rejection or other hostile forms of treatment, which contain the disturbance potential of child's mental, spiritual, moral or social development. All forms of violence (including abusive behaviour towards others) include some form of emotional abuse.

Neglect by parents or other family members is the inability to perceive the child's physical or psychological needs, expressed in the form of inadequate care or failure to protect children from being exposed to hazards, either as a separate activity or a conduct of a regular pattern. Neglect can be associated with one or more factors: failure to provide health, education, emotional development, nutrition, shelter and safe living conditions.

The guidelines emphasize the need for countries to implement legal reform, in order to transpose the provisions of the *Convention on the Rights of the Child* in national legislation, to strengthen the legal protection mechanisms, emphasizing the protection of child victims and necessity of support activities, as well as the increased importance of social, economic and cultural rights.

At the same time, the guidelines stress the need of implementing the social and economic policy aimed at reducing the unemployment, access to education, eliminating gender inequalities, eradicating poverty, decreasing alcohol availability. On a local level the necessity is underlined to implement the home visit program as well as training programs for parents, as well as to teach the children to recognize potentially dangerous situations and take appropriate precautions.

7. SAVE THE CHILDREN. Children Witnesses of Gender Violence in the Domestic Context (2010)

The Recommendations formulate the need for the states to take measures aimed at meeting the specific needs of children whose mothers are the victims of domestic violence.

The Recommendations particularly accentuate the need at the EU level to harmonize the legislation on ensuring the best interests of the children, who

come into contact with the law enforcement system. In particular, the necessity to consider the protection of victims and the support measures for the investigation and trial period has been emphasized, including the regional training for professionals involved in the investigation of violence cases and trial, as well as defining the requirements or minimum standards for the questioning of child victims to protect them from repeated abuse.

The Recommendations state the necessity to support inclusion of specialization in judicial psychology in university programs, as well as the provision of special support to children in criminal proceedings, provided by appropriately trained specialists.

The document underlines the need for creating the care programs focussing on identification and support of families that are particularly vulnerable and at risk of violence, as well as ensuring the psychosocial support to pregnant women with the signs of violence experienced in the family. The necessity is also emphasized to develop services provided at home and to create rehabilitation programs for offenders.

The proposal has been made to inform children about the possibility to receive support and assistance in violence cases, including hotlines, in the framework of the education system.

The recommendations include the requirement to develop a mechanism that would allow the opportunity of involving children in the decision making process as much as possible and to take into account their needs in the work of health care and social services, as well as the police and the courts.

8. Directive 2011/93/EU (13 December 2011) of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA

According to the Directive, the member states must ensure the entry into force of the laws, regulations and administrative provisions necessary to comply with this Directive until **18 December, 2013**.

This Directive lays down the minimum rules for definition of criminal offences and sanctions in the areas of child sexual abuse, sexual exploitation, child pornography and solicitation for sexual purposes. It also introduces the requirements to strengthen the prevention of these crimes and the victims' protection.

The directive emphasizes the need not only to punish those who have sexually abused children, but also those who molest children for sexual purposes, indicating that the solicitation of children for sexual purposes is a

threat of particular nature with regard to the Internet, which gives users the unprecedented anonymity. At the same time, the member states acknowledge the importance of combating harassment and child abuse also outside of the Internet, especially when such harassment is carried out without the use of information or communication technology.

To avoid the risk of repeated offences, where appropriate, taking into account the offenders' dangerousness and risks that the offences may recur, the convicted offenders should be temporarily or permanently prevented from exercising professional activities involving direct and regular contact with children. Employers should have the right to be informed of convictions for sexual offences against children, including in relation to voluntary work.

The Directive stipulates that the investigation and prosecution of offences in criminal proceedings should be facilitated to take into account the difficulty for child victims to report sexual abuse and offenders' anonymity in cyberspace. The initiation of such procedures should not depend on the complaint, application or prosecution put forward by the victim or his/her representative.

2.VIOLENCE AGAINST WOMAN AND CHILD(legal framework, social system and institutions combating and preventing domestic violence).

2.1. Latvia

1. The Criminal Law

Content	Yes	No	Notes
1. Laws addressing domestic violence	Yes		Criminal Law (in force as of 01.04.1999)
1.a If 1 is yes, targeted both to women and children	Yes		The law focuses on victim protection, irrespective of gender and age.
1.b If 1 is yes, what are the main provisions of the law			CrL Section 48, Item 15 of the 1st part provides that in cases when criminal offence is related to domestic violence, it should be considered as an aggravating circumstance. The Special part of CrL encompasses the sections, based on which the person can be punished for a criminal offence against a person's health, life, immunity, property, etc. CrL does not penalize emotional and economic violence in family.
1.c If 1 is yes, the provisions are only	Yes		CrL regulates only criminal offences and possible penalties. CrL does not encompass the

focused on punishment			regulations which are directed towards the prevention and support to the victim.
1.d If 1.c is NO, the provisions are also focused on prevention and support to the victims			
2. Laws addressing violence against a woman and children	Yes		Criminal Law (in force as of 01.04.1999)
2.a If 2 is yes, what are the main provisions of the law			Law lays down the legal basis of a person's criminal prosecution for offences against morality and sexual inviolability, as well as criminal offences against the family and minors.
2.b If 2 is yes, there are specific commas related to domestic violence	Yes		The term 'domestic violence' is not used in the law directly, however, Section 48 among the aggravating circumstances emphasizes the situations when a criminal offence is related to violence or threat of violence committed against the person with whom the offender is in a first or second degree of kinship, or to a spouse or a former spouse, or the person with whom the offender is or has been in the non-marital relationship, or a person with whom the offender has a joint (single) household. Section 171 of the law provides for criminal punishment when a person commits utilisation of a guardianship or trusteeship to the detriment of persons subject to the guardianship or trusteeship. Section 174 states that criminally punishable is a violent treatment of a minor, if physical or mental suffering has been inflicted upon the minor and if such has been inflicted by the persons upon whom the victim is financially or otherwise dependent. Section 161 of the law states that criminal punishment is applicable to a person who commits an act of sexual connection or other unnatural sexual acts of gratification, with a person who has not attained the age of sixteen years and who is financially or otherwise dependent on the offender.
2.c If 2 is yes, the	Yes		The Republic of Latvia Ministry of Justice has

provisions are only focused on punishment			<p>set up a working group for transposition of Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography.</p> <p>It has commenced the work on drafting amendments to the Criminal Law, the Criminal Procedure Law and other laws and regulations. Among the aims of the working group is to prepare proposals for changes to the regulatory framework, to ensure maximum protection and support to child victims.</p>
2.d If 2.c is NO, the provisions are also focused on prevention and support to the victims		No	

2. Criminal Procedure Law

Content	Yes	No	Notes
1. Laws addressing domestic violence	Yes		Criminal Procedure Law (in force as of 01.10.2005)
1.a If 1 is yes, targeted both to women and children	Yes		The law is directed at protection of the victim of violence regardless of gender and age.
1.b If 1 is yes, what are the main provisions of the law	Yes		<p>Section 253 of CrPL states that the person directing the proceedings may apply a coercive measure not related to imprisonment - a prohibition from approaching a specific person or location. If a person infringes the applied coercive measure, another, more limiting measure can be applied, for example, imprisonment.</p> <p>As of January 1, 2011 the amendments came into force whereby the private prosecution proceedings are fully excluded from CrPL. Thereby, regardless of the character of criminal offence committed, any criminal offence having the relevant characteristics is investigated and adjudicated in the framework of public criminal proceedings (CrPL Section 7).</p>
1.c If 1 is yes, the provisions are only focused on	Yes		CrPL determines the order of criminal procedure and does not encompass regulations directed to prevention and support to the victim.

punishment			
1.d If 1.c is NO, the provisions are also focused on prevention and support to the victims			

3. Administrative Violations Code

Content	Yes	No	Notes
1. Laws addressing domestic violence			Latvian Administrative Violations Code (in force as of 01.07.1985)
1.a If 1 is yes, targeted both to women and children	Yes		The law is directed at protection of a violence victim regardless of gender and age.
1.b If 1 is yes, what are the main provisions of the law			Section 167 ² prescribes a penalty - a fine to persons who have incurred minor bodily injuries to a current or former spouse, or a person with whom the offender is or has been in a non-marital relationship, or a person with whom the offender has a joint (single) household. The penalty is greater in the case when minor bodily injuries are related to domestic violence. The law does not penalize domestic violence of emotional or economic character.
1.c If 1 is yes, the provisions are only focused on punishment	Yes		AVC regulates only the issues related to applicable penalty regarding the committed administrative violation. The regulations are not directed at the prevention measures and support of the victim.
1.d If 1.c is NO, the provisions are also focused on prevention and support to the victims			
2. Laws addressing violence against a woman and children	Yes		Latvian Administrative Violations Code (in force as of 01.07.1985)
2.a If 2 is yes,			The main attributes of the law regarding

what are the main provisions of the law			the children and women are the administrative prosecution of the cases when the consequences stated in the Criminal Law have not set in regarding the persons who have permitted physical or emotional abuse of a child, recklessly failed to fulfil parental responsibilities (neglect), as well as behaved violently against a spouse or a partner.
2.b If 2 is yes, there are specific commas related to domestic violence	Yes. Although the term „domestic violence” (or „violence in family”) is not used directly, the context of several sections implies that they are directed at protection of a child and woman particularly from domestic violence.		Section 172 ⁴ of the law provides that an administrative penalty may be imposed on parents or persons substituting for them in the case of leaving a child, who has not attained 7 years of age, without supervision. Under Section 173 the penalty is imposed on the parents, or persons substituting for them, in the case of a failure to fulfil the duty of care of a child (which would correspond to the term “neglect”). Section 167 ² sets a penalty to persons who have incurred minor bodily injuries to a current or former spouse, or a person with whom the offender is or has been in a non-marital relationship, or a person with whom the offender is in a joint (single) household.
2.c If 2 is yes, the provisions are only focused on punishment	Yes.		Latvian Administrative Violations Code only applies penalty to the offender. Administrative penalty may be a warning or a fine. Eligibility for aid to victims is set out in other normative acts.
2.d If 2.c is NO, the provisions are also focused on prevention and support to the victims			

4. Civil Procedure Law

Content	Yes	No	Notes
1. Laws addressing			Civil Procedure Law (in force as of

domestic violence			01.03.1999)
1.a If 1 is yes, targeted both to women and children	Yes		Civil Procedure Law regulates the process of adjudging civil matters by courts therefore it is directed to legal protection of a violence victim regardless of gender and age.
1.b If 1 is yes, what are the main provisions of the law			Section 238 of the CPL states that in a matter regarding dissolution or annulment of marriage, a decision can be passed regarding the shared household's order of use by the spouses.
1.c If 1 is yes, the provisions are only focused on punishment		No	
1.d If 1.c is NO, the provisions are also focused on prevention and support to the victims			The regulation provided in CPL can be used as a support mechanism for a spouse who is a victim of violence during the inquiry period of divorce.

5. Amendments to Civil Procedure Law (draft legislation announced in the Meeting of State Secretaries)

Content	Yes	No	Notes
1. Laws addressing domestic violence	Yes		Amendments to the Civil Procedure Law (draft legislation announced in the Meeting of State Secretaries. It is expected to be passed on to the Parliament in November or December of 2012).
1.a If 1 is yes, targeted both to women and children	Yes		The draft laws will be attributed to any member of society who is suffering from violence or persecution. The draft law provides an opportunity for these persons to turn to the courts of general jurisdiction for appropriate civil protection.
1.b If 1 is yes, what are the main provisions of the law			The draft law provides for the establishment of a new law enforcement institution - the temporary measure for protection of personal rights (the right to life, liberty, person's integrity, health and sexual inviolability, protection of private life, home and correspondence). The draft law provides an opportunity for the abuse and harassment victims to initiate civil proceedings in the courts, including through intermediation of the police, and ask the court to impose restrictions on the violent person. The measure could be used by any person, regardless of their family relationship or the

			existence of a joint household.
1.c If 1 is yes, the provisions are only focused on punishment		No	
1.d If 1.c is NO, the provisions are also focused on prevention and support to the victims		No	<p>The draft law is focused on the victims' protection and support.</p> <p>A person may request the application of measure both in the framework of a claim already accepted by the court and before submitting the claim to the court. If the measure for protection of personal rights has been applied before raising the claim, the court shall set a deadline for the submission of the claim (the deadline may not exceed one year).</p> <p>The available remedies would range from the limitation to be at a specified location and to approach a certain person, to a ban on the use of personal data.</p> <p>The claim would be processed on the next working day after submission, unless there is a need for further evidence.</p>

6. Amendments to the Law on Police (draft legislation announced in the Meeting of State Secretaries)

Content	Yes	No	Notes
1. Laws addressing domestic violence	Yes		Amendments to the Law on Police (draft legislation announced in the Meeting of State Secretaries. It is expected to be passed on to Parliament in November or December of 2012).
1.a If 1 is yes, targeted both to women and children	Yes		The draft law shall apply to any member of society who is suffering from violence or persecution. The draft law is related to the draft law "Amendments to the Civil Procedure Law".
1.b If 1 is yes, what are the main provisions of the law			The draft law provides that a person without going to court would be able to achieve the limitation of the abuser's rights and freedoms for a term not exceeding four days.
1.c If 1 is yes, the provisions are only focused on punishment		No	
1.d If 1.c is NO, the provisions are also focused on prevention and		No	<p>The draft law focuses on the victim's protection and support.</p> <p>A person may ask the police to enforce the measure immediately and subsequently file the</p>

support to the victims			claim in the court regarding application for a personal legal protection measure before bringing an action. The available legal protection measures would range from the limitation to be at a specified location and approach a certain person, to a ban on the use of personal data.
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7. Protection of the Rights of the Child Law

Content	Yes	No	Notes
2. Laws addressing violence against a woman and children	Yes, the law is directed against the violence against children, but it does not touch upon the issues related to violence against woman.		Protection of the Rights of the Child Law (in force as of 22.07.1998)
2.a If 2 is yes, what are the main provisions of the law	-	-	The main attributes of the law: 1. It is stipulated that a child as a physically and mentally immature person has the need for special protection and care; 2. Regulations of the rights, obligations and liabilities of parents and other natural persons and legal persons and the state and local governments in regard to ensuring the rights of the child, and determines the system for the protection of the rights of the child; 3. It is emphasized that a child has a right to be protected from any form of violence, including economic and sexual exploitation, that it is prohibited to treat a child cruelly, to torture and punish physically, violating the child's dignity and honour.
2.b If 2 is yes, there are specific commas related to	Yes		Section 1, items 10,11,12,13 provide definitions of all forms of violence against a child; amendments have been

domestic violence		prepared in order to supplement this section with explanation of the term „domestic violence”. Section 24, part 4 stipulates that parents shall be held liable as determined by law for not fulfilling their parental duties and for abuse of protection rights, physical punishment or cruel treatment of a child. Section 27, part 1, item 1 stipulates that a child may be removed from his or her family, if the life, health or development of the child is seriously threatened due to violence or if there are justified suspicions regarding violence against the child, as well as due to lack of care or due to the circumstances of his or her home (social environment); Section 52, part 4 provides that extra-familial care shall be provided without delay to a child who has suffered from violence in his or her family or for whom a real threat of violence exists, if it is not possible to isolate the abusive persons from the child.
2.c If 2 is yes, the provisions are only focused on punishment		No This is an umbrella law, which sets out the general principles of the protection of the child's rights, obligations and rights in this sphere, but does not provide sanctions. Penalties for child abuse are defined in the Criminal Law and the Administrative Violations Code.
2.d If 2.c is NO, the provisions are also focused on prevention and support to	Yes	Section 51, part 2 stipulates that a child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or

the victims			demeaning acts, shall be provided with emergency assistance free of charge, in order that a child may regain physical and mental health and reintegrate into society. Section 52, part 3, item 2 provides that it is prohibited for a child who has been a victim of violence to be left without psychological or other form of care.
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9. Law on Orphans Courts

Content	Yes	No	Notes
2. Laws addressing violence against a woman and children	Yes , the law is directed against the violence against children, but it does not touch upon the issues related to violence against woman.		Law on Orphans Courts (in force as of 01.01.2007)
2.a If 2 is yes, what are the main provisions of the law	-	-	The main attributes of the law are: 1. It is established that an Orphans Court is a guardianship and trusteeship institution established by a municipality or a local government, in its operations primarily ensure children's rights and protection of legal interests, including defending personal interests of the child in relationship with parents, guardians and other persons; 2. The law stipulates, in which cases the Orphans Court takes a decision to remove the child from the family and suspend its stay in a guardian family or a foster family; 3. The law sets out the rights, obligations and responsibilities of the Orphans Court, the fundamental principles of its establishment and organisation of work.

2.b If 2 is yes, there are specific commas related to domestic violence	Yes	Section 22, part 1, item 5 stipulates that an Orphans Court shall take a decision to remove the child care rights from a parent if a child abuse on the part of the parent has been detected or there are justified suspicions of child abuse. Part 3 of the same section provides that An Orphans Court shall take a decision as regards the bringing of an action regarding the removal of custody rights in a court if the parent treats the child very badly (child abuse has been detected).
2.c If 2 is yes, the provisions are only focused on punishment		No The current law and the Cabinet Regulations „Operation of an Orphans Court” issued on its basis, stipulate the obligation of Orphans Court jointly with the local government’s social service office to ensure the support to the families where the environment is not beneficial for the child’s development.
2.d If 2.c is NO, the provisions are also focused on prevention and support to the victims	Yes	According to Section 23, if during an inspection of the living conditions of a child or otherwise it is detected that the child lives in the conditions that are dangerous to its health or life, as well as if the subsequent living of the child in the family may endanger his or her wholesome development (it also refers to domestic violence), the Chairperson of an Orphans Court, the Vice-Chairperson of an Orphans Court or a Member of an Orphans Court shall take an individual decision regarding: 1) the removal of the child care rights from the parents; 2) the removal of the child from the family of the guardian and suspension of the guardian from fulfilment of duties; 3) the removal of the child from the foster family.

			The section also indicates that the child is taken to a foster family, an institution of long-term social care and social rehabilitation, a hospital or to other safe environment.
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10. Law on Social Services and Social Assistance

Content	Yes	No	Notes
2. Laws addressing violence against a woman and children	Yes		Law on Social Services and Social Assistance (in force as of 01.01.2003)
2.a If 2 is yes, what are the main provisions of the law	-	-	The law establishes the principles for the provision and receipt of social work, caritative social work, social care, social rehabilitation, vocational rehabilitation services and social assistance, the range of persons who have the right to receive these services and assistance, as well as the principles for funding of social care.
2.b If 2 is yes, there are specific commas related to domestic violence		No	The term „domestic violence” is not used in the law.
2.c If 2 is yes, the provisions are only focused on punishment		No	Due to the specific character of the law it does not regulate the issue of perpetrator’s legal liability.
2.d If 2.c is NO, the provisions are also focused on prevention and support to the victims	Yes		Section 13, part 1, items 3 and 3. ¹ stipulate that the state, according to the funds granted in the annual State Budget Law, shall ensure the social rehabilitation of the children and adult persons who have suffered from violence. The same section, part 1, item 11 provides for state’s provision of social rehabilitation services to the persons who have committed violence. Section 19 of the law defines that one of the purposes of the provision of social rehabilitation services is to prevent or reduce the negative social consequences in the life of a person caused by violence.

11. Criminal Law

Content	Yes	No	Notes
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1.Laws addressing domestic violence	Yes		Criminal Law (in force as of 01.04.1999)
1.a If 1 is yes, targeted both to women and children	Yes		The law focuses on victim protection, irrespective of gender and age.
1.b If 1 is yes, what are the main provisions of the law			CrL Section 48, item 15 of part 1 provides that in cases when criminal offence is related to domestic violence, it should be considered as an aggravating circumstance. The Special part of CrL encompasses the sections, based on which the person can be punished for a criminal offence against a person's health, life, immunity, property, etc. CrL does not penalize emotional and economic violence in family.
1.c If 1 is yes, the provisions are only focused on punishment	Yes		CrL regulates only criminal offences and possible penalties. CrL does not encompass the regulations directed towards the prevention and support to the victim.
1.d If 1.c is NO, the provisions are also focused on prevention and support to the victims			
2. Laws addressing violence against a woman and children	Yes		Criminal Law (in force as of 01.04.1999)
2.a If 2 is yes, what are the main provisions of the law	-	-	The law lays down the legal basis of a person's criminal prosecution for offences against morality and sexual inviolability, as well as criminal offences against the family and minors.
2.b If 2 is yes, there are specific commas related to domestic violence	Yes		The term 'domestic violence' is not used in the law directly, however, Section 48 among the aggravating circumstances emphasizes the situations when a criminal offence is related to violence or threat of violence committed against a person with whom the offender is in a first or second degree of kinship, or to a spouse or former spouse, or a person with whom the offender is or has been in a non-marital relationship, or a person with whom the offender is in a joint (single) household.

			<p>Section 171 of the law provides for criminal punishment when a person commits utilisation of a guardianship or trusteeship to the detriment of persons subject to the guardianship or trusteeship. Section 174 states that criminally punishable is a violent treatment of a minor, if physical or mental suffering has been inflicted upon the minor and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent. Section 161 of the law states that criminal punishment is applicable to a person who commits an act of sexual connection or other unnatural sexual acts of gratification, with a person who has not attained the age of sixteen years and who is in financial or other dependence on the offender.</p>
2.c If 2 is yes, the provisions are only focused on punishment	Yes		<p>The Republic of Latvia Ministry of Justice has set up a working group for transposition of Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography. It has commenced the work on drafting amendments to the Criminal Law, the Criminal Procedure Law and other laws and regulations. One of the aims of the working group is to prepare proposals for changes to the regulatory framework, to ensure maximum protection and support to child victims.</p>
2.d If 2.c is NO, the provisions are also focused on prevention and support to the victims		No	

12. Cabinet of Ministers Regulations „Procedures for the Provision of Emergency Assistance to a Child Who Has Suffered from Illegal Activities”

Content	Yes	No	Notes
2. Laws addressing violence against a woman and children	Yes, the regulations are directed against the violence against children, but do not touch		Cabinet of Ministers Regulations „Procedures for the Provision of Emergency Assistance to a Child Who Has Suffered from Illegal Activities” (in force as of 01.01.2010)

	upon the issues related to violence against woman.		
2.a If 2 is yes, what are the main provisions of the law	-	-	The regulations prescribe the procedures whereby a child who is a victim of illegal activities – a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning act (hereinafter – violence) – is provided with emergency assistance from funds of the State budget so that the child might regain physical and mental health and integrate into society.
2.b If 2 is yes, there are specific commas related to domestic violence	Yes		The term „domestic violence” is not used directly, however, Section 4 of the Regulations stipulate the actions which must be taken by the Orphans Court, if there is a suspicion of violence inflicted by parents (in this case the Orphans Court is the institution that implements all the necessary actions instead of parents for a child to receive the necessary assistance, at the same time evaluating the necessity to take the child out of the family (take a decision to revoke the rights of custody).
2.c If 2 is yes, the provisions are only focused on punishment		No	Due to the specific character of the regulations they do not regulate the issue of a perpetrator’s legal liability.
2.d If 2.c is NO, the provisions are also focused on prevention and support to the victims	Yes		Sections 6 and 8 of the Regulations stipulate that a child, based on a psychologist’s opinion, is entitled to social rehabilitation at the place of residence (10 consultations of the psychologist) or to receive a social rehabilitation course in an institution (30- 60 days), if needed, this period can be extended. If it is necessary that a family member of the child or a person who takes care of the child stays at the social rehabilitation institution, the stay of such person in

			<p>the respective institution shall be financed from the funds of the State budget.</p> <p>Item 12.7 provides that the local government's social service office shall render the necessary support and assistance to a child who has suffered from violence and to the family of the child during the period of receiving social rehabilitation service and in the subsequent period.</p>
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2.1.1. Strengths and weaknesses with regard to violence against a child

Strengths

1. Legislation provides for various legal protection measures for a woman who has suffered from violence. The regulations included in CrL provide that if the offence is committed within the family, it is considered to be an aggravating circumstance. CrPL provides for a compulsory measure - a ban on approaching a specific person and /or place. CPL provides for the possibility to determine the order of use of spouses' common property, thereby prohibiting the violent partner the stay in the family home.

2. The changes effected so far in CrL, CPL and AVK are perceived as a positive improvement.

- a. After a number of instructions from international human rights' protection organizations, Latvia has incorporated into CrL the definition of domestic violence, stating that the family can also exist outside of marriage, and one of the evaluation criteria is the existence of a joint household.
- b. The amendments to CPL whereby the private prosecution proceedings are fully excluded from CPL in case of minor injuries. Thus, the crime victims are better protected as the law enforcement institutions are required to gather evidence and maintain the charge in regard to a process which previously would have been terminated either due to the lack of evidence or because the person has withdrawn the application.
- c. AVC regulation regarding minor injuries allows a quicker response to domestic violence. These changes possibly may increase the number of persons sentenced for domestic violence, as often the inflicted injury is not sufficiently severe to lead to criminal proceedings, and there are less administrative obstacles for punishment of the perpetrator.

3. The draft law "Amendments to the Civil Procedure Law" provides for the temporary personal rights' protection measure, which will provide a greater protection to the victim. Using this mechanism, the victim will not have to

leave the home, and the rules will apply not only to married partners, but also those living together outside of marriage, if they have a common household. Thereby the definition of family provided in this law is much broader than that contained in the Constitution and will provide protection to a wider circle of persons.

4. In Latvian national legislation, according to the World Health Organization's (WHO) policy guidelines (WHO. Preventing child maltreatment in Europe. A public health approach (2007)), the **standards of UN Convention on the Rights of the Child are fully incorporated**, particularly in Protection of the Rights of the Child Law, which includes articles on protection of the child from all forms of violence, as well as an obligation to any person or legal entity in its activities as a priority to ensure child's rights and interests.

Since Latvia's accession to the Convention, a number of changes in laws and regulations have been implemented, particularly in the Civil Law's part of the Family Law and Law on Orphans Courts, to ensure that a child who is able to form an opinion, could express it in all matters affecting the him-/herself, including the issue of the child's separation from parents and the choice of care outside the family.

5. In Latvia there is a legal **ban on physical punishment of a child, as well as violating the child's dignity and honor (Protection of the Rights of the Child Law)**, thus fulfilling the requirement emphasized by UNICEF (UNICEF. Eliminating violence against children. Handbook for parliamentarians (2007)) to impose a legal prohibition on violent treatment of children by banning corporal punishment both at home and anywhere else where children are present, - education and care homes, prisons, etc.

6. In the country, certain standards are set for **training of professionals involved in work with cases involving children**. The Protection of the Rights of the Child Law and the Cabinet of Ministers' Regulations underline the obligation of the state to ensure that cases related to children's rights, in all state and local government institutions are dealt with by professionals who have special expertise in this area. The Cabinet has approved the issues that must be included in the training program, including the theme of violence against children, its forms and signs, as well as inter-agency cooperation in case of violence.

The training program is mastered by police officers, attorneys (prosecutors have a separate program), judges, Orphans Court staff, education and care facilities managers. It is planned to extend the range of professionals who are obliged to master this program by making the relevant amendments to the Protection of the Rights of the Child Law, thereby ensuring fulfilment of the recommendations provided in several international documents regarding the training of specialists involved in detection, inquiry and adjudication of violence (UN Rights of the child. Report of the independent expert for the

United Nations study on violence against children (August 2006); SAVE THE CHILDREN. Children witnesses of gender violence in the domestic context (2010)).

7. Laws and regulations impose a ban to work in children's institutions for persons who have committed violations of children's rights, been convicted of criminal offences involving violence or threat of violence (the expiry of the criminal record does not apply), as well as being punished for offences against morality and sexual inviolability (the expiry of the criminal record does not apply). The employer is entitled to, and at the same time has an obligation, when recruiting, to request a certificate from the Punishment Register. These rules represent an important contribution to a child abuse prevention and, respectively, introduction of the European Parliament and Council Directive 2011/93/ES (13 December 2011) on sexual violence against children, sexual exploitation of children and child pornography.

Weaknesses

1. The available legal remedies are used insufficiently in practice.
 - a. The number of initiated and investigated criminal procedures regarding domestic violence is low. It suggests that women lack information about available legal remedies and the inefficient use of existing measures, which could be explained by the lack of knowledge and education in society and law enforcement institutions.
 - b. Although CPL encompasses a regulation that provides for application to the abuser a form of detention- a ban on approaching a specific person and /or place of residence, but in practice it is rarely applied in the cases involving domestic violence. According to the Ministry of Welfare final informative report "On implementation of program for eradicating the domestic violence 2008 – 2011", it is indicated that this measure has been applied on average 35 times a year, furthermore, the statistics include all offences against the life and health of an individual, not recording separately the criminal offences in the family.
 - c. During the focus group interviews with law enforcement and social institutions' staff, the participants acknowledged that the present framework provides sufficient means to reduce domestic violence and punish the perpetrators, however, the lack of knowledge and education¹, literal application of the rules and ineffective monitoring degrades the system and exposes the victim to greater risks.

¹Participants of the focus group interviews stated that the youngest staff members are retrained by these in or police officers "on the way to the scene." In Police College, where the police officers are trained, the students are enrolled after obtaining the secondary education. After a brief training, they are assigned to work in the police, but they do not have sufficient knowledge to fulfill their duties effectively. The further education opportunities are scarce and formal.

2. The existing regulations do not provide adequate protection to a woman who has suffered from violence.
 - a. CPL provisions on the procedures for utilisation of the joint property by the spouses apply in a very limited number of cases. In particular, there must be a marriage and the dispute must be either a marriage annulment or a divorce, otherwise the law does not apply. Thus, although this framework could be applied to the cases of emotional and economic violence, in practice the opportunities for its use are very limited.
 - b. The provisions included in AVC regarding the imposition of fines for inflicting minor bodily harm, are insufficient and ineffective. Imposition of a fine will not eliminate the possibility of future violence (which can even become more intense), and attention is not paid to the perpetrated emotional violence. Without reference to the means of ensuring the prevention and victims support this measure is ineffective.

3. Law enforcement institution employees lack the knowledge to recognize domestic violence and they evaluate conditions based on stereotypes.
 - a. Often, the police refuse to accept a complaint of domestic violence, argue that it is a family matter. In particular, the practice is widespread outside Riga and other big cities. In rural areas there is a lack of mechanisms to support women who are victims of violence, therefore they do not have any opportunities to leave a violent partner, and they have to continue living in violent relationships.
 - b. It is necessary to define in the CrL, what exactly constitutes "violence" and whether it includes only physical and sexual abuse, or also emotional and economic violence. The lack of definitions create a different practice and, consequently, different levels of legal protection depending on the victim's place of residence.
 - c. Crisis centre employees, who provide legal advice to the victims of violence, indicated in the interviews that the prosecutors and court employees lack the knowledge to assess domestic violence, therefore they often use stereotypes, considering domestic violence "the family's internal issue" and blaming the victim for the violence experienced.

4. The regulation is lacking regarding the emotional and economic violence against a woman. Currently, only physical and sexual violence is punishable. However, domestic violence often starts with emotional abuse. As the law enforcement focus group discussion participants noted, even in the cases where there is a real emotional abuse (for example, a man is stalking his wife everywhere), the police have no access to legal remedies.

5. For a woman a greater legal protection is available if there is a marriage and the children are raised in the family. In this situation, a woman as a victim of violence could resort to Criminal Law, Criminal Procedure Law and Civil Procedure Law for legal protection measures. In addition to this, women can receive various forms of social assistance and support of crisis centres. If there is a marriage, but the kids are already 18 years of age, the legal protection is greatly reduced. On the other hand, the women who are in a non-marital relationship, without children or whose children have reached the age of 18, currently are the most vulnerable group because the law does not provide them with adequate protection and support in a crisis situation.
6. There is a lack of good quality, state-funded legal assistance to female victims of violence, who have not obtained the status of a low income individual, but cannot afford a legal assistance of good quality. Thus, even if a criminal action for domestic violence has been initiated, the woman lacks support and legal knowledge to defend her rights in the process.

7. The regulatory framework is fragmented; it confuses the professionals as well as general public, as indicated by most of the focus group participants, particularly the social services and crisis centre staff, who pointed out that a single law on domestic violence would be necessary. This corresponds to the Latvian situation presented in the tables since the provisions relating to the protection of children from violence are found in six normative acts.

8. The legal framework is not sufficiently friendly to a child who has suffered from violence, because **repeated violence risk cannot be excluded during investigation and adjudication process of a violence case:**

8.1. The law does not honour the rights of a child victim or its representative to request carrying out the forensic examination by of the expert of the same sex, which is especially important in the cases of sexual violence;

8.2. The law does not set sufficiently strict requirements regarding the cross-examination of the child victims. The Criminal Procedure Law provides that a minor who has not reached 14 years of age or, at the discretion of the performer of the investigation, any juvenile is interrogated in the presence of a pedagogue or a specialist who is a psychologist trained to work with children in criminal proceedings. Given that the program, in which the psychologists would be trained to work with children in criminal proceedings, is not actually available in the country, as well as the fact that this specific matter, which is important to law enforcement staff, and is not included in the training program for specialists who work with the cases involving children. Furthermore, the presence of such specialists is not provided for in all cases of minors' cross-examination. The major drawback is the fact that no special requirements are set for training of police, prosecutors, judges in the sphere of children's interrogation, even though it has been indicated both in the European Parliament and Council Directive 2011/93/ES (December 13, 2011) on combating sexual

violence against children, sexual exploitation of children and child pornography, and the organization's "Save the Children" recommendations (SAVE THE CHILDREN. Children witnesses of gender violence in the domestic context (2.010).

9. The legal framework, in contrast to the indications of World Health Organization policy guidelines (WHO. Preventing child maltreatment in Europe. A public health approach (2007)) **does not provide adequate support for the child victim of violence during the investigation and trial**, leaving it in a comparatively worse position than the accused, because the Criminal Procedure Law stipulates that only when there is a difficulty, or other impediments to ensuring the protection of a minor's rights and interests, or the representatives of an underage victim submit a well-founded request, a person directing the proceedings passes a decision to invite an advocate as a representative of the underage victim. The representatives of child victims, who are often parents or other relatives frequently are not adequately informed of the possibility of requesting an advocate and not always are sufficiently educated to be able to motivate their request, while each person directing the proceedings may have his or her own subjective understanding of when the protection of the minor victim's rights and interests should be considered difficult or impeded.

10. Laws and regulations **do not set out sufficiently strict and clearly defined cooperation principles and forms between the law enforcement staff and the professionals involved in providing services for children**, so it is not a rare situation when the rehabilitation services and other support to child victims, especially in the cases where the child is a victim of violence not in the family but elsewhere, are provided belatedly.

2.1.2. Strengths and weaknesses in relation to violence against women

Violence against women is one of the most widespread human rights violations. This can include physical and sexual, as well as psychological and economic violation. Such violence has no age, race, culture, financial status or geographic restrictions. It can take many forms - from domestic violence and sexual offences, to a variety of harmful activities during pregnancy, so-called honor crimes and other types of crimes that are specifically targeted against women. Thus, any woman at any stage in her life can be exposed to violence. According to a survey carried out on domestic violence in August 2006, 36.7% of Latvian residents surveyed said that among their acquaintances, relatives or friends there was a woman who had suffered or was suffering from domestic violence.²

²In the framework of European Social Fund's (ESF) national programme project "Capacity building for gender equality and employment policy development and implementation for the involved institutions" No. VPD1/ESF/NVA/04NP/3.1.4/0001/0007 a survey of public opinion entitled "Domestic Violence" was carried out by the company "Latvijasfakti" on

International human rights' documents and non-binding documents issued by international organizations set out the states' obligation to reduce violence against women. These can be summarized into four groups:

- to evaluate the existing legislation in order to ensure an effective legal protection;
- to allocate sufficient funds for the eradication of domestic violence and the rehabilitation of victims;
- to ensure effective enforcement of legislation by educating the society as well as the law enforcement institutions and social services employees;
- to collect statistics on violence against women and domestic violence.

The UN Committee on the Elimination of Discrimination Against Women³, the UN Committee on Economic, Social and Cultural Rights⁴, the UN Committee Against Torture⁵ and the European Council Committee of Social Rights, assessing the Republic of Latvia laws and regulations and their compliance with the rights of women, pointed to three main challenges:

- current legislation does not include adequate safeguards to protect women against domestic violence and to punish perpetrators;
- the lack of statistical data in order to effectively assess the prevalence of domestic violence and to carry out preventive work;
- the public and law enforcement officers lack knowledge about domestic violence.

Of course, it can be stated that the UN institutions' reports are out of date, but it should be noted that as of the reports' issue no significant changes that would be directed at the legal protection of victims have been made in the legislation.

In general, the legislation provides for various remedies for a woman who has suffered from violence. Criminal Law (hereinafter - CrL) states that the offence committed in the family constitutes an aggravating circumstance. Criminal Procedure Law (hereinafter - CrPL) provides that one of the constraining measures is a prohibition to approach a certain person and place, which in theory can be applied to criminal proceedings also in domestic violence cases. From the CrL and CrPL the private prosecution process has been excluded and administrative liability is

August 2006 -
<www.lm.gov.lv/upload/dzimumu_lidztiesiba/situacija_latvija/vardarbiba_gimenee-08_2006_2.pdf>, last accessed on August 10, 2012

³<daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/462/77/PDF/N0446277.pdf?OpenElement>, last accessed on July 17, 2012.

⁴<daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/462/77/PDF/N0446277.pdf?OpenElement>, last accessed on July 17, 2012.

⁵<daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/406/09/PDF/G0840609.pdf?OpenElement>, last accessed on July 17, 2012.

stipulated for causing a minor bodily harm, thereby partially facilitating prosecution of the violent partner. Similarly, the Civil Procedure Law (hereinafter -CPL) provides for the possibility of the spouses' common property shared use procedure, thus providing an opportunity to prevent the violent partner to stay in the family home. Thus it appears that, on the one hand, the legislation incorporates regulations, resorting to which a woman could protect herself from violence even without needing to leave the place of residence (for example, by moving temporarily to a crisis center). On the other hand, there are several major problems both in the existing regulatory framework and its application, which will be analyzed below.

In 2010 several amendments were made to Administrative Violations Code (hereinafter - AVC)⁶, CrL⁷, and CrPL⁸ which are related to exclusion of private prosecution, from the CrPL and CrL and de-criminalization of minor injuries. Similarly, with these amendments the CrL defined a new aggravating circumstance - violence committed within the family. Changes in legislation came into force on 1 January, 2011.

Until 1 January, 2011 a person could bring an action for an intentional causing of minor injuries. However, in practice the application of the law resulted in several problems:

- A narrow definition of the term "family", interpreting it only as marriage. As a result, many criminal offences related to inflicting intentional slight bodily harm and committed in non-marital partnerships, among persons living in the same household or among former spouses were excluded from public prosecutions. These individuals themselves had to build up and maintain the charge, and to gather the necessary evidence, while government for its part, provided only the court, where the case could be considered;
- Outside the private prosecution, there were no legal remedies available to a victim. As a result, the victims often withdrew their application under the influence of the person who had committed the offence;
- Withdrawal of the application terminates the private prosecution, and the case is not reviewed, even if there are reasonable grounds to believe that an offence has occurred (for example, a partner has caused intentional slight bodily injury);

⁶ Draft law No. .1700/Lp9 „Amendments to the Administrative Violations Code of Latvia” and its annotation - titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/DF00765CDF55A3E4C22576CB004FCACE?OpenDocument>, last accessed on August 10, 2012.

⁷ Draft law no.1704/Lp9 „Amendments to Criminal Law” and its annotation - titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/7318F47F694717E9C22576CB00505314?OpenDocument>, last accessed on August 10, 2012.

⁸ Draft law no. 1699/Lp9, „Amendments to Criminal Procedure Law” and its annotation - titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/596EABFCE5C4B1FDC22576CB004F9932?OpenDocument>, last accessed on August 10, 2012.

- Lack of qualified legal assistance. The woman herself had to maintain the charges and to appear in the court, as a result the processes were of a poor quality and the lack of legal knowledge caused difficulty to the victim to represent her interests in the court.⁹

On this basis, it was decided to exclude the private prosecution, provided that further on criminal proceedings may only take place in the framework of public prosecution process. Thus, the current CrPL, section 7, second part provides:

„Criminal proceedings shall be initiated for the offences provided for in Sections [...] 130¹⁰, 131¹¹, 132¹², 136¹³, [...] section 159, 1st part¹⁴, section 160, 1st part¹⁵, [...] section 185, 1st part¹⁶ [...] if the application has been received from the person to whom harm has been inflicted. Criminal proceedings may also be initiated without the receipt of an application from the person to whom harm has been inflicted, if such person is not able to implement his or her rights himself or herself due to a physical or mental deficiency.”

Consequently, the initiation of criminal proceedings requires a personal application and investigation is being conducted in the framework of public prosecution process, i.e. all investigative and prosecutorial functions are implemented by the investigator and the prosecutor.

However, viewed in conjunction with the CrPL section 377, item 8, it can be observed that "The initiation of criminal proceedings shall not be permitted, and initiated criminal proceedings shall be terminated, if [...] an application of a victim does not exist in criminal proceedings that may be initiated only on the basis of an application of such person”.

⁹See the note no. 4; K. Strada – Rozenberga, „The implementation of victims’ rights in cases of private prosecution – regulation of criminal legislation, practice, problems, solutions” - <www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDIQFjAA&url=http%3A%2F%2Fwww.tm.gov.lv%2F1v%2Fdocuments%2Fpetijumi%2FCietuso_tiesibu_realizacija%2Fpetijuma_atkaite.doc&ei=djSqUKH5EYAmSwbTroDwAQ&usg=AFQjCNH5hmD7EgvKS3Iik_64dnjXgWZ6vA&sig2=KnFgK_4szV59Vwp8nuFqwg>, last accessed on August 10, 2012.

¹⁰Intentional slight bodily injury.

¹¹Negligent bodily injury.

¹²Threatening to commit murder and to inflict serious bodily injury.

¹³Compelling commission of an abortion.

¹⁴When a person commits an act of sexual intercourse by means of violence, threats or taking advantage of the state of helplessness of a victim (rape), where commission of the rape is by a person who has been previously convicted or commission is by a group of persons, or who commits rape of a minor, or if serious consequences are caused thereby, for initiation of the criminal procedure the application of the victim is not necessary.

¹⁵ Forcible sexual assault. Just like in the previous section, if it has been committed by a person who has been previously convicted, the commission is by a group of persons, if the victim is a minor or underage, or if serious consequences are caused thereby, for initiation of the criminal procedure the application of the victim is not necessary.

¹⁶ Intentional destruction and damage of property. If such has been committed by arson or in another generally dangerous way, or has caused extensive material loss, or, as a result of the negligence of the offender, the death of a human being has occurred or other serious consequences have been caused, the personal application is not necessary.

Thus, if the victim initially filed an application in relation to any of the CrL sections listed in CrPL Section 7, part 2, but later the application is withdrawn, it is insufficient grounds for termination of the criminal proceedings. Without recourse to the victim's legal protection remedies such as the compulsory measure- a ban on approaching a specific location or person, the victim may be forced to withdraw the application to prevent further violence against herself.

Therefore, although the private prosecution is excluded from the CrL and CrPL and thereby it is ensured that every process is examined within the framework of public prosecution, and the major procedural flaws have been prevented, however, the most important factor, i.e., cessation of prosecution after the withdrawal of the victim's application, had not been remedied. Thus, although in a case, for example, of an intentional slight bodily harm to a partner, the state would have provided greater protection for the victim, nevertheless, without other legal remedies, the victim may withdraw the application under threat of violence.

As mentioned above, with the amendments of 2010 the regulations regarding minor bodily harm were excluded from the CrL and included in AVC. The legislature intended that such a bodily injury that "resulted in temporary, minor effects, but did not cause health problems or general loss of work ability" can impose an administrative fine ranging from 150 to 300 lats. Thus, the liability is foreseen for such bodily harm, which is not so grievous as to initiate criminal proceedings, while eliminating the administrative obstacles related to a private prosecution cases in criminal procedure.

Although such legislation could increase the number of people who are convicted of causing bodily harm, there are several problems:

- People do not report the crime because it is insignificant, which may be based on the lack of information about available legal remedies. Similarly, a person may have a negative previous experience of dealing with the police (for example, the police have not responded to previous calls);
- The police fails to respond to the call, because the infringement is small. This problem is particularly acute outside of cities where police officers are few in number and unable to respond efficiently to all calls, therefore minor personal injury prevention is not a priority;
- Administrative penalty does not prevent the possibility of further infringement. Therefore, it would be necessary to provide additional remedies to provide effective defence of personal rights and interests.

Therefore, decriminalization of even a minor personal injury is a positive step in the reduction of domestic violence, but the essential impact of this feature will be felt only if the regions would increase the number of police officers, as well as provide information about domestic violence, its forms and prevention. It would also be necessary to provide legal remedies, such as the prohibition

of approaching a specific location and /or the person without initiating criminal proceedings and the interpretation of the term "family" in the broadest sense.

The most significant changes regarding the definition of the domestic violence took place on 21 October 2010 when the Parliament passed amendments to the CrL, which came into force on 1 January 2011. With these amendments, Section 48, the first part of CrL has acquired a new addition – item 15. It provides:

“The following may be considered to be aggravating circumstances: [...] the criminal offence related to violence or threats of violence has been committed against a person to whom the perpetrator is related in the first or the second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household.”

There were two approaches to the implementation of the international human rights protection institutions' guidance regarding the criminalization of domestic violence, namely, to introduce a separate section regarding each offence, which potentially could be related to domestic violence, or to include it as a generic aggravating circumstance. The legislature chose the latter option, thus avoiding the problems that might occur if one of the offences would be left out of this list.

Accordingly, the CrL provides that if an offence is committed, which appears in the Special Part of the CrL, it is associated with violence or threat of violence and the offence has been committed within the family, it is considered as an aggravating circumstance. One of the key contributions of this amendment is the extended definition of the term "family", thereby understanding not only the relationship between the spouses, but also:

- first or second degree relatives;
- former spouses;
- persons living together in non-marital relationship;
- people who live in common (undivided) household.

Thus, a broader definition of the term "family" is adopted.

In order to consider the implemented amendments fully effective, it would be necessary to define the term "violence". Currently, the legislation uses the term "violence" only in relation to physical and sexual abuse, but it does not include the emotional and economic violence, contrary to the definition used in the recommendations and the international human rights instruments.

Consequently, the economic and emotional forms of abuse, which are the most common types of violence, have been left out of the regulations. Subsequently, in these cases it is not possible to apply either criminal or administrative penalties. The injured person may remain in this relationship until any of the offences provided in the AVC or the CrL is committed, or terminate the relationship. However, termination is often difficult and perhaps

even impossible, because the injured person has to leave the entire previous life and material support behind to start a new life. It is associated with significant economic challenges, therefore, it would be necessary to provide a regulation that would make the perpetrator of violence to leave the household, and ensure adequate and effective rehabilitation measures for the victims.

Apart from the CrL, the CrPL and the AVC, the injured person can use the protection mechanism included in the CPL, the second part of CPL Section 238 provides:

“At the request of a party the court may take a decision which temporarily, until the decision regarding dissolution or annulment of marriage is rendered, [...] to provide procedures for utilisation of the joint home of the spouses or to instruct one of the parties to issue to the other party household and personal articles.”

Among the issues being decided in divorce proceedings pursuant to CPL Section 238, first part, item 5 is that of the joint family home.

Thus, a person submitting to court an application for divorce, can simultaneously require also the procedures for utilisation of the joint home, basing the claim on the spouse's violent behavior. As a result, the person who has suffered from violence, does not have to leave the place of residence, which is an essential support.

However, there is a number of problematic aspects regarding that regulation:

- Would the court pass a decision favourable to a person who has suffered from violence, if none of the abovementioned legal remedies provided for in the CrL, the CrPL and the AVC had been used;
- A person should have a sufficient legal knowledge in order to, first of all, know of the existence of such remedy, and, secondly, of its application procedure;
- this protection mechanism only applies when there is a marriage, but does not provide any remedy that would cover violence cases occurring in unregistered relationship, relatives, former spouse or persons living in a shared household;
- The marriage dissolution or annulment of marriage must have been initiated;
- The deadline, in which the judge must pass a decision regarding procedures for utilisation of the joint home, is not stipulated.

In recognition of the shortcomings in the Latvian legislation regarding the legal regulation of domestic violence, as well as based on the European Commission proposal for a supplement to Regulation¹⁷ No COM(2011)

¹⁷<europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_civil_matters/jl0055_en.htm>, last accessed on August 20, 2012.

276, the amendments are introduced to the CPL¹⁸, the law "On Police"¹⁹ and the Law on Orphans Courts²⁰ in order to include a new regulation for ensuring the temporary protection of the personal rights.

The CPL will be supplemented with a new chapter – ensuring the temporary protection of personal rights. Draft Section 146¹ stipulates:

“If there is a reason to believe that an individual’s personal rights (the right to life, liberty, security of person, health, sexual inviolability, protection of private life, home, correspondence) are violated or may be violated, the judge, following a well-founded application by the claimant, or based on the application of a prospective claimant to the police, may decide on imposing the temporary protection of personal rights measure. The measure of the temporary protection of personal rights must be indicated in the application regarding the temporary protection of personal rights”.

There would be a variety of available measures of rights protection – from the prohibition of approaching a specific location and /or the person, to prohibition to use a person’s data. The possible list of rights protection measures provided in Section 146² of the draft law cannot be considered exhaustive and permits the judge to impose other measures of rights protection that are not mentioned in the law, but would be necessary for protection of person’s rights.

The draft law provides that the application to the court may be made by any person (this person needs not to be in a shared household or marriage). It could be submitted within an existing claim (such as divorce) or before raising a claim in the court. If the application is filed before the claim is raised in the court, the judge will have to set a deadline for submission of the claim. Regarding the obligation to leave the place of residence and ban to approach the place of residence, the judge will be able to set a time limit for submitting the claim, which is not longer than 30 days. In other cases, the judge will be allowed to set a deadline not exceeding one year.

The review of the application in court is immediate, that is, the next working day after receipt of the application, if there is no need to request additional evidence or if the delay could cause irreparable violation of the applicant’s personal rights. If it is necessary to request additional evidence, a case would be reviewed within 20 working days. Appropriate remedies would be valid until a court decision enters into force, and their implementation will be monitored by the police.

¹⁸Draft law No. VSS-27 „Amendments to Civil Procedure Law” - www.mk.gov.lv/lv/mk/tap/?pid=40239408, pēdējo reizi last accessed on August 20, 2012.

¹⁹Draft law No. VSS-25 „Amendments to law „On Police”” - www.mk.gov.lv/lv/mk/tap/?dateFrom=2011-11-20&dateTo=2012-11-19&text=par+policiju&org=0&area=0&type=0, last accessed on August 20, 2012.

²⁰Draft law No. VSS-26 „Amendments to law „On Orphans Courts”” - www.mk.gov.lv/lv/mk/tap/?pid=40239409, last accessed on August 20, 2012.

Accordingly, the amendments to the law "On Police" are planned to provide that a police officer will be entitled:

"On the basis of a written application, where there is an immediate danger that a person could harm another person, with whom he or she resided in a shared household, liberty or health, adopt and enforce a decision, which imposes an obligation on the person causing danger, to leave, not to return and not to reside at home or close to home until the court decides on imposition of the personal rights' protection measure, but no longer than for four working days. This decision may also impose a ban on the person causing threat to contact the person at risk. The decision referred to in this item, can be passed on the basis of a written application, the detention indicated in the current Section, item 10, is related to a likely damage to the people who permanently live in the household shared with the detainee. "

Thereby a person without going to court will be able to achieve the limitation to rights and freedoms of the person who has committed violence. This period will be much shorter than the one set by the court (4 working days), however, it can be the basis for filing an application in the court before the court proceedings. The amendments stipulated by the Law on Orphans Court refer to minors and will not be discussed in this chapter.

The draft laws provide new regulations which are very positive, because they offer the necessary legal protection of victims outside the CrL, the CrPL and the AVC regulations. In addition, it does not exclude the simultaneous application of legal remedies provided by the CPL and the AVC, or the CrL.

It should be noted that so far in none of the international or regional law enforcement mechanisms²¹ the complaints against Latvia on domestic violence are considered. There could be several reasons.

- Lack of the information or insufficient information.
 - o An essential precondition for application of international or regional law enforcement mechanisms is the exhaustion of the national mechanisms, namely, the person before seeking help outside the country, must use the rights and interests protection mechanisms available within the country. In order to be able to use the rights protection mechanisms available in the country, the person should be properly informed of either his/her rights or opportunities for receiving assistance.
 - o The Latvian internet environment does not provide summarized information on available international and regional rights'

²¹UN Committee on the Elimination of Discrimination against Women, UN Committee on Human Rights, European Court of Human Rights.

protection mechanisms in one location, and everyone has to make an effort to find the solution most appropriate to their own situation and interests. Such information should be made available either in the internet home page of the Ombudsman²², or that of the Cabinet of Minister's representative in the international human rights' institutions²³.

- Lack of qualified legal assistance.
 - o In accordance with State Ensured Legal Aid Law, Section 3, a person is entitled to a state ensured legal aid law free of charge, if:
 - o the person has obtained the status of a low-income or needy person;
 - o the person finds herself/himself suddenly in a situation and material condition which prevents her/him from ensuring the protection of her/his rights;
 - o the person is on full support of the State or local government.
- Thereby the state has significantly limited the scope of the persons which could be entitled to the legal aid free of charge. The scope of issues regarding which a person could receive the legal assistance, is similarly limited. Submission of complaint to the international human rights' protection mechanisms does not enter into this.
- Lack of resources and support.
 - o The women who have left their place of residence as a result of violence and reside in crisis centre, can receive legal assistance.
- Other reasons:
 - o Missing the deadlines.
 - o Loss of hope. Violence leaves particular psychological and emotional consequences, contributed to by insufficient support of the state.
 - o Lack of the education among the specialists.

Strengths

1. CrL provides that the commission of the offense the family constitutes an aggravating circumstance. CrPL provides that one of constraining measures is a prohibition from approaching a certain person and place, which theoretically in the framework of criminal proceedings can be applied

²² Currently the information is available only regarding the mechanisms of childrens' rights and prevention of discrimination mechanisms existing in the state. The information regarding the international and regional rights' protection mechanisms is not included.

²³ The information in the Cabinet of Ministers' Representative in the International Human Rights Institutions' internet home page has been updated in 2008 for the last time. Although it includes a section regarding the directly available UN human rights' protection mechanisms, the page does not work and the information provided there is outdated.

also in cases of domestic violence. From the CrL and CrPL the procedure of private prosecution has been excluded, and of causing minor bodily harm leads to administrative liability within AVC. Similarly, CPL provides the opportunity to set the procedure of shared property's utilization by spouses.

2. The changes introduced up to date in CrL, CrPL and AVC are evaluated as positive:
 - a. After repeated instructions of international human rights organizations, Latvia has included in CrL the definition of domestic violence, providing that the family may exist not only in marriage, but also outside of marriage, after marriage and living in a shared household.
 - b. The procedure of private prosecution has been excluded from CrPL. Concerning the offences listed in the CrPL, Section 7, second part, the application of the injured person must be received, however, the police must carry out the investigation and the prosecution must be maintained by the prosecutor. Thus, the process of a better quality has been secured, as well as the protection of victim's rights and interests improved.
 - c. AVC provides a regulation regarding causing minor injuries, which allows responding more quickly to domestic violence. These changes may increase the number of persons sentenced for domestic violence, as often the inflicted injury is not severe enough to initiate criminal proceedings, and now there are fewer administrative barriers for punishing the perpetrator.
3. The draft laws "Amendments to the Civil Procedure Law" and "Amendments to the Law "On Police"" prescribe a temporary personal rights' protection measure, which will be applicable in parallel or outside of criminal procedure or administrative proceedings. It will be permitted to any person, regardless of family relationship existence, to submit the application regarding applying of the measure. The expedite deadline for reviewing the case will ensure an effective response to actually inflicted or suspected violation. Thus the regulations encompassed by the draft laws could ensure the necessary legal protection of victims outside of the regulations prescribed by CrL, the CrPL and the AVC.

Weaknesses

1. The available measures of rights' protection are not used sufficiently in the practice.
 - a. The number of criminal procedures initiated and investigated regarding the domestic violence is small. It leads to a conclusion that the women lack information about the available rights' protection measures and that the existing

remedies are used inefficiently, which, in turn, could be caused by the lack of knowledge and education among public and in the law enforcement institutions.

- b. Although CrPL encompasses regulations that prescribe the application of d would apply the abuser detention- a ban on approaching a specific person and /or place of residence, but in practice it is rarely applied in cases involving domestic violence. Ministry of Welfare final informative report “On implementation of program for eradicating the domestic violence 2008 – 2011”, it is indicated that this measure has been applied on average 35 times a year, furthermore, the statistics include all offences against the life and health of an individual, not recording separately the criminal offences in the family.
- c. During the focus group interviews with law enforcement and social institutions’ staff, the participants acknowledged that the present framework provides sufficient means to reduce domestic violence and punish the perpetrators, however, the lack of knowledge and education²⁴, literal application of the rules and ineffectively monitoring degrades the system and exposes the victim to greater risks.

2. The existing regulations do not provide a sufficient protection to the woman who has suffered from violence.

- d. The regulation encompassed in CPL regarding the procedure of procedures for utilisation of the spouses’ joint property is applicable in a very limited number of cases.
 - i. there must be a marriage and the dispute must be either regarding a marriage annulment, or divorce. Thus, although this regulation could be applied in cases of emotional and economic violence, but in practice its use is very limited;
 - ii. person must have sufficient legal expertise to, firstly, be aware of the possibility of such a protective mechanism, and secondly, the about its application procedure;
 - iii. there is no deadline for the court to decide on a common household utilisation procedure;
 - iv. it is not clear what evidence the court would find sufficient to identify limitations of the common property

²⁴ Participants of the focus group interviews stated that the youngest staff members are trained by the senior police officers "on the way to the scene." In Police College, where the police officers are trained, the students are enrolled after obtaining the secondary education. After a brief training, they are assigned to work in the police, but they do not have sufficient knowledge to fulfill their duties effectively. The further education opportunities are scarce and formal.

(residence) utilisation procedure, that is, whether criminal proceedings must have been initiated or a person must have been administratively penalised as a result of domestic violence.

- e. The regulation within AVC, which prescribes a fine for incurring of slight bodily injury, is insufficient and ineffective. The fine will not prevent the possibility of recurring violence (on the contrary, it can become more intensive), and the committed emotional violence is ignored. Without connection to the measures which ensure the rehabilitation of the victim and support, this remedy cannot be considered effective.
- f. CrPL, Section 377, item 8 stipulates that the criminal procedure is not opened, and an existing procedure is discontinued if the application has not been received from the injured person regarding the offences set down in CrPL Section 7, part two. Neither CrPL nor CPL currently do not anticipate legal remedies which could be used to isolate the perpetrator from the victim. As a result of this, even though the victim does not have to implement pre-trial inquiry and maintenance of prosecution, still, when the application is revoked, the criminal procedure is discontinued, even if a serious suspicion exists that a person has been physically coerced.

3. Law enforcement institution employees lack the knowledge to recognize domestic violence and they evaluate conditions based on stereotypes.

- g. Often, the police refuse to accept a complaint of domestic violence, arguing that it is a family matter. In particular, the practice is widespread outside Riga and other big cities. In rural areas there is a lack of mechanisms to support women who are victims of violence, therefore they do not have any opportunities to leave a violent partner, and they have to continue living in violent relationships.
- h. It is necessary to provide a sufficient number of police officers in the regions to react effectively to emergency calls in cases of domestic violence.
- i. It is necessary to define in the CrL, what exactly constitutes "violence" and whether it includes only physical and sexual abuse, or also emotional and economic violence. The lack of definitions create a different practice and, consequently, different levels of legal protection depending on the victim's place of residence.

- j. Crisiscentre employees who provide legal advice to the victims of violence, indicated in the interviews that the prosecutors and court employees lack the knowledge to assess domestic violence, therefore they often use stereotypes, considering domestic violence "the family's internal issue" and blaming the victim for the violence experienced.

4. The regulation is lacking regarding the emotional and economic violence against a woman. Currently, only physical and sexual violence is punishable. However, domestic violence often starts with emotional abuse. As the law enforcement focus group discussion participants noted, even in the cases where there is a real emotional abuse (for example, a man is stalking his wife everywhere), the police have no access to legal remedies.

5. For a woman a greater legal protection is available if there is a marriage and the children are raised in the family. In this situation, a woman as a victim of violence could resort to Criminal Law, Criminal Procedure Law and Civil Procedure Law for legal protection measures. In addition to this, women can receive various forms of social assistance and support of crisis centers. If there is a marriage, but the kids are already 18 years of age, the legal protection is greatly reduced. On the other hand, the women who are in a non-marital relationship, without children or whose children have reached the age of 18, currently are the most vulnerable group because the law does not provide them with adequate protection and support in a crisis situation.

6. There is a lack of good quality, state-funded legal assistance to female victims of violence, who have not obtained the status of a low income individual, but cannot afford a legal assistance of good quality. Thus, even if a criminal action for domestic violence has been initiated, the woman lacks support and legal knowledge to defend her rights in the process.

2.1.3. Social system in Latvia

Institutions working with issues of domestic violence.

The State Inspectorate for Protection of Children's Rights is a public administration institution under the supervision of the minister of welfare. It ensures the monitoring of compliance with laws and regulations in the sphere of children's rights protection. The inspection maintains a free-of-charge helpline for children, which simultaneously services the International children's hotline number 116111. The structure established in the inspection allows providing both psychological and real support to a child, who has suffered from violence, quickly and efficiently. Upon receiving an information of a possible violation of children's rights, which could have been committed by employees of education, care or other child-related

institutions, it is immediately transferred to state children's rights protection inspectors who have rights and competence to investigate such offences, if they have not had the consequences listed in the Criminal Law. The children may receive the assistance of helpline also in cases when they have suffered from domestic violence. In addition to psychologist's consultations to the children, the inspectors implement the necessary actions to help a child, because they are authorised to set tasks to Orphans Courts (since the inspectorate also realises the monitoring of Orphans Courts' work), as well as to other institutions, and to participate in the solution of the problem themselves. In the cases when the information has been received regarding a criminally punishable violence against a child, the information is passed on to the police.

The helpline responds to more than 120 000 calls annually. Among the problems encountered most often by the callers was violence.

The association „Skalbes” has established a **Centre of Crisis and Consultations**. The Centre offers consultations of psychologist, psychotherapist and family therapist to children and adults, family mediation and legal consultations, as well as maintains the operation of adult helpline.

The centre "Dardedze" is an institution established by two non-governmental organisations – Latvian Children's fund and “Centre against the violence for support of a child and family”. It was opened in 2001. The specialists of “Dardedze” provide:

- Consultations to children and families who have encountered violence, and support to every family with children;
- Development and implementation of preventive programs with a goal to protect children from violence;
- Studies and research, analysis of legal framework, collects the information regarding the experience and newest methods, specialist training.

Latvian Children's Fund is a public benefit organisation, which has been established in 1988. In 1990 the Fund has been registered in The United Nations Children's Fund (UNICEF), and as of 1991 it is the official representative of International Christian Children's fund in Latvia. In 2003 the Latvian Children's Fund became a member of the NGO/UNICEF Regional Network for Children in CEE, CIS & Baltic States.

As of January 1, 2010 Latvian Children's Fund has been entrusted with provision of social rehabilitation services to children who have suffered from violence. The procedure according to which the Fund provides social rehabilitation services to child victims of violence funded from the state budget, is determined by Cabinet of Minister Regulations. The Fund provides social rehabilitation services in foundations established by the Fund, ensuring that the services are available in all planning regions. If necessary, in accordance with normative acts, the Fund has a right to choose other social

service providers who have been included in the Register of Social Service Providers and conclude the agreements with them.

Overall in 2012 it is planned to provide the social rehabilitation services in the place of residence to 1320 children, and in institutions – 963 children who have suffered from violence.

Association “Resource Centre for Women “Marta”” was established in 2000. The women, who have suffered from violence, can receive the following services in the centre:

- Consultations and support of a client’s consultant (social worker);
- The support and help of psychologist;
- The support and help of psychotherapist;
- Assistance of a lawyer;
- Coaching (personal growth) specialist’s help.

In 2011 the Centre implemented the project “Protect yourself, stop the violence”. The goal of the project was to decrease the violence in families (households) and to ensure effective protection of the female victims’ rights. The following activities were implemented in the framework of the project:

- Support services to women who had suffered from domestic violence – assistance of a social worker, lawyer, psychologist, psychotherapist, helpline;
- Collecting and analysis of the information regarding the women victims of domestic violence;
- The analysis of domestic violence cases (civil procedure and criminal procedure), to identify national and international legal standards and the problems of their application from the victims’ perspective;
- Strategic litigation in civil cases and criminal cases, to embed the international human rights’ standards in case law;
- Advocacy to promote the necessary changes in policy and legal standards, including the suggestion to ratify the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women which would allow every woman to directly address the UN Committee on the Elimination of Discrimination against Women.

The society „Shelter „Safe House”” has been established in 2007 with a goal to develop support services to people who have suffered from human trafficking, legal immigrants, including asylum seekers, refugees and persons who have been granted the alternative status, ensuring the individual’s rights to receive adequate assistance and protection; promoting the rehabilitation of human trafficking victims and their reintegration into society; ensuring the support services to legal immigrants by developing interactive training and promoting the cooperation with state and local government institutions, public and Christian organisations in Latvia and abroad. The NGO „Shelter „Safe House”” is the only organisation which as of 2007 has obtained a right to provide state financed social rehabilitation services to victims of human trafficking and continues its work also in 2012.

Association's "Intergration for Society" Victims Support Center has started its work in 2003. The set of measures undertaken by the Victims Support Center encompasses the rehabilitation of crime victims, legal and psychological services, practical assistance and providing the information to victims. The employees of the Center are trained as support personnel, providing informative assistance, moral help and practical support to persons who have suffered from criminal offences.

Foundation "Social Services' Agency" was established in 2003 with a goal to provide a professional psychosocial assistance, to raise the integrity level of the people with various social problems in the society, and to protect their interests and rights. One of the foundation's structural units is Family Crisis Centre "Mīlgrāvis", where a psychosocial assistance in the situations of crisis can be obtained, the women and mothers with children after suffering violence are housed in Crisis Centre. The duration of stay in the Crisis Centre is 3 months, on separate occasions – up to 6 months.

A number of family support and crisis centres operate in the regions of Latvia and provide various types of support to victims of violence. Below a short review of several organisations is provided.

Foundation "Talsi Regional Crisis Centre" was established in 2009. The centre provides a support to formation of healthy and strong family, implements advocacy of children's and women's rights, prevention of violence, ensures rehabilitation and defence processes for children and their families, who have been subjected to violence and a risk of violence.

The services provided by the foundation:

- Social rehabilitation services to the child victims of illegal activities;
- 24hour assistance to women and women with children in situations of crisis.
- Consultations of psychologist, social worker and lawyer.

Crisis centre for families with children „Paspārne" has been established in Ventspils in 2003 as a support institution, where social, psychological, legal, pedagogical, and informative assistance is provided to:

- the child victims of illegal activities;
- women who have been subjected to violence;
- persons in situations of crisis.

The foundation „Allaži Children and family support centre" was established in 2002, in cooperation with Latvian Children's Fund ensures the social rehabilitation of children who have suffered from illegal activities. As of 2011 implements a project **"Rehabilitation of children and youth victims of domestic violence in an institution together with the family. Development of optimum model and practice"**, whose goal is to develop and approbate an optimum model of work with a family for children and

youth victims' of domestic violence rehabilitation in an institution, as well as to decrease the domestic violence by implementing the rehabilitation of children and youth victims of domestic violence in an institution together with the family.

The foundation "Centre Valdardze" works in Valmiera as of 2006, ensures social rehabilitation to victims of violence, implements informative and educational work.

Strengths

1. Latvia has developed a state funded social rehabilitation program for child victims of violence. In its framework the child victims are provided with rehabilitation in the place of residence (psychological counselling) as well as in rehabilitation institutions. The coordination of the program the state delegated to a non-governmental organisation Latvian Children's Fund in 2010. The Cabinet of Ministers set out the quality standards for those social service providers who provide social rehabilitation to children who are victims of illegal activities, thus it is reasonable to assume that in regard to children in Latvia the recommendation defined in WHO guidelines "Preventing child maltreatment: a guide to taking action and generating evidence" (2006) has been observed with regard to standards set by the State in the sphere of social services. This program and other services correspond to the recommendations provided in the UN report "Rights of the Child. Report of the independent expert for the United Nations study on violence against children" (August 2006), including the need to ensure social reintegration services for children.

2. A wide network of non-governmental organizations operates in Latvia, providing various types of support for victims - legal counselling, psychosocial support, safe haven, as well as working with public education and promotion of non-violent interpersonal, including the parent-child relationship, so it is reasonable to assume that Latvia overall has introduced the recommendations in the sphere of violence prevention provided by WHO in "Preventing child maltreatment: a guide to the 2006 recommendation taking action and generating evidence", especially regarding the educational programs for parents. Especially noteworthy is an educational program for preschool children's parents "Emotional upbringing of children." The author of the training program is a psychologist Sarah Landy ("Encouraging Healthy Social and Emotional Development in Young Children", Toronto, Canada). The program was introduced in Latvia and adapted by psychologist Edīte Ozolain in cooperation with the Centre "Dardedze", University of Latvia and the Ministry of Children and Family Affairs.

3. In Latvia, according to the recommendations of UN experts (UN Rights of the Child. Report of the Independent Expert for the United Nations study on violence against children (August 2006)) has been established and successfully operates a child-friendly system for reporting of child

abuse, which includes the opportunity for a child who is a victim of domestic violence, or violence at school or other institutions for children, as well as anyone who has information about child abuse or suspected abuse of children, to pass this information on using the helpline, which is maintained by the State Inspectorate for Protection of Children's Rights. In 2011 the Inspectorate's helpline received 960 calls about domestic violence, 813 calls regarding violence in educational institutions, 69 calls in relation to violence in care institutions, 506 calls about the violence within other interpersonal relationships, (friends, partners, others).

4. During the recent years in Latvia a number of significant projects in the field of violence prevention have been implemented, involving the children themselves, thereby realizing the recommendations of the UN expert on children's participation (UN Rights of the Child. Report of the Independent Expert for the United Nations study on violence against children (August 2006)). In order to reduce the peer violence in educational institutions and out-of-family care institutions in Latvia since 2010 the movement "**Friendly school**" (more than 150 schools) and the movement "**Friendly house**" (together 20 children's homes) have been started. It is coordinated by the State Inspectorate for Protection of Children's Rights. The goals of the movement "Friendly school" are:

- To improve the school's psychosocial environment, in order to found the relationships among children, parents, teachers and school's administration in mutual respect and cooperation.
- To improve mutual cooperation of pupils, teachers, parents and school's administration, as well as the cooperation with other institutions and local government.
- To advance a regular work for prevention of violence in the schools.

The mission of the movement "Friendly house" is to improve the psychosocial environment of the out-of-family child care institution, in order to found the relationships among the children, employees and the administration of the institution in mutual respect and cooperation. The main goals of the movement are:

- To improve the mutual cooperation of children, employees and the administration of the institution, as well as the cooperation with other institutions and local government;
- To advance a regular work for prevention of violence in the child care institutions.

The centre „Dardedze” implements the program "**The courage to be friends**", which is dedicated to the pupils of grades 5 – 9, and the activities are directed at promotion of empathy and elimination of mobbing in education institutions. The centre has also developed and licenced an unique programme for the pre-school children and the pupils of the first „**Džimba's safety school**". In this programme the fairy tale characters help children to

understand the basics of personal safety, which corresponds to the recommendations of WHO regarding prevention of the violence at a local level (WHO. Preventing child maltreatment in Europe. A public health approach (2007)) – to teach children to recognize the potentially dangerous situations and to act accordingly.

Weaknesses

1. **There is no state-funded program for social rehabilitation of adult victims of violence in Latvia.** The development and implementation of the program has been postponed until 2015. The temporary support is provided by various non-governmental organizations in the framework of projects or local governments according to their financial and institutional resources.

2. **Social rehabilitation service for perpetrators of violence is not available in Latvia,** in the framework of a pilot project from the annual National program for improvement of children's and families' conditions a social rehabilitation program's development and support group for offenders was funded, but the implementation of state-funded rehabilitation program has been postponed to 2015. When the program implementation will commence, the recommendations provided by the organization "Save the Children" (Save the Children. Witnesses Children of gender violence in the domestic context (2010)) should be taken into account with regard to the social rehabilitation of the perpetrator.

3. **The education and informing of the public is implemented irregularly, campaign-wise.** The public information and education activities most often are implemented in framework of different projects, but these activities are not planned in long term and are not coordinated with each other, so the stereotypes still exist among the public about parenting techniques, including physical punishment's effectiveness and exaggerated rights of the child, as well as the blaming of the victim (usually female) regarding the violence that has taken place.

4. **The collaboration is insufficient between the specialists of law enforcement institutions and social service professionals, and thereby the team approach has not been realised.** Thereby the recommendations provided by the organization "Save the Children" (Save the Children. Witnesses Children of gender violence in the domestic context (2010)) regarding the protection of victims and support measures during the investigation and trial period have not been ensured.

There are several state institutions in Latvia, whose competence is to examine complaints regarding domestic violence – police, prosecutor's office, court, the State Inspectorate for Protection of Children's Rights²⁵,

²⁵ Involved, if the violence is committed against a minor or a person lacking capacity to act (as of January 1, 2013., partially capable to act).

Orphans Courts²⁶, local governments' social service offices, Ombudsman²⁷. In order to examine the work effectiveness of the institutions involved in examination of complaints, during the research period the series of interviews were implemented with persons who have suffered from violence, employees of crisis centres, social workers and employees of police. A survey of judges, prosecutors and sworn advocates (hereinafter – respondents) was also implemented.

The social workers' focus group interview was attended by three social workers, two employees of Orphans Courts, two psychologists and five representatives of non-governmental organisations who work in crisis centres. The police employees' focus group was attended by two Riga Municipality Police and one State Police employee. During the research three women were interviewed, who had been victims of violence. Two women had suffered sexual violence in the family – one being a minor, another – as an adult, and one woman suffers emotional violence.

An electronic survey was conducted among judges, prosecutors and sworn advocates, to determine their knowledge and assumptions with regard to domestic violence and their opinion regarding the mechanisms of rights' protection. 18 persons participated in the survey – six sworn advocates²⁸, eight prosecutors²⁹ and six judges³⁰ (hereinafter all together called respondents). Of those 15 were women and 5 – men. Although the number of persons who participated in the survey is comparatively small in comparison with the total of the specialists working in the respective professions (judges – 1,3 %, prosecutors – 1,79%, sworn advocates – 0,5 %), the interviews with victims, social workers and police employees confirm the opinion of the specialists practising in the area of law.

The persons practising in the area of law, responding to the question about the applicable normative acts when reviewing cases of domestic violence, referred to the national normative acts, i.e. Civil Law (hereinafter CL), Civil

²⁶Involved, if the violence is committed against a minor or a person lacking capacity to act (as of January 1, 2013., partially capable to act).

²⁷The Ombudsman's activity is more related to prevention of discrimination and examination of complaints regarding the violations of rights by the state and local government institutions.

²⁸ Every person who has obtained legal education in accordance with requirements of the Republic of Latvia Advocacy Law and has passed the advocacy examination, can become a sworn advocate. Sworn advocates are united and their work is monitored by the Latvian Council of Sworn Advocates. Currently in Latvia practise about 1200 sworn advocates.

²⁹Similar to the courts, the Office of the Prosecutor also consists of Prosecutor General, regional and district (cities') offices, where altogether until January 1, 2012 worked 446 prosecutors.²⁹ Tasks, functions and principles of operation of the Office of the Prosecutor are stipulated by Office of the Prosecutor Law.

³⁰Civil cases, criminal cases and administrative cases in Latvia are heard in 42 courts, which are dividend in three levels – 35 district (cities') courts, six regional courts and the Supreme Court. Altogether approximately 460 judges work in the courts, of which 64% work in district (cities') courts, 25% - regional courts and 11% - in the Supreme Court. The principles of courts' work are set out in the law „On Judicial Power”.

Procesure Law (hereinafter CPL), Criminal Law (hereinafter CrL), Criminal Procedure Law (hereinafter CrPL), Protection of the Rights of the Child Law (hereinafter PRCL), Republic of Latvia Administrative Violations Code (hereinafter AVC). However, a very small fraction of the respondents also referred to the international human rights' documents, for example, Convention on the rights of the child and UN Convention on the Elimination of All Forms of Discrimination against Women as an applicable source of rights in cases of domestic violence. The use of international human rights' resources is very limited in the legal system of Latvia. One of the main reasons is the insufficient knowledge of language, as well as lack of the information about application of these documents.

Victims, in turn, had no knowledge which normative acts they could use in their respective cases. They were clearly sure that the incidents are criminally punishable, however, they had no information how exactly to go about protecting their rights. The information about the available rights' protection measures women obtained from other people, crisis centres and local governments' social workers, who also provided the support during the subsequent investigation process.

When asked to provide the evaluation whether the existing legislation sufficiently regulate the issues of domestic violence, most of the respondents reply in affirmative, however, point out that it would be necessary to define what exactly is to be understood by the term of "violence" and what types of violence does that encompass. All the surveyed indicated that the persons applying the legislation lack the knowledge regarding domestic violence, therefore it would be necessary to provide the training to the employees of the polic, social workers, judges, prosecutors, etc., and also to ensure the offence prevention by educating the society on the types of domestic violence and its inadmissibility. A few respondents contended that a new normative act would be necessary to refer to domestic violence, since the existing regulation is insufficient and does not ensure the protection against domestic violence. One participant of the electronic survey indicated that the protection of person's rights is each person's own responsibility and the elimination of domestic violence does not depend on the support provided by the state.

Cabinet of Ministers Regulations No. 729 of September 27, 2005 „Regulations regarding Procedures for the Acquisition of Special Knowledge in the Field of Protection of the Rights of the Child and the Content of Such Knowledge" (hereinafter CM Regulations on training) stipulate the procedure according to which the specialists of state and local government institutions examining the cases related to protection of children's rights, acquire the special knowledge in the field of protection of the rights of the child and the content of that knowledge. The regulations stipulate that the training program consists of 40 academic hours, and prosecutor's training program – 20 hours. However, it must be noted that the regulations are outdated, because it is specified that the program and content must be coordinated with the Ministry of Children and Family Affairs, which was reorganised in 2009, and its

functions distributed among the Ministry of Welfare, the Ministry of Justice and the Ministry of Education and Science.

The participants of focus group discussions admitted that the provided training is insufficient and a longer course with a content of higher quality would be necessary. It was also indicated that, regardless of requirement included in CM Regulations on training for the persons who examine the cases related to minors, to have mastered the training course, in practice this requirement fails to be implemented rather often. A united standard of education and training is necessary to ensure a greater uniformity in the case investigation within all the police offices regardless of the location (cities or rural areas). The lack of training certificate would provide sufficient grounds to revise all the implemented criminal procedure, which lengthens the case examination and makes it ineffective.

Regarding the training about the violence against a woman, no training programmes exist and no special certificate is necessary for investigation of such cases. Thereby the result of investigation will depend upon each particular investigating officer's and prosecutor's education and knowledge obtained at their own discretion, since the state does not determine the necessity of a united standard of knowledge. However, all the respondents admitted that it would be necessary to acquire additional knowledge about domestic violence, since it would allow to understand various types of violence better, as well as to gain the awareness of how to respond to them.

It is interesting that, when responding to the question about whether the cases related to domestic violence could be considered typical, the opinions of respondents divide equally – one group contends that there are many cases of this nature, another – that such things are rare. Regardless of that, all share an opinion that there should be more of such cases, because the domestic violence is more widespread than the number of cases in courts, prosecutor's offices and police. Additionally, it was emphasized that the victims often revoke their applications because there are no effective means how to isolate the perpetrator from the family. According to AVC, a person could be placed in detention for a period no longer than three hours, for establishment of the identity. However, it is an incorrect application of the regulation and could be seen as arbitrary and misuse of power. The employees of police referred to the planned amendments to the law "On Police" and Civil Procedure Law, which would allow the detention of perpetrator for 96 hours, as well as the opportunity to submit an application to the court regarding the application of personal rights' protection measure.

One of the respondents did indicate that the state cannot interfere in the private and family life of a person, therefore domestic violence should be considered a private matter, if no serious consequences are achieved, which would call for the interference from the state. The participants of Social workers' focus group discussion and the surveyed employees of crisis centres pointed out that this is the dominating attitude in the State police. Even if

police is called, it does not arrive, but, if it does, the officers recommend a mutual resolution of the conflict within the family, even if there are obvious signs of violence and the husband threatens to inflict physical injuries to the wife in the presence of police. In the rare cases when a report is prepared the approach of police officers to solution of the issue is formal. As the employees of the police indicated during the interviews, the administrative obstacles also cause impediments in responding to calls, for example, the lack of fuel to drive to the scene, lack of employees to respond to all calls. Similarly, one of the victims pointed out in the interview, that she lives outside of Riga and turned to police regarding her husband's emotional violence. The police officer did not show up and pointed out to the victim that such cases are not in his competence. Thereby the victims of violence are demotivated to turn to the police and continue to suffer from violence.

The representative from the association „Resource Centre for Women „Marta”” indicates that the instances of violence in the families of police employees are on the increase. If someone in the State police threatens the partner – husband or wife – violently, this issue is examined by the same police office where the perpetrator works. As a result, the victims are afraid to report to the police and it would be necessary to transfer investigation of these cases to the Internal Security Bureau of the State Police. Another pressing problem is the arrangement of premises in the police, which does not allow appealing to a police officer personally. A person initially has to enter a reception, where he or she is heard in the presence of other persons who, for example, have come to complain of theft. Interrogation often takes place in crowded offices, where at the same time several people are questioned and several more police officers are working.

Most of the respondents are of the opinion that there is a discrimination in discussion of domestic violence, since a stereotype prevails in the society that women are more often subject to domestic violence than men. However, this opinion is backed by statistics, which demonstrate that the number of female victims of violence is twice or even three times greater than that of the male victims.³¹ According to the respondents, if the information is received of a male victim of the domestic violence there is a scornful attitude toward the victim in the law enforcement institutions.

A great part of the surveyed also contends that there are no grounds for the belief that a woman, examining a domestic violence case, would be more sympathetic. The same opinion was expressed by the interviewed victims of violence, pointing out that within the limits of their cases they have not felt a particular empathy from the person implementing the investigation work solely based on that person's gender. All the interviewed persons indicate

³¹Ministry of Welfare final informative report “On implementation of program for eradicating the domestic violence 2008 – 2011”, June 21, 2012, 10 pages. <www.lm.gov.lv/upload/berns_gimene/lmzino_210612_vg.pdf>, last accessed on September 7, 2012.

that the empathy depends much more on the person's education and life experience, emphasizing that the investigating officer, judge, prosecutor must be independent and professional, and showing a particular empathy is not permitted, as it could endanger the impartiality of investigation.

Almost all respondents pointed out that the case of domestic violence is reviewed much more effectively if the victim is a minor. Some insist that such attitude has a reason, since a minor is less protected than an adult. They argued that women also tend to lie about the experienced violence. The interviews with the victims also proved that in case where an underage person was involved, the investigation progressed promptly and rather soon the case was submitted to the court. The other two cases, where the underage children are not involved, did not proceed so efficiently – the case regarding the sexual abuse was discontinued, and in the case of emotional violence the police officer refused to react to the call. The focus group discussions and electronic survey also yielded an opinion that a woman must try to protect her rights herself, because she is an adult. In addition in the focus groups appeared a view that women also subject themselves and their children to violence, because after a refuge in crisis centre later return to the violent partner. It shows that a woman must be responsible for herself and her children. As indicated the representatives of association “Resource centre for women “Marta””, often a woman herself is blamed in causing the violence and inability to stop it. Therefore problems are created by the lack of an effective mechanism which would allow separation of the perpetrator from the victim without forcing her to leave her home.

Similarly, responding to the question about whether the emotional violence is evaluated just as seriously as physical violence, most of the surveyed responded negatively, pointing out that proving the emotional violence is very problematic. A few persons voiced an opinion that in cases when a woman experiences the emotional violence, she should be able to terminate the violent relationship herself, and state involvement is possible only in cases then more grievous consequences have been caused, for example, bodily injuries.

However, the greatest part of the respondents admit that the problems in recognising and investigating the violence are often caused by the lack of knowledge, which could and should be prevented through cooperation among the various institutions. It is important to note that many respondents pointed to necessity not to limit the activities only to to organisation of shared trainings, but also to carry out the seminars for exchange of experience and discussions to be able to establish contacts for further cooperation.

Summary

Strengths

1. Amendments to the law “On Police” and Civil Procedure Law will enable to separate the perpetrator from the victim without forcing the victim to

- leave the place of residence. Furthermore, both normative acts can be applied in any relationship and with regard to any violence.
2. The surveyed participants admit that the application of rights does not depend on the gender of the person implementing investigation, thereby providing pre-conditions for effective and impartial investigation.
 3. The cases concerning the violence against an underage person are examined comparatively efficiently. The basis of normative acts which can be applied is extensive and well-ordered, but it is necessary to amend particular Cabinet of Ministers Regulations and to improve the quality of training.

Weaknesses

1. It is necessary to set out a single education standard on the state level to be mastered by every specialist working with the issues of domestic violence.
 - a. Currently the training regarding the rights of underage persons are based on outdated Cabinet of Ministers Regulations.
 - b. The training should be provided to social workers, employees of orphan's courts, police, prosecutors, judges and sworn advocates.
 - c. The training should be directed toward mutual communication of various stakeholders involved in examination of cases related to domestic violence.
 - d. Just like with regard to underage persons, the domestic violence cases against women could be investigated only by those employees of the police who would have mastered the training course.
2. The public lacks information about the mechanisms of rights' protection available, if a woman or a child has suffered domestic violence.
3. If there is an underage person in the family, the reaction to the call about domestic violence is more prompt. However, if a woman lives in rural territory and she has no underage children, her rights' protection is very minimal and the support of crisis centres is unavailable.
4. It would be necessary to establish crisis centres particularly for women and their work should be funded through grants from the state budget.
5. A woman is blamed for domestic violence both as a cause of violence and because she cannot leave a violent partner.
 - a. Public must be educated about domestic violence and its reasons.
 - b. It would be necessary to ensure effective rights' protection mechanisms which would allow separating the perpetrator from the victim.
6. If complaints are received about domestic violence, where the perpetrator is an employee of the police, the case should be transferred for investigation to other police office or Internal Security Bureau of the State Police.
7. The material and technical basis of the police is insufficient to respond to all calls. Furthermore, the protection of victim's private life is not ensured.

2.2. Estonia

In Estonian legislation there is no separate section for domestic violence. Also, there is no separation between sexual offences done between partners at home or done in public places and between strangers. So we can note that separation in the legislation doesn't make difference between domestic violence and all other violent cases.

Content	Yes	No	Notes
1. Laws specifically targeted to domestic violence		No	
2. Laws tackling violence on women and/or children		No	
3. Penal Code	Yes
Offences hazardous to health			<p>§ 118. Causing serious damage to health Causing of health damage which results in:</p> <ol style="list-style-type: none"> 1) a danger to life; 2) a severe physical illness; 3) a severe mental disorder; 4) miscarriage; 5) a permanent mutilating facial injury, or 6) the loss or cessation of functioning of an organ, <p>is punishable by 4 to 12 years' imprisonment.</p> <p>§ 119. Causing serious health damage through negligence</p> <p>(1) Causing serious health damage through negligence is punishable by a pecuniary punishment or up to one year of imprisonment.</p> <p>(2) The same act, if it causes serious damage to the health of two or more persons, is punishable by up to 3 years' imprisonment.</p>
Acts of violence			<p>§ 120. Threat</p> <p>A threat to kill, cause health damage or cause significant damage to or destroy property, if there is reason to fear the realisation of such threat, is punishable by a pecuniary punishment or up to one year of imprisonment.</p>

		<p>§ 121. Physical abuse Causing damage to the health of another person, or beating, battery or other physical abuse which causes pain, is punishable by a pecuniary punishment or up to 3 years' imprisonment.</p> <p>§ 122. Torture Continuous physical abuse or abuse which causes great pain is punishable by a pecuniary punishment or up to 5 years' imprisonment.</p>
<p><u>Sexual Self-determination</u> <u>(Division 7)</u></p>		<p>§ 141. Rape (1) Sexual intercourse with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation is punishable by 1 to 5 years' imprisonment. (2) The same act, if: 1) committed against a person of less than 18 years of age; 2) committed by two or more persons; 3) serious damage is thereby caused to the health of the victim; 4) it causes the death of the victim; 5) it leads the victim to suicide or a suicide attempt, or 6) committed by a person who has previously committed a criminal offence provided for in this Division, is punishable by 6 to 15 years' imprisonment.</p> <p>§ 142. Satisfaction of sexual desire by violence (1) Involving a person against his or her will in satisfaction of sexual desire in a manner other than sexual intercourse by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation is punishable by up to 5 years' imprisonment. (2) The same act, if committed 1) against a person of less than 18 years of age, 2) by a person who has previously committed a criminal offence provided for in this Division, is punishable by up to 10 years' imprisonment.</p> <p>§ 143. Compelling person to engage in sexual intercourse (1) Sexual intercourse with a person against his or her will by taking advantage of the dependency of the victim from the offender but without using force or</p>

outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in § 141 of this Code, is punishable by up to 3 years' imprisonment.

(2) The same act, if committed:

- 1) against a person of less than 18 years of age;
- 2) by a person who has committed a criminal offence provided for in this Division, - is punishable by up to 5 years' imprisonment.

§ 1431. Compelling person to satisfaction of sexual desire

Involving a person against his or her will in satisfaction of sexual desire in a manner other than sexual intercourse by taking advantage of the dependency of the victim from the offender but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in § 142 of this Code, is punishable by up to 2 years' imprisonment.

(2) The same act, if committed:

- 1) against a person of less than 18 years of age;
- 2) by a person who has committed a criminal offence provided for in this Division, - is punishable by up to 5 years' imprisonment.

§ 144. Sexual intercourse with descendant

A parent, a person with the rights of a parent, or a grandparent, who engages in sexual intercourse with his or her child or grandchild shall be punished by up to 5 years' imprisonment.

§ 145. Sexual intercourse with child

An adult person who engages in sexual intercourse with a person of less than 14 years of age shall be punished by up to 5 years' imprisonment.

§ 146. Satisfaction of sexual desire with child

An adult person who involves a person of less than 14 years of age in satisfaction of sexual desire in a manner other than sexual intercourse shall be punished by up to 5 years' imprisonment.

§ 147. Inability of person of less than 10 years to comprehend

Within the meaning of the offences provided for in

			this Division, a person is deemed to be incapable to comprehend if he or she is less than 10 years of age.
§ 331 ² . Violation of restraining order			Violation of a restraining order or other measure of protection of personality right imposed by a court decision, if this poses a danger to the life, health or property of persons, or repeated violation of a restraining order or other measure of protection of personality right is punishable by a pecuniary punishment or up to one year of imprisonment
<u>Civil Court Procedure Act (Chapter 55)</u>			
§ 544. Application of restraining order and other measures for protection of personality rights			(1) In order to protect the personal life of a person or other personality rights, the court may apply a restraining order or other measures based on § 1055 of the Law of Obligations Act. Such measures may be applied with a term of up to three years. (2) If the court conducts proceedings in the matter of application of measures in order to protect a personality right in connection with a family relationship, the provisions regulating family matters on petition additionally apply, unless otherwise provided by this Chapter. (3) In the case provided in subsection (1) of this section, the court may adjudicate the matter in a proceeding on petition, if it is adjudicated together with other action or if the plaintiff so requests.
§ 545. Hearing and conciliation of participants			Before applying a restraining order or another measure for protection of personality rights, the court shall hear the person with respect to whom application of such measure is requested and the person in the interests of whom proceedings are conducted for application of such measure. Where necessary, the court shall also hear the persons close to the persons specified above, and the rural municipality or city government or police authority of the residence of the persons.
§ 546. Application of provisional legal protection			Where necessary, the court may secure a petition for application of a restraining order or another measure for protection of personality rights or apply provisional legal protection by a ruling. As a measure of provisional legal protection, measures for securing the action may be applied pursuant to the procedure for securing an action.

§ 547. Service and entry into force of ruling		<p>A ruling on application of a restraining order or another measure for protection of personality rights shall be served on the persons with regard to and in the interests of whom such measures are applied.</p> <p>The ruling is subject to execution after the date in which the ruling is served on the obligated person.</p>
§ 548. Recall and amendment of measures for protection of personality rights		<p>If circumstances change, the court may recall or amend a restraining order or another measure for protection of personality rights. Before recalling or amending a measure, the court must hear the participants.</p>
§ 549. Filing of appeal against ruling		<p>(1) A ruling on application of a restraining order or another measure for protection of personality rights is subject to appeal by the persons obligated to comply therewith.</p> <p>(2) A ruling whereby the court refuses to satisfy a petition for application of a restraining order or another measure for protection of personality rights, or recalls or amends such measure is subject to appeal by the person who requested application of the measure or in whose interests the measure was applied.</p>
Code of Criminal Procedure		
§ 141 ¹ . Temporary restraining order		<p>(1) For protection of private life or other personality rights of the victim, a person suspected or accused of a crime against the person or against a minor may be prohibited to stay in places determined by the court, to approach the persons determined by the court or communicate with such persons at the request of a Prosecutor's Office and on the basis of an order of a preliminary investigation judge or on the basis of a court ruling.</p> <p>(2) The temporary restraining order is applied to a suspect or accused with the consent of the victim.</p> <p>(3) In order to issue a ruling on application of temporary restraining order, a preliminary investigation judge shall examine the criminal file and interrogate the suspect or accused and, where necessary, the victim with a view to ascertaining whether the request for temporary restraining order is justified. The prosecutor and, at the request of the suspect or accused, the counsel shall also be summoned before the court or the preliminary</p>

		<p>investigation judge and their opinions shall be heard.</p> <p>(4) A ruling on temporary restraining order shall set out:</p> <ol style="list-style-type: none"> 1) the reasons for the temporary restraining order; 2) the conditions of the temporary restraining order. <p>(5) A victim, a Prosecutor's Office, a suspect, accused or his or her counsel may file an appeal pursuant to the procedure provided for in Chapter 15 of this Code against application of temporary restraining order or refusal to apply temporary restraining order.</p> <p>(6) A copy of a ruling on establishment of temporary restraining order shall be submitted to the suspect or accused and victim and sent to the police prefecture of the residence of the victim. A preliminary investigation judge or court shall also immediately notify other persons whom the restraining order concerns of the application of temporary restraining order.</p>
§ 141 ² . Verification of reasons for application of temporary restraining order		<p>(1) A suspect or accused or his or her counsel may, within three months after the application of temporary restraining order, submit a request to the preliminary investigation judge or court to verify the reasons for the application of temporary restraining order or to amend the conditions of application of temporary restraining order. A new request may be submitted three months after the reviewing of the previous request.</p> <p>(2) A preliminary investigation judge or court shall review a request within five days as of the receipt thereof. The prosecutor, victim, suspect or accused and, at the request of the suspect or accused, his or her counsel shall be summoned before the preliminary investigation judge or court.</p> <p>(3) A request shall be adjudicated by a court ruling. A ruling made in reviewing of a request is not subject to contestation except in the case when the conditions of the temporary restraining order are amended.</p>
§ 141 ³ . Amendment and annulment of temporary restraining order at request of victim and Prosecutor's Office		<p>(1) At the request of the victim or at the request of the Prosecutor's Office and with the consent of the victim, a preliminary investigation judge or court may amend the conditions of the temporary restraining order or annul the temporary restraining order.</p> <p>(2) In order to issue a ruling on amendment of the conditions of or annulment of the temporary restraining order, a preliminary investigation judge or court shall examine the criminal file and interrogate</p>

		<p>the suspect or accused and the victim with a view to ascertaining whether the request is justified. The prosecutor, victim, suspect or accused and, at the request of the suspect or accused, his or her counsel shall be summoned before the preliminary investigation judge or court.</p> <p>(3) A copy of a ruling on amendment of the conditions of or annulment of the temporary restraining order shall be submitted to the suspect or accused and victim and to another person whom the restraining order concerns.</p>
310 ¹ . Decision concerning restraining order		<p>(1) At the request of the victim, the court may apply, for protection of private life or other personality rights of the victim on the basis of § 1055 of the Law of Obligation Act, the restraining order with a term of up to three years to an offender convicted of a crime against the person or against a minor.</p> <p>(2) A court shall adjudicate a request for restraining order pursuant to the procedure provided for in § 310 of this Code.</p>
Republic of Estonia Child Protection Act	YES	<p>Treatment and Punishment of Child</p> <p>§ 31. General principle of treatment of child</p> <p>(1) Every child shall at all times be treated as an individual with consideration for his or her character, age and sex. It is prohibited to humiliate, frighten or punish the child in any way which abuses the child, causes bodily harm or otherwise endangers his or her mental or physical health.</p> <p>(2) If an adult treats a child in a prohibited manner, the social services departments are competent to intervene in order to resolve the conflict and, if necessary, to apply for punishment of the person at fault under administration or criminal procedure.</p> <p>(3) A child who has suffered violent treatment or mistreatment shall be accorded necessary assistance.</p> <p>(4) An adult who treats a child violently shall also receive counselling in order to prevent further mistreatment.</p>

2.2.1. Focus groups – organizations working for the victims – police forces

In the following chapter great attention will be given to the organizations that work for the victims of domestic violence, for two main important reasons:

- Making a detailed list of the organizations and the areas in which they

work (victims, perpetrators, psychological counselling, persuasion to report crimes, help in becoming reintegrated to society, etc.)

- Gathering information and point of views on the effectiveness of laws and the cooperation processes between them, the victims, judicial courts, police and policy makers.

The first point can be reached with a simple desk analysis and with the contacts the project partners have in their field of work.

The second and crucial objective was accomplished with the effective tool of focus groups.

Two focus groups organized in Estonia. 12 representatives of organizations working for the victims (and/or the perpetrators) of domestic violence to gather their point of views and helping explaining together what are the strong and weak aspects of society, courts, police and policies in facing the problem.

The same tool of the focus group interview has been chosen to gather information on the way police forces perceive and deal with domestic violence.

Police forces have a crucial role in the emersion of violence. Police officers are often the first people met by victims when they want to report a crime and they should be prepared and trained to understand if they are dealing with a case of domestic violence, they should know how to behave with a victim and be ready to give them the best information on their rights and the services provided to them.

A group interview with 7 policemen can be useful to understand their awareness of the issue, to know if there are particular provisions and procedures in case of domestic violence, and if those procedures are victims friendly.

National organisations:

- Ministry of Social Affairs: <http://www.sm.ee>
- Estonian Union For Child Welfare - www.lastekaitseliit.ee
- Foundation Estonian Children's Fund www.elf.ee
- Estonian Social Programme Centre

<http://www.sotsiaalprogrammide.ee/>

- NGO Victim Support „Ohvriabi” www.ohvriabi.ee
- National victim support and conciliation service

<http://www.ensib.ee/victim-support-and-conciliation-service/>

Shelters for women:

- Tartu Naiste Varjupaik www.naistetugi.ee
- East-Viru Support Centre and Shelter for Women www.naistetugikeskus.ee
- Tallinn Women Crisis Centre www.naisteabi.ee

- ViruNaisteVarjupaik www.virunaistetugi.wordpress.com
- ValgamaaNaisteVarjupaik www.valganaistevarjupaik.ee
- Tallinn Centre for Children at Risk www.lasteturva.ee
- Tartu Child Support Center www.tugikeskus.org.ee
- The Child Support Home for Children turvakodu@hot.ee
- NGO "EnnejaPärastSündi" (Before and After Birth)
nomme.varjupaik@mail.ee

2.2.2. The psychologists-social workers' focus group interview

The interviewing of the focus group took place in Paide, on August 17, Friday, from 3 to 5 pm. A total of ten psychologists-socialworkers participated in the focus group interview.

Introduction of the participants

- **Iivi**– is the head of the Võru County Women's Shelter. Services: answering the phone, consulting over the phone 24h a day, reception at the shelter, safe house service 24h a day, individual, i.e. case-based consulting.
- **Birgit** – is a mental health nurse at the Psychiatric Ward or the Pärnu Hospital, which offers hospital services (psychotherapy, psychiatrist, psychologists). The number of family violence-related cases is not big, there are some stress reactions and long-term
- **Eha**– represents the Estonian Women's Shelters Union, in terms of services she may speak of the victim support hotline as she is the administrator of the project. The hotline works seven days a week, eight hours a day (10 am to 6 pm) and is aimed at women who have suffered family violence, it may also serve for giving advice to specialists and family members of the women. The Women's Shelters Union have been arranging basic training for women's shelters workers since 2007, so that the shelters' workers would be ready to work with violence victims.
- **Reili**– is the head of Järva Women's Shelter, generally offering the same services as in Võru – psychological, legal, safe house 24h, phone consulting 24h, primary crisis advice, financial debt consulting and transport services.
- **Kait**– is a psychotherapist at Tartu, Võru and Järva Women's Shelters.
- **Merle** – is a contract-based lawyer at the Järva Women's Shelter, in case of necessity she also helps the Viljandi Shelter and if other shelters call,

she gives legal consultation to shelters all over Estonia up to representing clients in courts. In addition she does financial debt consulting.

- **Marju**– is the head of Viljandi County Women’s Shelter. They offer 24h hotline, accomodation, psychological and legal consulting, social consulting is included to all the rest.
- **Eve** – is a chief specialist at the Social Service Department’s Victim Support. Works with the police department and her duties include victim support – a person who feels mistreated may turn to them. This is a free public social service.
- **Riina**– works at the Social Service Department’s Victim Support, a lot of Russian-speaking customers.
- **Evelin**– is a chief specialist of the Social Service Department’s Victim Support. each county has at least one victim support worker, mainly at the police stations. Everyone’s job is to consult the clients who reach them and their further support in order to maintain, or rather increase their ability to cope to the maximum extent that the co-operation with this client allows to achieve.

PART I. The family violence-related awareness of institutions

In your opinion, how high is the level of family violence-related awareness of various institutions?

The level of awareness strongly depends on a certain person: if one had personal experience of working with family violence victims, if one does not have personal prejudice, if one was able to make the subject clear/learn it for himself, then this person will be able to help the victim. At the same time victimization of others on behalf of an official make occur. The picture over Estonia is so different – there may be superb local governments, child protection workers well knowing the subject and who to turn to and co-operate and then you go to another place and there they start blaming the victim. Speaking of local governments, there were negative experience namely with a child protection worker, where a child protection worker started blaming the victim and supported a man’s position, justified violence. This had also happened at the Prosecutor’s office, there was a case when a prosecutor said it was the woman’s fault. On one occasion a woman got victimized and blamed by a Victim Support worker. This is the negative part of it. There is also a positive side – for instance, one Victim Support worker, who always makes phone calls herself when directing clients to legal consultations. There is a grand misunderstanding of what family violence is, how to approach it, what approach seems to be efficient and what isn’t. There is a very good co-operation going on with some local governments, they come to courts, give their evaluation, but others are completely uninterested

in evaluation giving even though they have to. So this goes from one side to the other.

Does the accusation of victims come from poor awareness or something else?

It definitely comes from poor awareness. The other aspect is that they don't understand how to talk to a victim, for instance, speaking in a commanding manner automatically means an attack for a victim. Maybe they lack psychological background of how to talk to a family violence victim at all.

I cannot generalize it like this, it is different from case to case, the approach varies a great deal from one place to another. Speaking of the police, it applies as well: there are police officers who know and who are very interested in developing and promoting this training thing within the police. New workers come, staff changes, new training has to be arranged.

The biggest problem lies within the staff of non-profit organizations; people keep changing all the time. In 2005, when the most extensive training took place, around 200-300 specialists were trained, but today maybe a dozen of them works at positions dealing with victims, new people have come, there are constant changes in the police. We cannot as well blame people, who are taking this common widespread viewpoint that it's family business and the main question is why she is suffering, why she doesn't think of her child, why she hadn't come up before. How do actually blame an official, if he hasn't yet too clearly obtained this information from the training. A very widespread point is that 'she must have done something herself to deserve this', which means justifying violence.

What could be done in order to increase the awareness of institutions?

In the Võru County the police are personally interested in someone to come and train them on this matter because it would facilitate their work. They have mentioned that in their conversations on multiple occasions. Speaking of all the other institutions, including the awareness of local governments, today we already see how their awareness has increased over this period of time. There hadn't been enough capacity to arrange and carry out training for all the local government workers, who deal with victims.

Still, everything depends on the relevant person/official, how much personal experience he has, whether his level of awareness is higher - then it is also easier to solve problems. A great deal depends on one's personal qualities, his empathic capacity – if he cannot understand someone as a person, put himself in other's shoes, then actual conflicts occur. As we are dealing with the most vulnerable and sensitive of all possible target groups, it makes a difference. Does a regular persona with social problems turn to an official or will it be a family violence victim – it requires two completely different types of

behaviour and two different attitudes.

For awareness increase purposes I see all sorts of educational activities essential, and why not in the form of a campaign. But it should still be an educational training with practical examples and it should be carried out by competent people dealing with this subject in Estonia.

In your opinion, does Estonia require a separate family violence act, what would it bring, would it be useful, would it change anything? What is your perspective of this?

As long as family violence remains under the paragraph 121 of the Penal Code, we see how these cases are being processed; it goes for reconciliation, statements are not being accepted at all, in the end you send it by e-mail, there is a lot of evidence from the ambulance, and still cases are not being tried. If there was an act, it would show that society does not accept violence against women or other gender-based forms of violence. At the moment women cannot rely on the legal system - why should I go, what actual difference will it make, if a case is initiated, it goes for reconciliation, he is still there at my home and I cannot get rid of him. We've had horrendous cases, here, in the Järva County, where do these cases end and what will be left of this woman when it's done. It will certainly be useful to have a separate act or at least a separate *corpus delicti*(legal definition of a crime).

It would be important to bring out the family context separately. An independent act would be good to have but the situation could also be solved by having a separate subsection to the existing paragraph, plus the extension for psychological and financial abuse, the entire scope that goes with it. It would be brought forth that if violence is committed against a family member, then it's actually a different type of thing and should obviously be punished harder. At the moment judges do not consider the fact that a violent act was committed against a person in addictive relationship, which should be deemed aggravating circumstances. A separate act would focus the attention.

What hinders and what facilitates the development of family violence-related policy? (you wrote it on paper)

Obstacles	Promotion
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<ul style="list-style-type: none"> • <i>Poor awareness</i> • <i>Uneven youth work between various institutions</i> • <i>So-called „holes“ in legislation</i> • <i>The developed prejudice</i> • <i>Lack of practice and academic experience</i> • <i>Human nature and low empathic capacity</i> • <i>Unwilling to deal with the problem, which often hinders the subject</i> • <i>Lack of skills, knowledge and abilities to do smth about the problem</i> • <i>Absence of a political will</i> • <i>General stereotyped attitude</i> • <i>Tagging – it was your own fault</i> • <i>Low awareness and indifferent attitude towards the problem</i> • <i>Lack of resources</i> • <i>The awareness is unobservable</i> • <i>Low society’s awareness</i> • <i>Making one communicate with the violently inclined father?</i> 	<ul style="list-style-type: none"> • <i>Common training for workers of various offices/institutions</i> • <i>Network co-operation</i> • <i>Increasing the awareness</i> • <i>Changing, improving the legislation</i> • <i>Openness</i> • <i>Application of legislative acts in real cases</i> • <i>The best is to have an arranging/funding person in the face of somebody entrepreneurial/empathic</i> • <i>Co-operation between various inst-s</i> • <i>The notification of the seriousness of the problem on a society level</i> • <i>Adding the subject to curricula as an obligatory (police, healthcare, psychologists, lawyers etc)</i> • <i>Informing work, sharing experience between various circles</i> • <i>A clear will to change the situation on government level</i> • <i>Consistent changes on both legislative and victim level</i> • <i>Empathic capacity</i> • <i>Additional training of offices on family violence against women</i> • <i>Re-evaluation of the social policy preferences</i> • <i>To prevent family violence – bring the violence subject to school curricula</i> • <i>Additions to the legislation, co-operation</i>
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The Victim Support does not get any calls from hobby groups, schools that a child attends. At the moment we are writing a handbook for teachers, kindergarten workers were also quite interested, so we will try and draw up one for them as well. It turns out that kindergarten workers have internally discussed that they didn’t know how to respond, they didn’t know when they can intervene and how.

I have also taken hotline calls at the Tartu Shelter and remember a number of calls from teacher or social pedagogues, there was a story when a child refused to return home – his father raped his mother. He described in detail

how ruthlessly it all had happened but at the same time he didn't want to ring the bells at a small place like this. These are the extreme cases when a child just doesn't go home – then you get to know that something happened – in general, school kids don't talk much of what is going on at home. A social pedagogue who called me was asking if she even had the right to turn somewhere, I told her that each citizen has the obligation to report a child in need for help. People do not have this information if we have to report children in need for help, can we or can we not.

A question arises whether all psychologists and social pedagogues have received relevant training on how to respond. For instance, we always encourage calling the child protection worker at once but maybe in this district a child protection worker is someone who has not obtained training, or even does not have a social work-related education, he is simply a good person and he responds.

Small districts mean personal relationship; an offender's spouse is a friend of constable's, whose wife is a social worker. In the Tartu Shelter it is so, that they ask not to tell anyone about coming to the shelter (n)or inform the local government.

We are writing a handbook, it is very hard to give out a common recipe like do this, go there.

How could the co-operation be improved?

Speaking of training, it would be great if they were carried out for various offices. One training course could have participants of different institutions, not like only one group at a time, it may on the contrary inhibit the training. At the same time they could all come from one area, which would facilitate network co-operation. If I am acquainted with the child protection worker of my area, we have participated in the same training and drank coffee together – do I seem to want to turn to her or look for someone else? It adds the value.

Shelters have begun such trainings in Valga, Ida-Virumaa and Pärnu Counties, where the training was attended by the Prosecutor's Office, the police, the Child Protection Service, the Victim Support workers, the shelters and the local governments – everyone who deals with victims in their daily work on different levels and in different offices. These trainings had been very fine.

Can you say what else could be changed in terms of legislation, who and how should do this?

Everything could begin next year with our Ministry of Justice and Social

Affairs looking through the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and looking for agreed requirements to be taken over and implemented in Estonia. If it was to be done consistently, there is a balance between victim support and the legislative part when these actions are brought to life. It would not help if we only make changes in legislation if the victim support system does not come along. But we would also need to implement the obligation of an offender to somehow reimburse all the incurred damage (including moral damage). In Norway there is compensation for women and children.

It is great when an offender has to leave the house himself. But this would imply a change of legislation. The problem lies within common property, joint property – even the protection order may not be applied in case of an apartment bought as joint property. This would imply numerous legislative changes for sections that now give the right to continue the violence and justify the offender's conduct. A protection order is one part of it; the refusal of stay has only been imposed once over the last couple of years. It is inefficient for it only lasts for 12 hours; at the same time it is easier to put him under custody for 48 hours than trying to apply for refusal of stay with no one to control it etc.

At a panel discussion a police officer once said 'we'll take him to sober up, he'll be nice in the morning'. He won't be nice; victims ask not to take them away to sober up because he becomes much angrier when he returns. Such basic truths may have been included into all the training materials and handbooks. For instance, if a victim starts taking steps for changing the situation, the violence suddenly takes the most severe forms. All cases of homicide took place after a woman started the divorce or tried to leave or else. In the end it is the matter of life and death, and it's not some feminist cackle about how bad men are.

The convention says that in case of family violence reconciliation is prohibited. If Estonia starts ratifying the convention, then reconciliation will get into complete contradiction with it. Reconciliation gives an opportunity to supervise the victim and communicate with her. There are times of 'when will this woman come and when are we able to talk to her'; most of us speak of what kind of thing family violence is.

On of the Victim Support workers said that the best reconciliation solutions are reaching the agreement for a man to move the apartment and to have a protection order applied as well. These were the most successful and efficient solutions.

Anything else to change in legislation?

When a woman comes to a shelter, she wants a divorce. Getting a divorce in case of family violence is extremely hard; these men will not give their consent to divorce and start manipulating. Getting a divorce is the most dangerous period for a woman. Then the child protection service is engaged – is this child protection competent in family violence cases or not, what evaluation will this child protection give. Then a representative of a child is appointed, who would consider child's interests, so it is in child's interest to communicate with both parents, including this father who had beaten the mother and, on certain occasions, the child too. All these legislative aspects come in; they should be overviewed and changed. It also covers the matters of alimony, judicial cases for common and joint property; it all comes along, where the nature of family offence is not put down legally to be considered. This keeps dragging on and takes a very long time and who knows what happens in the courtroom because often you cannot tell by the offender's appearance that he is a bully, they tend to be quite manipulative.

The evaluation by lawyers. A child's rights are protected by an appointed attorney and lawyer. We've heard of cases when a lawyer manages to give his evaluation before the hearing without even seeing a mother or a child. In case of state legal support an attorney is appointed, he has limited working hours and the obligation of meeting this child prior to the hearing are not fixed in writing anywhere. This is an attorney's choice of free will whether he strikes into this or not. Even child protection workers do not have an actual obligation of home visiting. No source whatsoever stipulates for the worker to visit this child before giving an evaluation. Those who put their heart into the job do visit.

PART II Attitude of courts, judges, prosecutors and legal professionals towards family violence

In your opinion, do courts and legal professionals handle family offence crimes as exceptions?

At the Prosecutor's office they did, family violence is about people living together, so it gets separate procedure officials. The northern area has a department handling cases of under-aged victims. There are separate prosecutors. I guess it started this year. Certain difference is being made, which is even good. Rulings that come from reconciliation are still the same though, no difference there. When we arranged the first training for them, they had no prior training at all, so we came and offered them the course. But changing the structure does not necessarily bring about increase in quality.

Family violence cases are not handled as exceptions. On two cases two top lawyers said 'what does this family violence thing has to do with child custody law'.

The do not see the connection with family violence until the case finally gets tried. How can they if the law does not distinguish the difference? Training, background knowledge too. If you have sufficient knowledge of your own, you may also reflect legislation under another angle yourself.

Speaking of family violence and gender, do you think female legal professionals may be somewhat more aware and empathic?

Here it may be exactly the opposite case, these women may have once been violence victims themselves and therefore completely deny it. A sure case goes like 'my man used to be violent too, I have solved my problem, why can't you'.

From female legal professionals we have rather heard the expression 'what kind of mother is this, she can be called a terrible mother for having fled in situation of violence'. At the same time, we have to understand that they work within a masculine system, in the legal field feelings do not count; female specialists are being under pressure themselves. There is a danger for being considered unprofessional in case one displays empathy, let the feeling flow and get too emotional about it. It is very easy to blame women. Our judges are under big public pressure, but anyway, if it is child custody issue, a female judge would still be discriminative. Some intentionally take such decisions to show how that 'I am so unbiased'. In 50/50 cases to show how unbiased they are as women, a decision may be taken in favor of a husband/man. Male professionals don't suffer this pressure.

At the same time, some lawyers and attorneys have appeared who realize the seriousness of the situation and who started striking into things and changed their attitude. They see what our legal system is like and how victims get caught in its wheels. There are some lawyers and attorneys who seem to have become interested.

If we compare family violence against children and against women, is the first type of cases more thoroughly considered than the latter?

If criminal proceedings have been initiated, law offers more protection to children. During a questioning of a child a certain person should be present there, if we speak about questioning a woman, nobody should be present during this (a social worker, a psychologist). There are certain requirements on working with children. In case of children certain aspects are being considered.

At least in case of children there is no such attitude as 'he must have done something to deserve it'. In case of women specialists say that you still have to analyze her personal behavior. It's very good that at least violence against children is taken seriously; if we could achieve that for violence against women as well, they are still more vulnerable.

Do legal professionals have any paragraphs or guidelines on co-operation with consultants, psychologists, social workers?

The Victim Support Act says that you should provide a person needing help with information. Each protocol of interrogation includes a statement that a victim has been informed of the Victim Support Act and possibilities of receiving psychological help, and then a victim gives a signature.

Legal professionals as colleagues and co-operation partners are always free to turn to us. If I realize that I am not that good at something, I always turn to someone more competent. The Victim Support is a public service, everyone may turn to us, regardless of being a victim or a legal professional, we don't make any difference. They do turn to us. It depends on a person.

I have an experience of talking to a child, some investigation officers asked to be so kind and go talk to him. Some investigators feel unconfident talking to children or are incapable of doing this.

Training for legal professionals

In spring we've had one in Tallinn for the Prosecutor's Office and certain investigation officers chosen by the office. Now we're about to have one in Ida-Viru County as well.

Is the training voluntary? What are the main subjects covered by the training?

The Estonian Women's Shelter Union had carried out primary training on 'what is family violence'. This was the basic 'eye-opening' training. If a legal professional has never had any training, we are speaking in general terms. This training should be followed by other, deeper, advanced training. The first was aimed at general introduction of the subject, to making people understand that there is a lot of things they don't know on the matter and they need more.

One of the tasks when new county network training come is to achieve a common understanding of things, Victim Support workers know very much but if there is another counterpart of the network who is completely unaware of the difference between a bar fight and family violence, it takes very long to

get the network to respond. The aim was to give a small introduction and bring understanding in order to carry out further network training in counties. The Tartu Women's Shelter is planning a training course in autumn, where they would bring all the various links of the Tartu County chain together - from patrols to judges.

One of the positive aspects of training is bringing people together, so that they know who this or that other person is. Even I feel braver turning to people that I know and have/want to create trustful relationship with. Personal contacts are essential.

What social services can be used by family violence victims?

- The Victim Support;
- Social departments – they do not have separately established services for family violence victims. This is for everyone who needs social subsidies on the basis of the registration at the local government office;
- Consulting centers.

Does the information regarding family violence services reach the necessary target group?

According to law, the information should reach the victim at the initiation of criminal proceedings.

Brochures contain the information on Victim Support and other supporting organizations and shelters by counties. All the co-operation partners' contacts are there in the brochures. Maybe a victim fails to reach a Victim Support worker at once, so then she is able take the brochure and look for a phone number of a shelter to call.

At my house I have drawn up an A4 sheet of supporting organizations' contacts for the police. The contacts are subdivided by topics: who deals with drug addiction, alcohol abuse, family violence. We draw up such sheets so that the police could also give people contacts.

The signature is there on the paper but it doesn't ensure that a client received the necessary information. A signature does not mean being informed. This is a faulty piece of the system.

I see that healthcare institutions are a completely blank space – when a woman with injuries reaches them, it largely depends on a person whether the information is given forward or not. An obligation of informing should exist

but they don't inform.

Do victims trust the service provider?

The first time there is always more or less mistrusting attitude, you can't help it. Though it also largely depends on how well you can purely create this relationship of trust. We should say that our support is confidential and make it clear that a shelter's worker will not file a complaint nor take anyone's children away.

There is a lot of mistrust towards the legal system. Quite reasonable people have spoken that they didn't feel protected by the legal system, that they felt insecure. In the end if she doesn't receive help from the legal system a desperate feeling may arise, maybe she had spent 5 years going to every institution and office to get this help. The despair hits; why am I talking about this at all. If a man is well-off but a woman does not have funding options, then a man may pay the lawyer/attorney and make it a ready lost case.

How many family violence cases remain untried?

The majority of them. Here we can't speak of those who come to the shelter, because we are dealing with these cases.

In terms of statistics around 10% ever reach the court. This is actually quite poor statistics. People do not want to go to court at all. They want services, they receive consulting. To turn to a legal system one should yet be ready to go for it. Everything should be very well proven; you have to have enough evidence to go to court. The saddest part is when they get to a shelter, they speak of and they show their injuries. This could have been a very long-term mistreating but they never went to the police. What difference can the police make in my life? If a woman has already fled home, there is no way whatsoever to prove these things. This is so typical.

In terms of social services, how could they be improved, is there a need for any completely new types of services?

The important aspect is for the shelters to be sustainable on their own. To be brave enough to advertise more; when you run on three 1-month projects this is not a very good feeling.

There is an ongoing need for more legal and professional psychological support in addition to emotional support and all the regular information, a need to help in courts on disputes about children. Manipulation regarding child custody rights is a big part that keeps from quitting the relationship.

There is a need to increase the awareness of child protection workers, which is sketchy. Does a victim dare to go and talk to him or her if a child protection worker is already of such a good opinion about her man? In the end a child protection worker is against the woman, starts looking for her faults; so it ends up with children being taken away.

Getting social subsidies from local governments is strictly limited, even this single-time support when she gets to a shelter is extremely hard to obtain. A woman arrives at a shelter without money or clothes, so the shelter starts looking for some clothes for her. We don't have the right to buy food but we can't leave a person hungry like that either. This is a weak spot – where do you get food for this woman? If a woman wants to rent an apartment, where is she supposed to take a deposit, advance payment for one month and a real-estate agent's commission? A shelter does not have this money.

Moreover, destruction of documents sometimes takes place, and applying for the new ones is quite costly. Before there used to be an option of getting new documents cheaper if the old ones have been destroyed due to a crime, there is no such option anymore, everyone has to pay the full price.

To end up, is there anything to add, anything that went unspoken?

In order to get the things going it is essential for people from various fields to be coming together, for offices to interact with each other – then a network co-operation would appear. If there were such communication between the fields of operation it would create 'I know the person who deals with it there so I will get in contact with him or her' attitude. Victims do not want to tell their stories numerous times to different people, this is extremely exhausting. Speaking of violence means tasting the blood in your mouth again every time you have to think about it.

2.3. Lithuania

The legal framework on domestic violence and on violence on women and children in general in Lithuania was analyzed to map the state of the art and to recognize strengths and weaknesses. This desk analysis was done using the following means to gather information:

- internet, looking at the involved ministries' national websites, possible existing legal databases of public and private institutions;
- contacts with lawyers or organizations dealing with domestic violence and its victims.
- direct research on the legal codes, statutes and resolutions.

Results:

Content	Yes	No	Notes
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1. Laws specifically targeted to domestic violence	Yes		Republic of Lithuania Law on protection against domestic violence. 26 May 2011 No. XI-1425 Vilnius
1.a If 1 is yes, targeted both to women and children	Yes		According to the Article 2 of aforementioned law Victim of domestic violence (hereinafter referred to as “ victim of violence ”) can be a person against whom domestic violence has been used, also a child who has become a witness of domestic violence or lives in an environment exposed to violence. So yes, this law is targeted to women, children, man and other relatives in the family.
1.b If 1 is yes, what are the main provisions of the law	-	-	1. It abolished the procedure of private litigation that existed in domestic violence cases from the restitution of the Independence and according to which is a person became a victim of domestic violence it should go through procedure of private litigation and represent its own rights in court. (Article 6. Application of Measures Ensuring the Protection of a Victim of Violence claims that in case of domestic violence police officers must react immediately, initiate a pre-trial investigation and notify the prosecutor if the prosecutor’s order is necessary to initiate the pre-trial investigation). 2. Article 5. Measures Ensuring the Protection of a Victim of Violence 1. Where the fact of an incident of domestic violence is established, the following measures of protection of a victim of violence shall be imposed: 1) the obligation for the perpetrator of violence to temporarily move out of the place of residence, if he resides together with the victim of violence (if he resides together with the victim of violence, police offices shall immediately ensure the moving out of the perpetrator of violence. Article 7 of the law.); 2) The obligation for the perpetrator of violence not to approach the victim of violence, not to communicate and not to seek contact therewith. These measures should be imposed by a ruling of the pre-trial investigation judge not later than within 48 hours. These measures are not applied if the perpetrator is a minor or has physical or mental defects 3. Municipal institutions and non-governmental

			organizations shall, in accordance with the procedure laid down by laws, render and implement long-term assistance services. (Article 8. P 5 Management of Assistance)
1.c If 1 is yes, the provisions are only focused on punishment		No	There are some provisions aimed at assistance of domestic violence victims and prevention of domestic violence.
1.d If 1.c is NO, the provisions are also focused on prevention and support to the victims	Yes		The provisions focused on the prevention and support to the victims are the following: - Assistance to victims of domestic violence (hereinafter referred to as “assistance”) mean psychological, legal, social, health care, educational, accommodation and other necessary services provided by state, municipal institutions and non-governmental organizations to victims of domestic violence. (Article 2. P 3) - Specialized comprehensive assistance to victims of violence (hereinafter referred to as “specialized comprehensive assistance”) means comprehensive assistance provided by specialized assistance centers to address the critical situation in the event of domestic violence, specialized assistance rendered by psychologists, legal and other assistance. (Article 2. P 8.) - Specialized assistance Centre is an institution performing public functions and providing specialized comprehensive assistance to victims of violence. (Article 2. P 9)
2. Laws tackling violence on women and/or children		No	Violence on women and/or children is regulated by general laws. (Such as laws aimed at protection of domestic violence or protection of children rights.
2.a If 2 is yes, what are the main provisions of the law	-	-	
2.b If 2 is yes, there are specific commas related to domestic violence			
2.c If 2 is yes, the provisions are only focused		

on punishment			
2.d If 2.c is NO, the provisions are also focused on prevention and support to the victims			
3. General laws tackling domestic violence, sexual crimes, stalking	Yes		
3.1 Law on the Approval and Entry into force of the Criminal Code, Criminal Code ³²	Yes		
If 3.1 is yes, what are the main provisions of the law			<p>Physical violence as a consequence of gender – based violence can be classified as:</p> <ul style="list-style-type: none"> - Severe Health Impairment (Article 135 of the Criminal Code of Lithuania), - Non-Severe Health Impairment (Article 138 of the Criminal Code of Lithuania) or Causing Physical Pain or a Negligible Health Impairment (Article 140 of the Criminal Code of Lithuania). Usually after being assaulted by a family member women are afraid to go to police and doctor, due to that they have no or almost no significant official prove of the action of violence. <p>Sexual violence as a consequence of gender – based violence can be classified as an offence of:</p> <ul style="list-style-type: none"> - Rape (Article 149 of the Criminal Code of Lithuania); - Sexual assault (Article 150 of the Criminal Code of Lithuania); - Sexual abuse (Article 151 of the Criminal Code of Lithuania). <p>It is worth mentioning that in Lithuania sexual relationship with spouse is considered as a duty of a wife, so complaints of women that experience sexual violence from her husband is usually not</p>

³²Law on the Approval and Entry into force of the Criminal Code, Criminal Code. Link: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=337361&p_query=&p_tr2=

			<p>taken as a serious crime not even in society but in public institutions as well.</p> <p>Psychological violence as a consequence of gender – based violence can be classified as an offence of:</p> <ul style="list-style-type: none"> - Threatening to Murder or Cause a Severe Health Impairment to a Person or Terrorisation of a Person (Article 145 of the Criminal Code of Lithuania); - Restriction of Freedom of a Person’s Actions (Article 148 of the Criminal Code of Lithuania); - Libel (Article 154 of the Criminal Code of Lithuania). <p>It is important to mention that the most common form of psychological abuse is insult, which is also a part of the process of private litigation.</p>
3.2 Administrative Code of the Republic of Lithuania ³³	Yes		
If 3.2 is yes, what are the main provisions of the law			<p>It is widely known that violence used against mother by a father have a negative impact on a child despite that the child is not abused. In Lithuania when perpetrator is abusing victim in front of the children police is able to apply article 181 of Administrative Code of Lithuania „Not using parental authority or using it in ways that are harmful for child“. Applying this article perpetrator can be taken off to police station for couple of hours to fill documents; this can help to avoid the act of violence.</p>
3.3 Civil Code of the Republic of Lithuania ³⁴	Yes		
If 3.3 is yes, what are the main provisions of the law			<p>During the process of divorce according to the article 3.65 of Civil Code of Lithuania court allows victim to separate from perpetrator until the end of court process (court can prohibit for the perpetrator to live together with victim of gender – based violence and etc.).</p>
3.4 National Strategies	Yes		<p>The regulation of domestic violence is reflected in the National Strategy for 2010-2012 aimed at</p>

³³Administrative Code of the Republic of Lithuania:
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=429494

³⁴Civil Code of the Republic of Lithuania. Link:
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=404614

aimed at decreasing violence against women		<p>decreasing violence against women. The aim of the Strategy is to reduce, in a consistent, complex and systematic manner and on the national level, domestic violence against women.</p> <p>The main priorities of the Strategy are:</p> <ul style="list-style-type: none"> - improvement of the legal base in the field of combating violence against women; - analysis of the situation in the field of domestic violence against women; - effective prevention of domestic violence against women; - provision of a complex set of assistance to victims of domestic violence against women; - sanctions on perpetrators; - Strengthening of institutional capacities. <p>The goals of the Strategy have been set for the period until 2015, and measures for the implementation of the Strategy will be developed every three years. The main problem is that this Strategy does not contain clear legal framework that could help victims of domestic violence.</p>
4. General laws tackling violence against children and custody	Yes	
If 4 is yes, what are the main provisions of the laws		<p>Lithuanian laws tackling violence against children and custody:</p> <p>Codes:</p> <ul style="list-style-type: none"> - Civil Code of the Republic of Lithuania³⁵; - Law on the Approval and Entry into force of the Criminal Code, Criminal Code³⁶; <p>Statutes:</p> <ul style="list-style-type: none"> - Law on Fundamentals of Protection of the rights of the Child³⁷ (Article 43 P 2 Administrative or criminal liability shall be applied for demonstration of physical and mental

³⁵Civil Code of the Republic of Lithuania. Link:

http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=404614

³⁶Law on the Approval and Entry into force of the Criminal Code, Criminal Code. Link:

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=337361&p_query=&p_tr2=

³⁷Law on Fundamentals of Protection of the rights of the Child. Link:

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=30975&p_query=&p_tr2=

			<p>violence to children and their inclusion into criminal or other illegal types of activity);</p> <p>- Law on Child Guardianship³⁸(Article 7 P 3 Temporary guardianship shall be established for the child when his both parents or the single parent do not take care of the child, neglect him, do not look after him, do not bring him up properly, use physical or mental violence and thereby endanger the child's physical, mental, spiritual or moral development and safety (pending the court order to deprive the child of the family environment);</p> <p>Resolutions:</p> <p>- On the Approval of the State Family Policy Concept³⁹. Which objectives are (Article 4):</p> <p>4.6.1.1. To upgrade the system of comprehensive, coordinated action and means, raising the parents' responsibility for implementing appropriate rights and duties for the child;</p> <p>4.6.1.2. to promote respect for the opinion of children and develop the child' capacity to take befitting according to age duties in the family;</p> <p>4.6.1.3. to promote child care in the family, seeking reduce the number of institutions engaged in child care;</p> <p>4.6.1.4. To prevent all forms of violence against children. To provide qualified comprehensive assistance to children who have been subjected to violence and their families, to promote rehabilitation of people inclined to violence;</p> <p>4.6.1.5. to support and develop the activity of free telephone service providing psychological assistance to children and youth;</p> <p>- Articles of resolution tackling violence: article 1 p 1.6.8; article 2 P 2.2.4 , P 2.5.3, P 2.5.4, P 2.6.2. Matters of child protection are given to the Institution of the ombudsman for children rights of the Republic of Lithuania⁴⁰.</p>
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³⁸Law on Child Guardianship.

Link:http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=71029&p_query=&p_tr2=

³⁹ Resolution On the Approval of the State Family Policy Concept. Link:

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=323058&p_query=child&p_tr2=2

⁴⁰Institution of the ombudsman for children rights of the republic of Lithuania. Link:

<http://www3.lrs.lt/pls/inter/vaikai?kalbld=2>

2.3.1. Focus groups – organizations working for the victims in Lithuania– police forces. Strengths and weaknesses

Focus group with police forces was aiming to gather information on the way police forces deal with domestic violence and how and if cooperate with social organizations and the judicial personnel. Police forces have a crucial role in the emergence of violence. Police officers are often the first people met by victims when they want to report a crime and they should be prepared and trained to understand if they are dealing with a case of domestic violence, they should know how to behave with a victim and be ready to give them the best information about their rights and the services provided to them. A group interview with 10 policemen let researchers to understand their awareness of the domestic violence issue, to reveal particular provisions and procedures in case of domestic violence, and evaluate whether these procedures are victims friendly.

First group of questions revealed role of police forces in domestic violence cases ensured the possibility to look into police procedures in combating and dealing with woman or children who reports domestic violence, revealed procedure of police work in field of action and during the pre-trial investigation. All participants expressed their opinion and explained basic procedures and protocols of police forces work in case of domestic violence.

Main findings of this focus groups are given below, all results are divided into categories in line with focus group questioners structure.

Domestic violence and police

Police representatives explained that now domestic violence is defined in new law on protection against domestic violence which came into force in 2011 December 11th together with all penalties. As for the fact that victim of domestic violence is strictly described in the law as:

“Victim of domestic violence (hereinafter referred to as **“victim of violence”**) shall be a person against whom domestic violence has been used, also a child who has become a witness of domestic violence or lives in an environment exposed to violence.^{41”}

There is no gender perspective in the law and all domestic violence cases are treated in line with same procedures. Domestic violence is separated from other forms of violence in context of environment where violence had taken place. Domestic environment is described following:

“Domestic environment shall mean the environment comprising the persons currently or previously linked by marriage, partnership, affinity or other close relations, also the persons having a common domicile and a common household.^{42”}

⁴¹Republic of Lithuania law on protection against domestic violence.

⁴²Republic of Lithuania law on protection against domestic violence.

Police forces role in domestic violence cases is described in law on protection against domestic violence as following:

All incidents of domestic violence are investigated through police forces procedures. Police officers are send to the scene, they have obligation to protect the victim. In case of violence perpetrator has obligation to temporarily move out of the place of residence, if he resides together with the victim of violence. Upon recording an incidence of domestic violence, a police officer shall immediately take measures to protect a victim of violence and, initiate a pre-trial investigation. After police officers had taken necessary measures to ensure victims wellbeing other partners are involved in the case such as: specialized assistance centers⁴³, childcare when case is connected with under aged children.

Law on protection against domestic violence describes key actions in case of domestic violence but all following procedures are implemented in line with measures specified in the Code of Criminal Procedure of the Republic of Lithuania. Police force representatives expressed concern that even though new law on protection against domestic violence came into force last year all procedures is implemented in line with Code of Criminal Procedure which had not been improved or changed in any way, there for there is lack of connection between the new law and other legal documents. Police forces organize their work in line with procedures defined in Code and not all the responsibilities defined in new law on protection against domestic violence are included in their functions, for example giving information about victims to specialized assistance centers are not defined in Code. Police are not obligated to take active prevention measures and are not able to follow the victim's situation after the pre-trial investigation.

Main function of police forces in case of domestic violence are the following: recording and reacting to the incident of domestic violence, protect victim and take immediate actions if necessary, investigate case and start pre-trial investigation, provide information to other institutions if needed, inform partners (specialized assistance centers, shelters etc.).

In Lithuania there are no specific police corps or departments devoted to domestic violence. Dealing with domestic violence is one of extra functions of police forces personnel. Police forces develop internal decision and approved specific job descriptions for officers whom deals with domestic violence cases. For process of pre-trial investigation specific investigators groups were formed and they are implementing all necessary procedures connected to domestic violence cases, but these groups were formed from resources that police forces had before the new law, there were no additional funding appointed from government for new creation of special positions.

Police forces are considering that in the future special police corps or departments should be formed in Lithuania. All police officers whom would work in these departments should attend special trainings course and acquire qualification in domestic violence theme. Also it is necessary to appoint

⁴³An institution performing public functions and providing specialised comprehensive assistance to victims of violence.

special budget lines in state budget for costs of implementation of new law on protection against domestic violence.

In all case of a report of domestic violence police has the duty to inquire. Some cases are proven to be not related with domestic violence. There are special official report form for cases of domestic violence which is filled in by police officer that arrives in the scene. This report was developed by police forces and contains following details: when and where the domestic violence took place, is there any witnesses, which type of violence was used against victim, if physical violence is involved police officer should claim injuries and mark them in special form (silhouette of human on which officers must mark injured parts of body). Standard questions are given to the victim. There are not enough provisions to respect victim's sensibility because police have priorities for victim's safety, restraining the perpetrator, filling in all necessary forms and completing all official procedures. Sensitive police officers finds few moments to comfort victims but usually police officers have a lot of cases and do not have time to get a deeper contact with victim. Also there are no procedures for which only a female police officer must deal with case if victim is female, usually men deal with domestic violence cases because the majority of patrols are men.

Domestic violence, awareness, perception and training

There is no gender based discrimination in cases of domestic violence. Police force representatives expressed opinion that female police officers have a better perception to the topic but the procedures of dealing with domestic violence are the same, that is main reason why victims gets equal support form female and male officers. Sometimes female officer has better connection with victim and are able to comfort her, but it usually depends on personality and experience of officer rather than on gender. Police forces representatives stated that there is no difference between reaction to violence against children and woman, at least in the law on protection against domestic violence. But the moral factor is that police officers are often more sensitive to the cases that involves under aged children, also there are additional mechanisms that start to work when domestic violence case includes children: if children are unsafe police officers must take him or her from home, the police officers shall notify the children's rights protection division.

Considered police officers sensibility for the victims during inquiries all focus group participants agreed that this factor depends completely up to personality and point of view of police officer what arrives on the scene, as for procedure itself the most important thing is security of victim and preparation of necessary documents. There are no provisions that police officers should have help from consultants, psychologists and social assistants in their communication and relation with victims, but if police officers needs help from these specialists they have possibility to contact them and get needed help.

When asked about specific trainings provided to the police about violence on women and children officers marked that there will be an obligatory course about domestic violence scheduled for period of October-December. These courses aimed to help investigators get necessary skills in order for them to improve their skills in dealing with domestic violence cases. These trainings

is organized by public bodies by the general commissioner. These trainings will be obligatory to all police officers and the theme of domestic violence will be involved in training program.

Before police forces were not involved in any specific training about domestic violence. Focus group participants marked that police forces organize informal work meetings with other partners in order to better understand other institutions involved in domestic violence cases, their roles, procedures, these meetings help to form broader understanding about domestic violence cases, victims perspective and other factors. These informal work meetings are organized from time to time because new law on protection against domestic violence came into force recently and the dialogue between all institutions involved in this law implementation is crucial in order effectively prevent and fight domestic violence.

There was special program before about domestic violence against woman but since new law came into force these training courses were eliminated and will be replaced with new ones from October.

Representatives from police forces stated that although police officers perception to topic of domestic violence cases and victims themselves are changing there are still some difficulties in dealing with victims and these situations in general. In their opinion perception about this topic of domestic violence are closely connected to culture, traditions, attitude of all society and now when situation is changing in all these levels police officers attitude is shifting as well.

Domestic violence and cooperation with legal courts and social institutions and organizations

Police forces are obligated to cooperate with specialized assistance centers. If police officers gets consent from victim to give her personal details to specialized assistance center he is obligated to inform these organizations within the 48 hours. Specialized assistance centers will then address the critical situation in the event of domestic violence, specialized assistance rendered by psychologists, legal and other assistance. Also police cooperates with other partner's organizations like shelters, nongovernmental organizations. Police representatives stated that cooperation with trials are limited to formal procedures stated in law, there are no common meetings or work group organized with prosecutors, judges, lawyers or other legal professionals.

There are cases where judge attends meetings of police forces, but they are not representing all judges and just states their personal position.

The cooperation between various institutions and organizations helps to deal with domestic violence cases more effectively and efficiently but there still lack of interinstitutional cooperation.

Representatives from police forces stated these main problems that get in a way of effective and efficient cooperation between social workers, social organizations, police forces, judicial courts and legal professionals:

1. There is a lack of cooperation between higher level institutions; this issue should be solved in order to effectively collaborate in all levels. There is still lack of: coordination of new law

implementation procedures, common analysis of data and implemented procedures.

2. New law on protection against domestic violence should be in line with other legal documents, especially with Code of Criminal Procedure, other post-legislative documents.
3. Lack of financial resources for the implementation of new law on prevention against domestic violence;
4. Information and personal contacts of all institutions, public bodies, organizations working in field of domestic violence in specific areas.

2.3.2. Focus groups – organizations working for the victims in Lithuania – social workers. Strengths and weaknesses

The main aim off focus group with social workers was to survey the state of the art of social services, both institutional and private, for the victims of domestic violence, before and after reporting to judicial courts, during the trials and, after the sentences, help to reintegrate in the society; what is good and what is bad during the process and what is the level of cooperation between the social organizations, the judicial personnel and the police forces. Total of 12 social workers attended focus group.

First group of questions reviles perceive of institutions about the issue of domestic violence, social workers attitude to effectiveness of new law on protection against domestic violence, barriers for effective interinstitutional communication and the main factors which would improve policies against domestic violence.

Domestic violence as perceived by the institutions

Social workers expressed opinion that national institutions have lack of knowledge and awareness about domestic violence issue. In the beginning when new law against domestic violence came into force there were a lot of discussions between institutions that deals with domestic violence cases and specialists such as social workers. Domestic violence is perceptible differently in context of new law and views of society.

Social workers think that in order to form better understanding about domestic violence cases between national institutions it is necessary to form new practice of collaboration. Then it will be possible to organize implementation of new law on protection against domestic violence more effectively and efficiently.

Specialist claimed that now when the new law on protection against domestic violence are already in the force all institutions and organizations should not concentrate on perceiving the problem but in line with the law, together implement legal and social act against domestic violence.

Lithuania now has specific law on protection against domestic violence and this law helped in combating violent behaviors and dynamics within the family. New law was the breaking point from which all institutions and organizations could start their work in combating domestic violence, earlier before the law legislation was unfavorable to victim and majority of domestic violence cases were ended in the early stage. When new law came into force

police forces were given the right to undertake necessary measures to combat domestic violence, new support system for victims was created.

Social workers claimed that since new law on protection against domestic violence came into force just in 2011 it is necessary to improve the system and make corrections and adjustments. Specialized assistance centers are integrating in the domestic violence prevention and support to victims system and now it is the time for all institutions to define their specific row in law's implementation process.

A lot of work should be done in the improvements of legal base. All domestic violence cases should not be neglected the pre-trial investigation phase and especially in the courts themselves, because now process is ineffective, there are no legal act for 4-5 months after pre-trial investigation had ended. In this period perpetrator can become a threat to victim again. Judges and prosecutors should consider the cases of domestic violence equally with others, because now their attitude to domestic violence cases is neglect.

Social workers think that the main problem why there is not the right perception of the problem of domestic violence at institutional level is the lack of knowledge and qualification in dealing with domestic violence cases. All employees that are authorized to work directly with domestic violence cases should have necessary qualifications. Also domestic violence theme is not integrated in institutional staff qualification course program, all involved specialist should have a strong background and deep understanding of specifications of domestic violence cases. Social workers think that it is necessary to train not just separate individuals, but team of professionals with deep knowledge about this issue, these professionals should be trained to work together as a team and effectively solve domestic violence cases. Social workers also mentioned that ministry of social security and labor are trying to organized social workers trainings periodically in order to keep their competence in the highest level.

Also special courts, special police departments should be formed in this way domestic violence cases will be handled by professional and experienced team. Specialization is necessary because domestic violence topic is very diverse and in order to understand these cases specialist should have theoretical and practical experience.

The main barrier in dealing with domestic violence cases is the lack of specialization, inopportune reaction to domestic violence cases, prolonged pre-trial investigations, and lack of concreteness in terms of pre-trial investigations.

Police forces does not have enough human resources to implement pre-trial investigations effectively, the specialization of police offices, courts would help improve effectiveness of domestic violence policies. There should be special investigators for domestic violence cases and these specialists should have background and deep knowledge about the issue and work just with these specific cases.

All cases after pretrial investigation are pass on to prosecutors and usually the progress in further procedures are to slow and ineffective. There should be more opened dialogue between police, prosecutors and social workers.

Social workers marked that although partitions see the problem of domestic violence often the main problem is lack of political will and decisions. For example now the leader political force in this parliament are Christian democratic coalition and the main value of this political body is family institution, the issue of domestic violence is not a priority.

The clear and strict position of general society and their intolerance for violence also could improve the policies against domestic violence. NGO's could organize public movements, lobbying, there representatives could support victims during the investigation procedures.

It is necessary to encourage women's participation in politics, ensure their active involvement in the domestic violence prevention through political will.

Domestic violence as perceived by the judicial courts, judges, prosecutors and lawyers

Legal professionals does not perceive the crimes of domestic violence as peculiar cases it is necessary to assure the most important thing that these cases would not be the last ones on the waiting list all the time. During the law consideration process legal professionals expressed their derisive view to new law, this could be the reason why now domestic violence cases are treated not as peculiar ones. Social workers marked that now there are legal actions against domestic violence, but the process itself is ineffective and needs improvements.

Social workers claimed that there is no gender based discrimination when talking about domestic violence, but there is discrimination based on social status. If the victim is from social excluded group and have the state lawyer often the decision are not favorable to her, but if women in the same situation has her own lawyer the decision is often different, although situations are similar.

Some judges have prior opinion about domestic violence and their decisions often are not favorable to victims. Social workers claimed that perception of legal professionals are often defined by their personal provisions not by their gender and disagreed with the statement that female legal workers understands domestic violence topic more deeply.

Social workers claimed that usually domestic violence to children is taken into consideration more than on women. The violence against children is considered to be a bigger problem than violence against woman there is more attention from society and media given to cases were children are victims. When speaking about domestic violence against women there is more reviews of common statistic not attention to one case or story in general.

Some legal professionals have sensibility for the victims during inquiries and trials it depends on the judges, prosecutors or lawyers **personal attitude** to domestic violence issue. Lawyers appointed by the state are often not sensitive to the victim's situation and not representing them properly in the courts, social workers sometimes have to help victims with documents other procedures. Also now courts are more closed than they used to be, they do not let social workers to attend hearings. Sometimes judge can let social worker to attend hearing but it is based on judge's personal opinion about domestic violence cases and social workers part in them. Legal professionals do not

want consultations from psychologists and social assistants in their communication and relation with victims.

Social workers claimed that legal professionals **receive trainings about domestic violence** topic. Social workers had attended seminars with police forces, prosecutors. Also social workers implemented trainings by themselves to police forces. Specialists could not state whether these trainings were optional or compulsory, just few representatives from institutions and organizations attended course. Legal professionals in particular prosecutors attended courses because they deal with domestic violence cases in daily bases. The trainings were organized by non-governmental organization.

During the trainings legal professionals discussed implementation of new law on protection against domestic violence implementation. Social workers claimed that it is very important to organize more common trainings to legal professionals, police forces and social workers. It would be useful to discuss the effect of new law, define the possible further perspective, main issues and possibilities of communication and collaboration in order to effectively implement new law and combat domestic violence. It is necessary to have common trainings in order to have one perspective about law implementation. When asked what should change in the perception of legal professionals about the topics of domestic violence social workers claimed that as they stated before legal professional should be more sensitive to victims situation, understand complexity of this problem and try to implement legal procedures as effectively as they can.

The cooperation between social workers, social organizations, police forces, judicial courts and legal professionals could be improved by organizing common trainings to all specialists. Also strengthen collaboration during pre-trial investigation. Also police officers should have more resources for domestic violence cases, because all police forces are overworked since the new law came into force. Also social workers claimed that it is very important to strengthen the contact between legal professionals and social workers, both sides can provide assistance to each other during the process of domestic violence case investigation and during trial procedures.

Services for victims of domestic violence

Social services that is provided to victims of violence:

- Consultations of social workers;
- Psychological consultations;
- Legal aid and legal consultations;
- Social mediation;
- Temporary custody;
- Help of crisis centers;
- Social support (material).

Social workers think that victims are sufficiently informed about available services. Police officers, social workers, municipality representatives, hospitals, doctors know about all institutions that provides services to domestic violence victims and can appoint victim to necessary institution,

but there is still a lack of information about specialized assistance centers, because they started their work recently.

Social workers claimed that sometimes victims are reticent and do not want social workers or psychologists help right away. It is normal considering the things that they have been through, they are protecting themselves from everything. Usually they open up after some time. They start to communicate with specialists and understand their emotions and feelings after a while. Sometimes it is 2 weeks sometimes it is 2 months it depends on each person and their emotional wellbeing, the seriousness of experience that they've been through. Usually women are not willing to go and speak with psychologists because then they have to open up and it is very difficult and hurtful for them, they are turning to them after healing process begins.

When asked how many domestic violence cases remain unreported social workers claimed that if all cases were victims confess to their friends or their relative would be counted, maybe it would be 50% of all domestic violence cases because nearly half of victims are scared to say something to their friends and family or institutions. Most commonly victims report about domestic violence not after first incident but after 5 or 10 years of life in violent relationship. Sometimes victims turn to social workers for help after first incident, but not to police forces, they usually just need psychological, legal consultations.

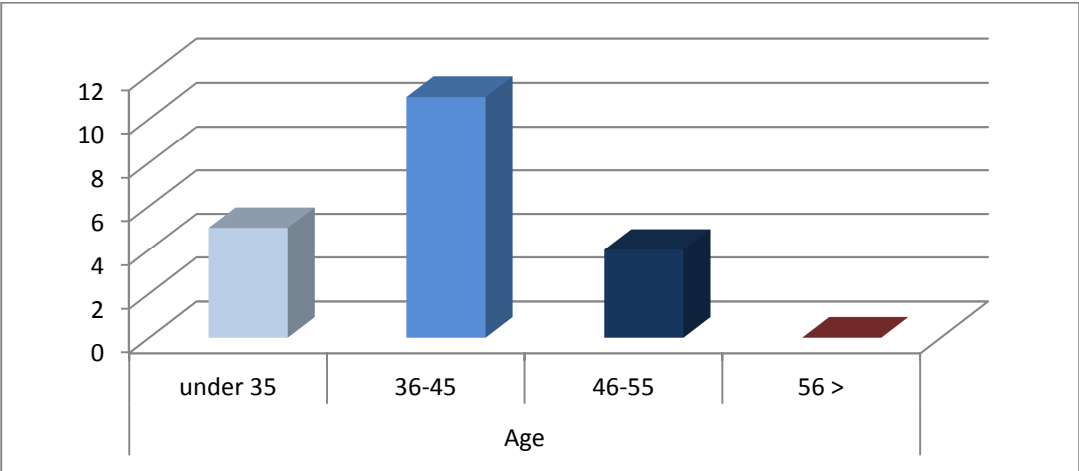
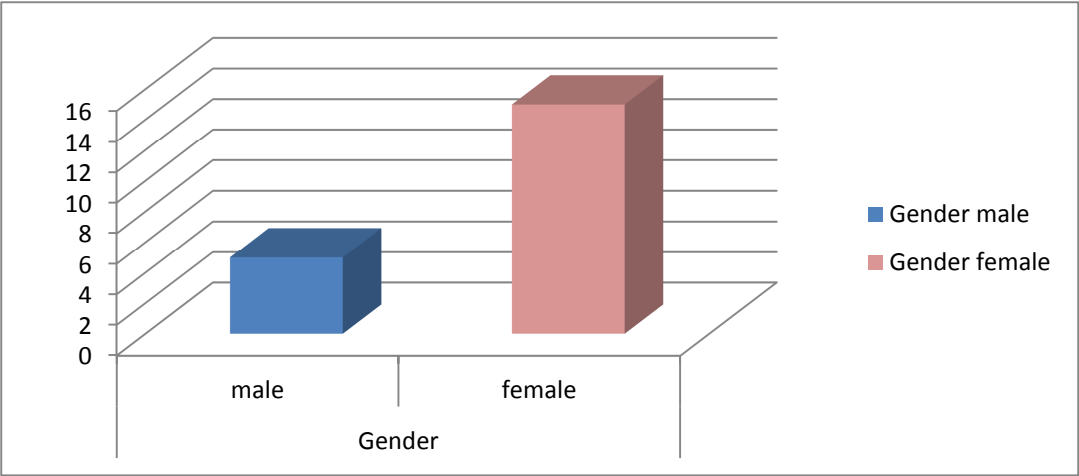
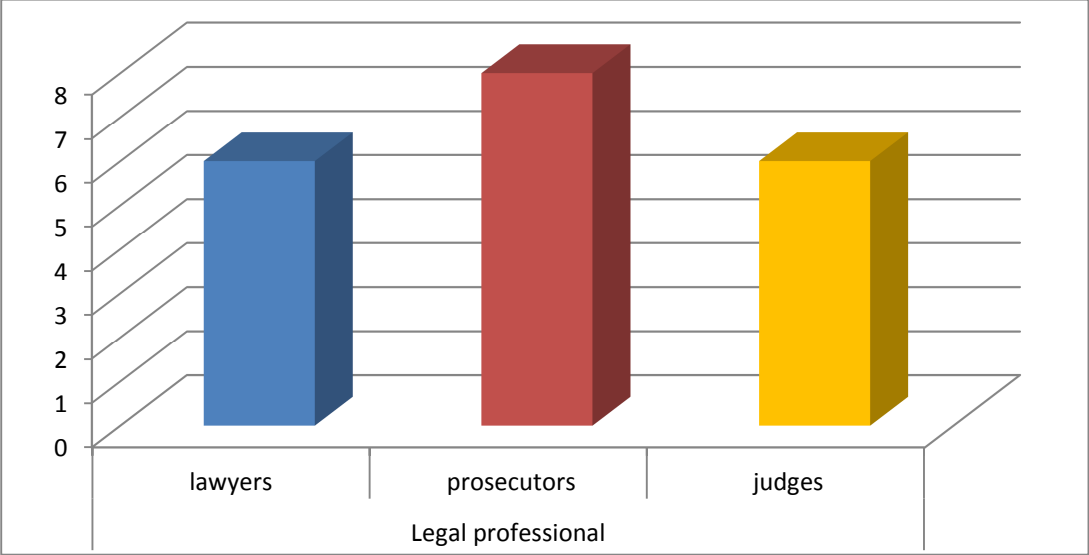
New law on protection against domestic violence is encouraging victims to seek help because now they know that they will be protected from perpetrator and will have help of professionals.

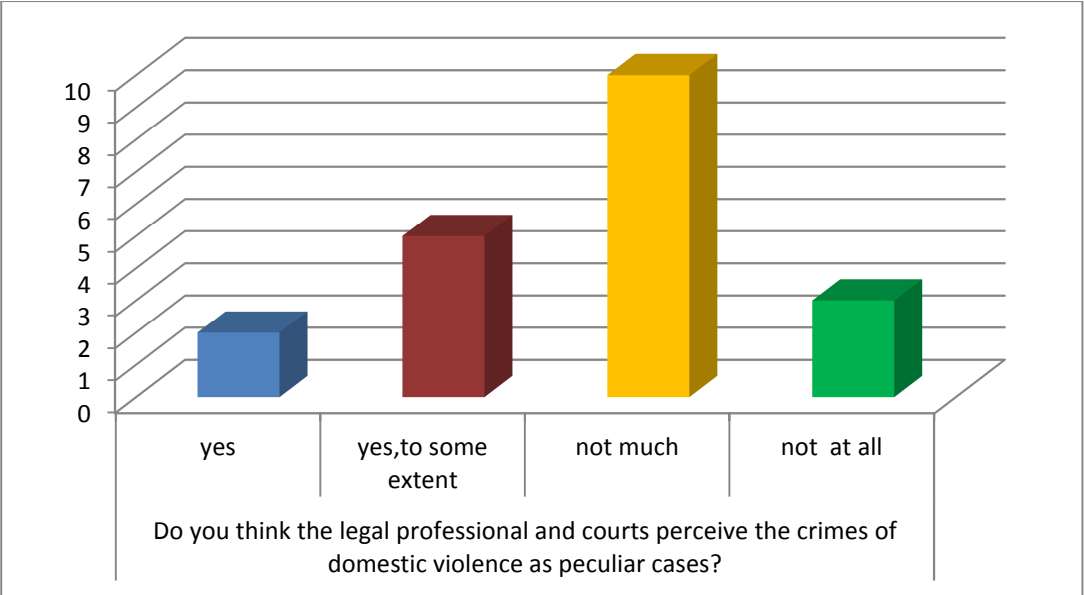
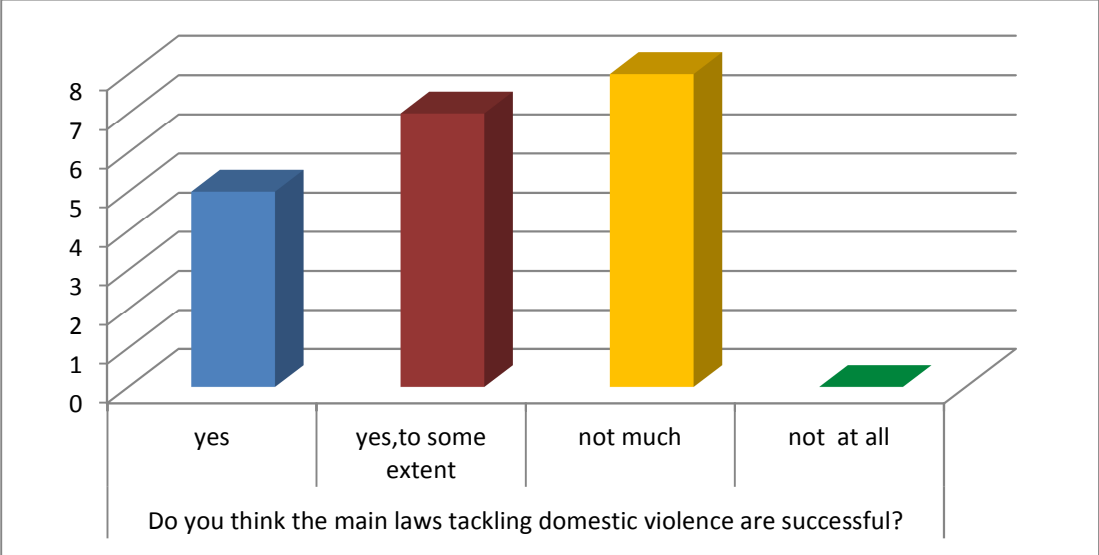
Specialists claimed that it is necessary that social workers, psychologist work with victim as a team, not just like separate individuals. Also there is a need of trainings for social workers in various themes connected to domestic violence: legal aspects of domestic violence, cooperation with legal professionals, psychological preparation to work with victims. Lectures about legal procedures, court work.

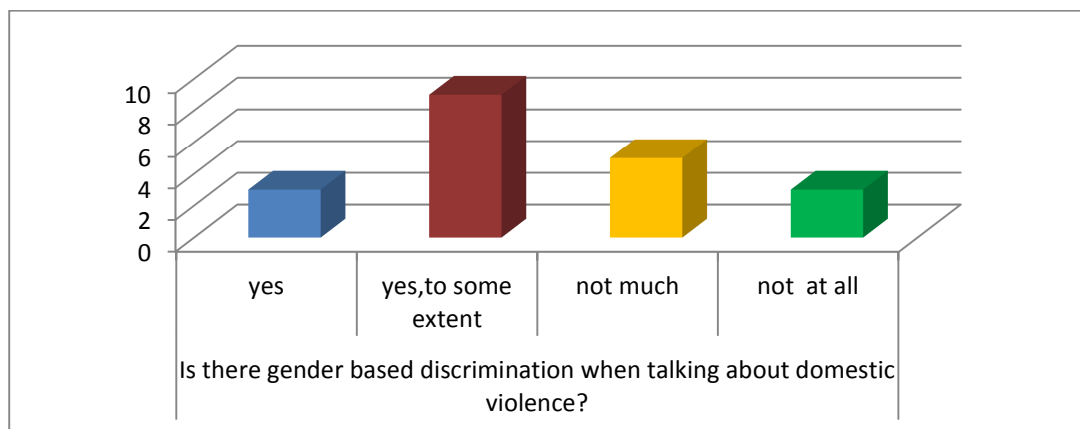
Social workers also added that the domestic violence cases would be solved more effectively and efficiently if specialized courts would be established. If judges would work just with domestic violence cases and family law the dialogue between lawyers judges prosecutors and social workers would be more effective. Maybe it is a future perspective, because now there is, not enough practice and cases in courts that judges would consider the possibility of specialization in domestic violence cases.

3.0. RESULTS OF THE QUESTIONNAIRES IN BALTIC STATES

3.1. Latvia







Obstacles for efficiency of these laws

- Laws in Latvia that are tackling cases of violence are not directly related to domestic violence, i.e. domestic violence in a family is not their “target group”; none of these laws directly defines domestic violence, the types and behavioral examples of it as such;
- Regulations of legal rights do not suggest effective actions to prevent domestic violence, mostly using penalties after violence has been committed. Most often normative acts suggest punishments for violence that has already happened;
- Besides juridical methods the police staff also have to be trained for there is a great importance of detecting violence so that laws could be applied efficiently;
- Current normative acts do not protect from violence efficiently therefore innovation/an other normative act would be appropriate.

Corrections needed :

The continue of educating the society about these issues is necessary by educating first of all the professionals that deal with cases of domestic violence (policemen, custody court, social workers, judges etc.) , because there is still not enough perception of domestic violence and it’s forms; Improvement of normative acts taking experience of other European countries as an example;

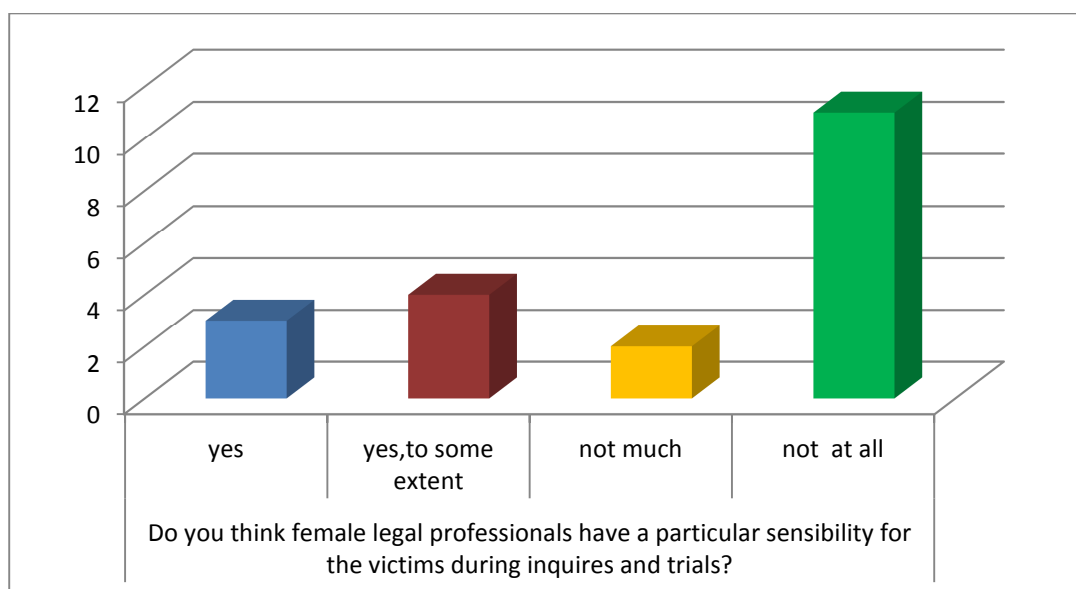
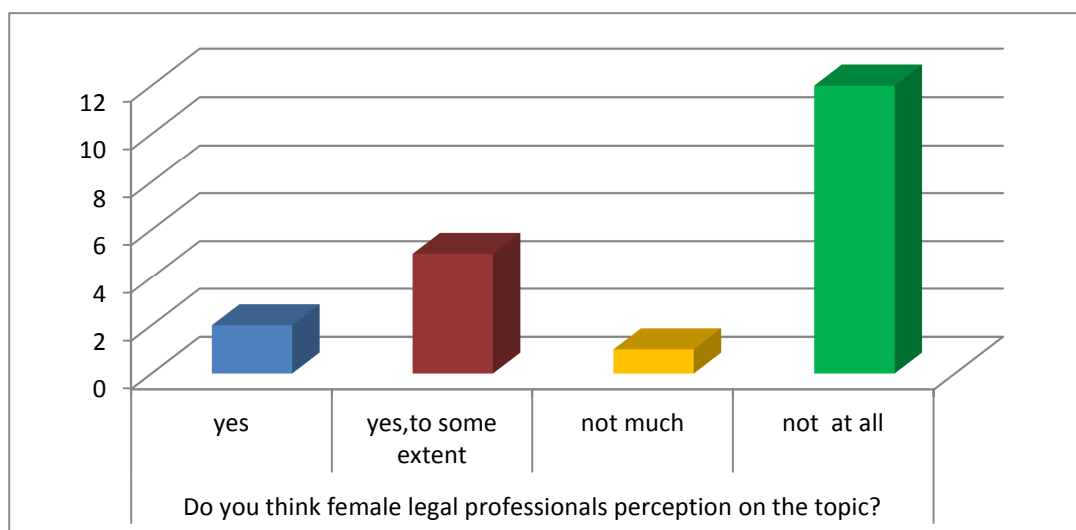
It is necessary to make a common perception of domestic violence amongst professionals tackling the cases of it, our system lacks a common definition of the term “domestic violence”, it needs to be specified in our legislation as a permanent type of violence, with it’s forms and behavioral examples/models depending of ways it manifests itself within a family;

The state and municipalities have to rise financial support for services of rehabilitation available to victims;

Latvia has to improve the institutional work that deals with watching over abusers;

Training for policemen and custody court staff needs to be more efficient when it gets to learning of how to solve conflicts;

Penalties and regulations for abusers need to be more strict.



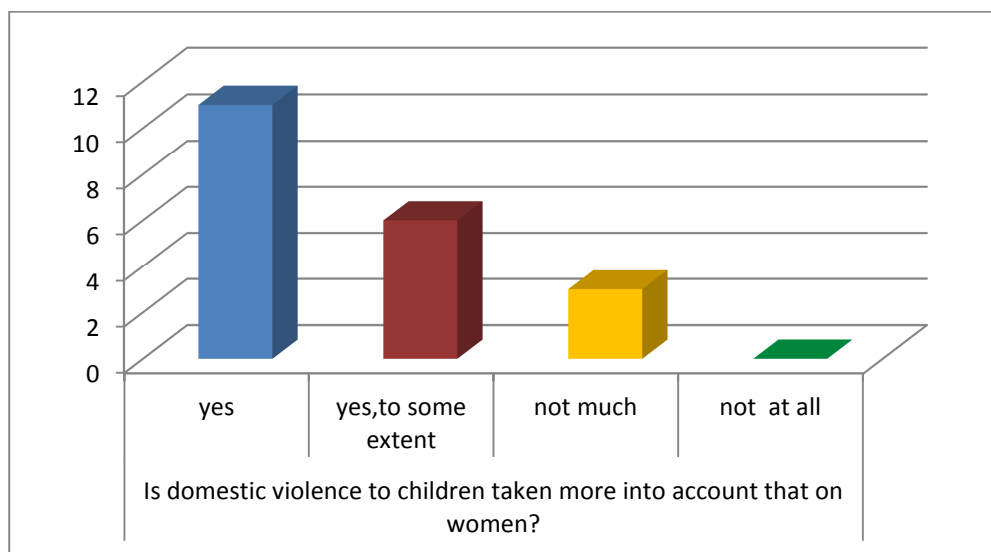
Reasons for cases of domestic violence not being regarded as frequent in litigation process:

The court do not receive many domestic violence cases, because a family chooses to remain silent and the society often does not talk about it openly either, so only few cases proceed to the court;

Domestic violence cases do not proceed to the court for there are chances to "make it up", to forgive etc.- it's only impossible to open a case because of the risk only;

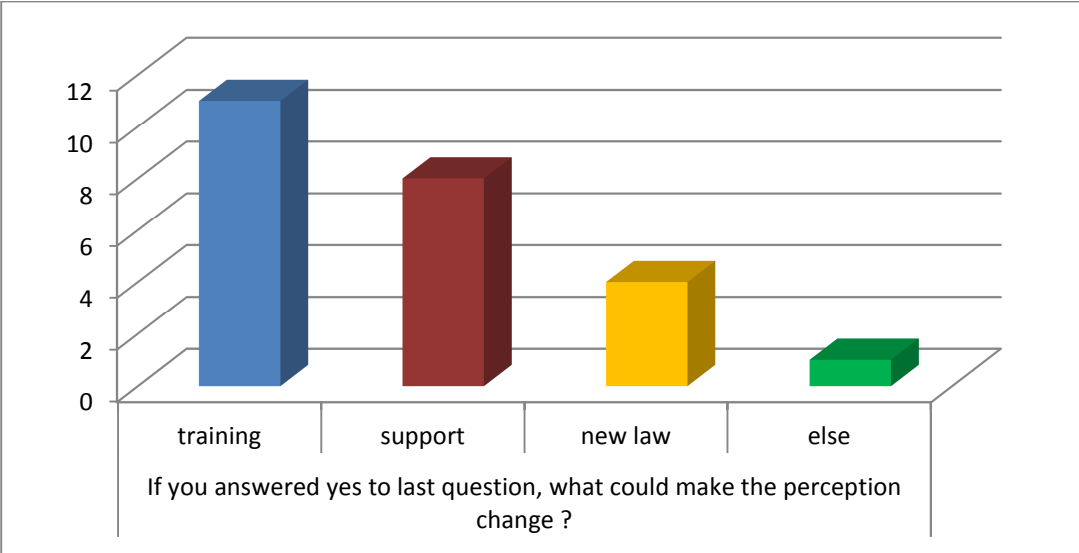
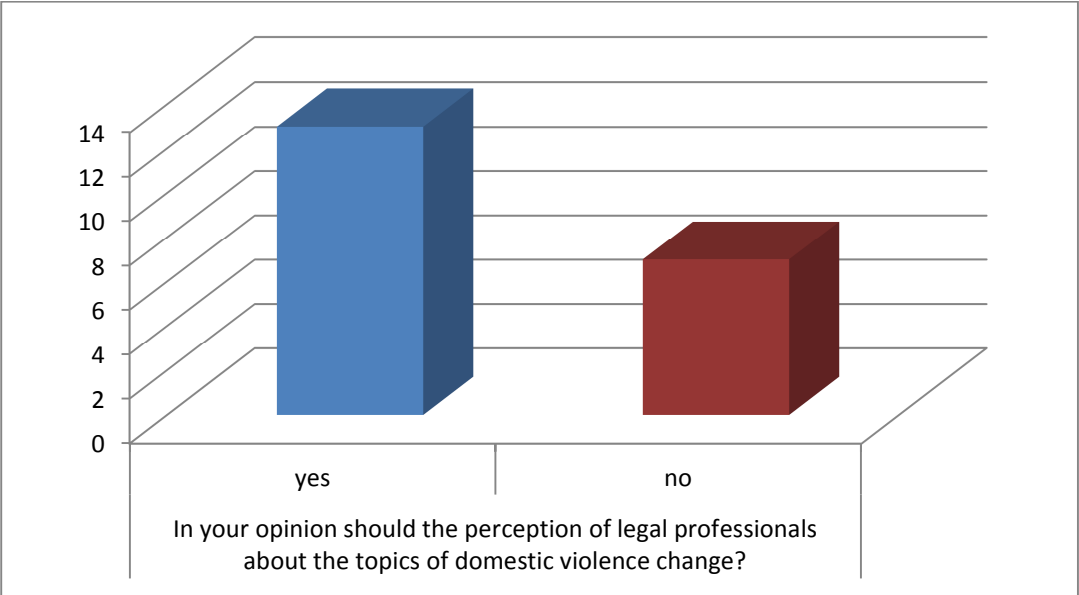
The sanctity of individual's private life do not support a participation of the state in family matters, including the prevention of domestic violence if consequences aren't too severe;

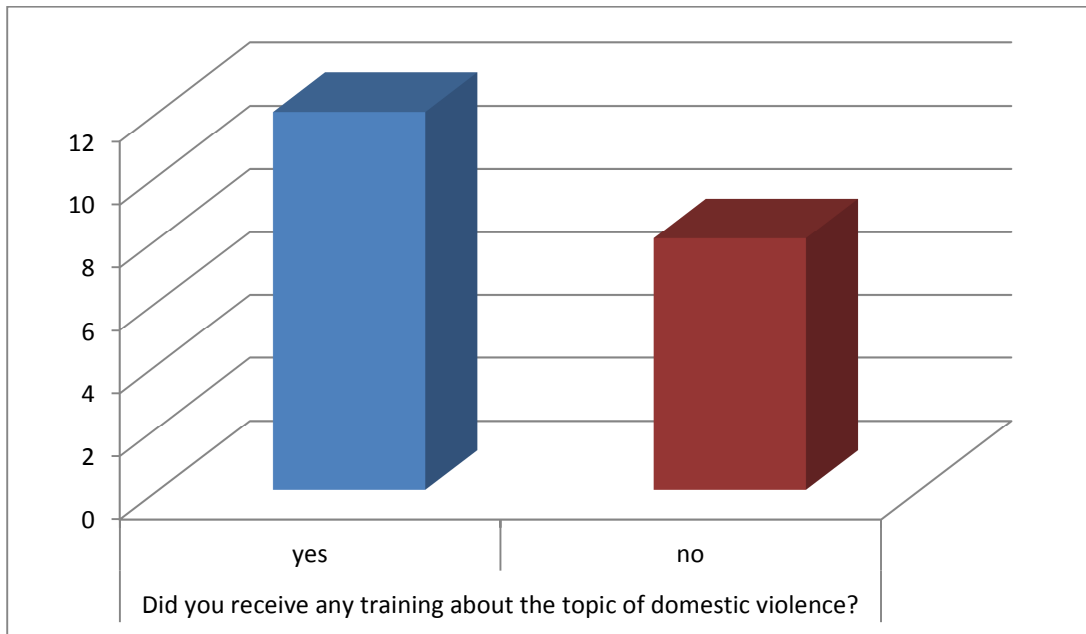
After the crisis in the economy of Latvia such cases proceed to the court more often though than before it. Most of the time they are cases of divorce because of spouse's physical or emotional violence towards the other partner/and children or cases of domestic violence in the family.



Reasons for greater attention in cases of violence towards a child :

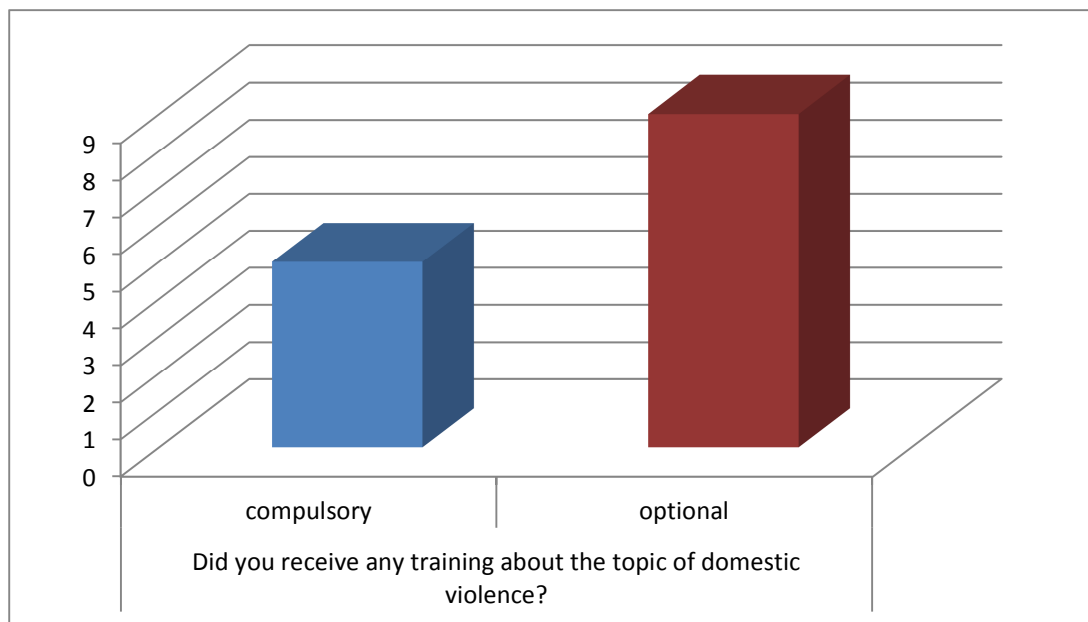
- There is still a general opinion in our society that an adult should be able to take care of himself as well as to protect his rights therefore in such cases institutions (police, court etc.) cannot make actions based only on their initiative, but without a permission of a victim;
- A child by definition is less protected than an adult, it's the least protected part of our society therefore a child's interests and protection is a priority of the law;
- It has to be this way, for if a child suffers from violence, it makes an impact on his development as a personality;
- Until Year 2011 it was up to woman herself (in cases of minor violence and body injuries) to make an application for a court or not. Police did not investigate such cases, prosecution did not proceed with accusation, a court wasn't interested in minor cases, and it looked for excuses (incorrectly formed accusation etc.) to decline the case;
- Society despises violence towards children in much greater extent than violence towards women, it hates children abusers and even criminals rate them as scum and sociopaths.
-

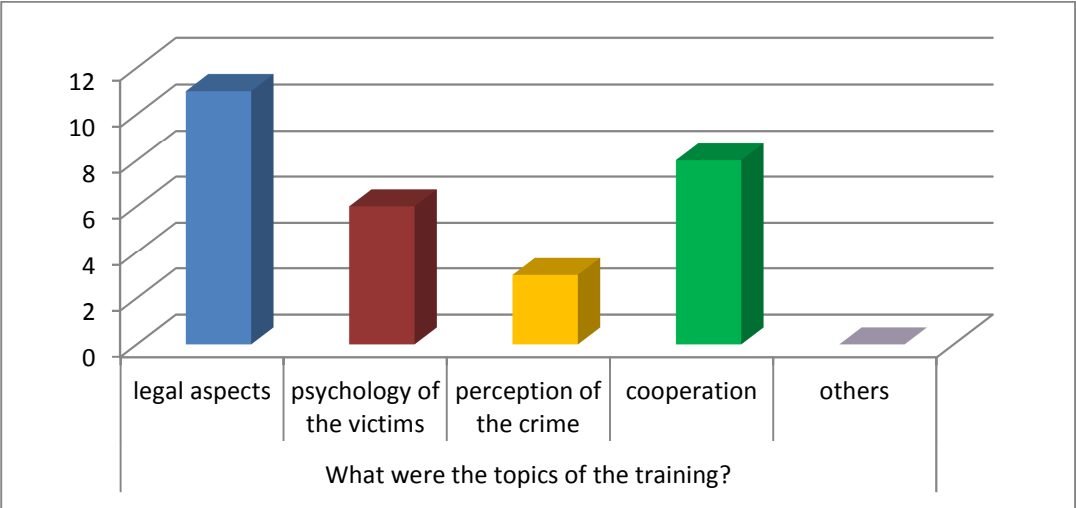


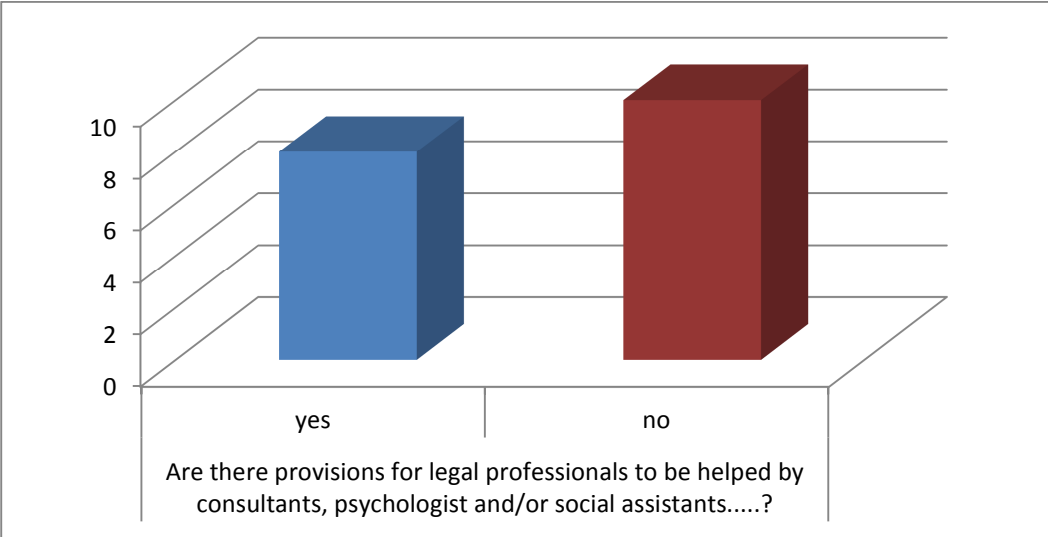
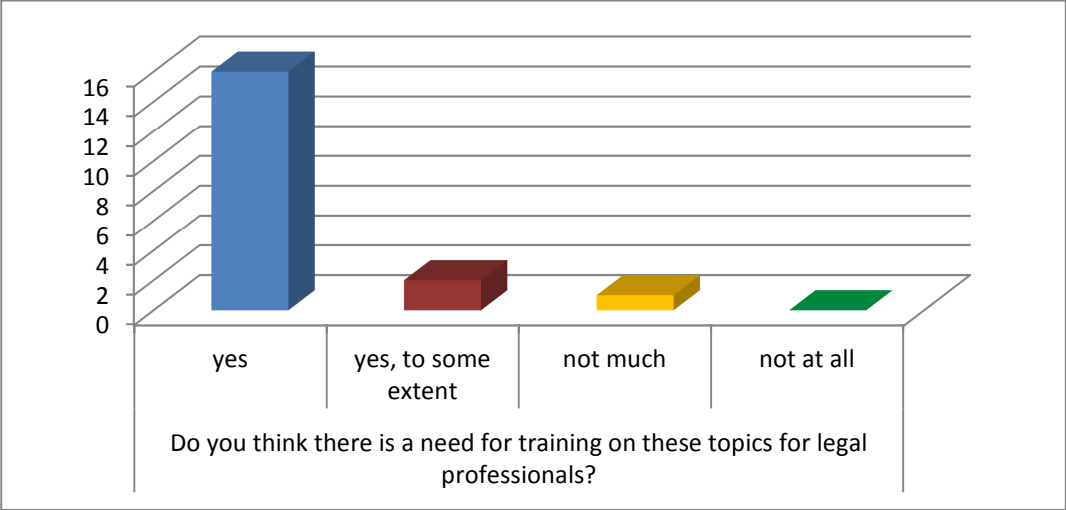
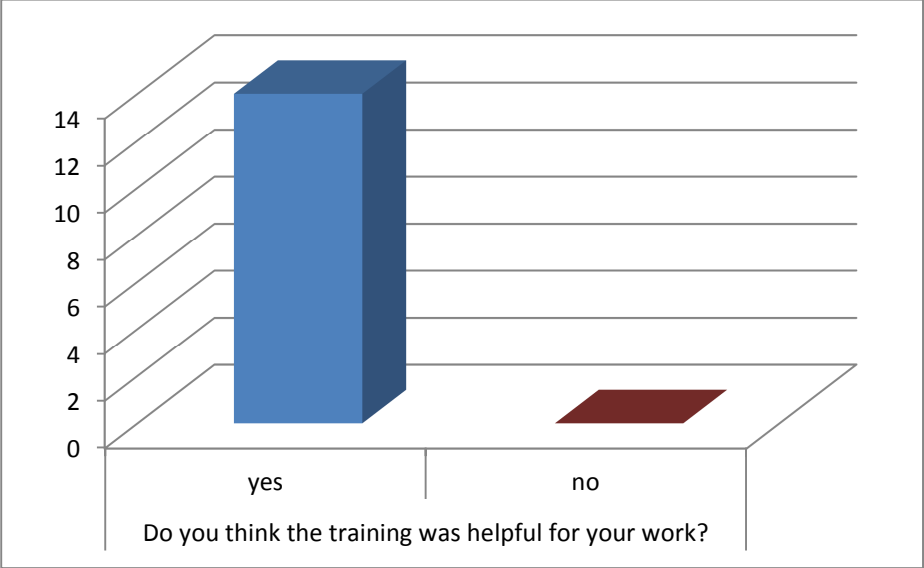


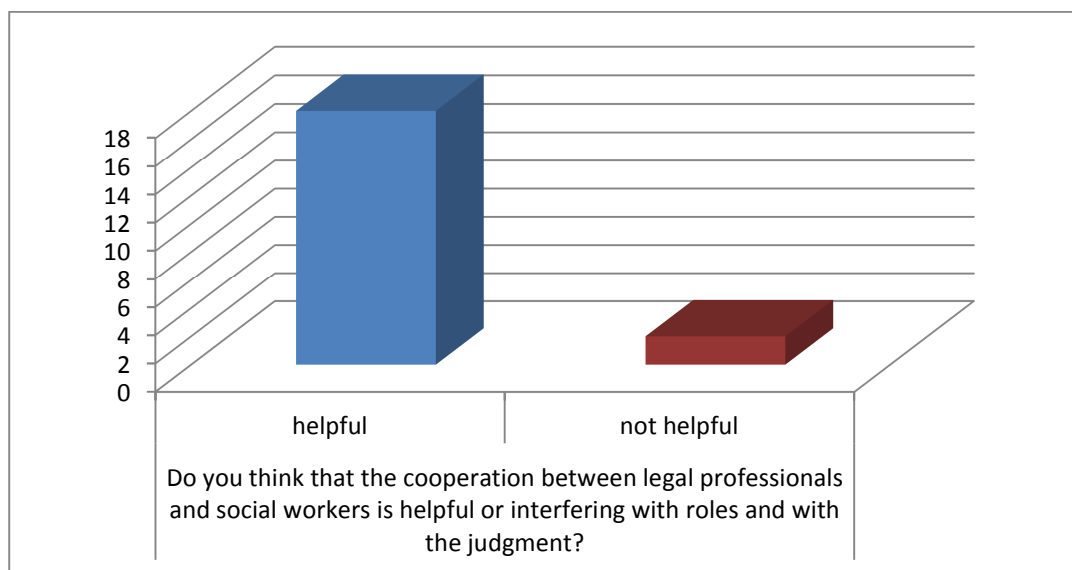
Causes of perception:

- Discrimination relates to being unprofessional, perception about a topic does not depend on gender, but from being just and professional towards a case, it is based on logic and personal experience;
- Female legal professionals also sometimes justifies domestic violence, blaming a woman for provocative behaviour;
- A female legal professional, if she has children of her own, rates such cases as important, pays more attention to them, provides her advice of getting the necessary evidence.









Reasons for change of legal professionals perception towards domestic violence:

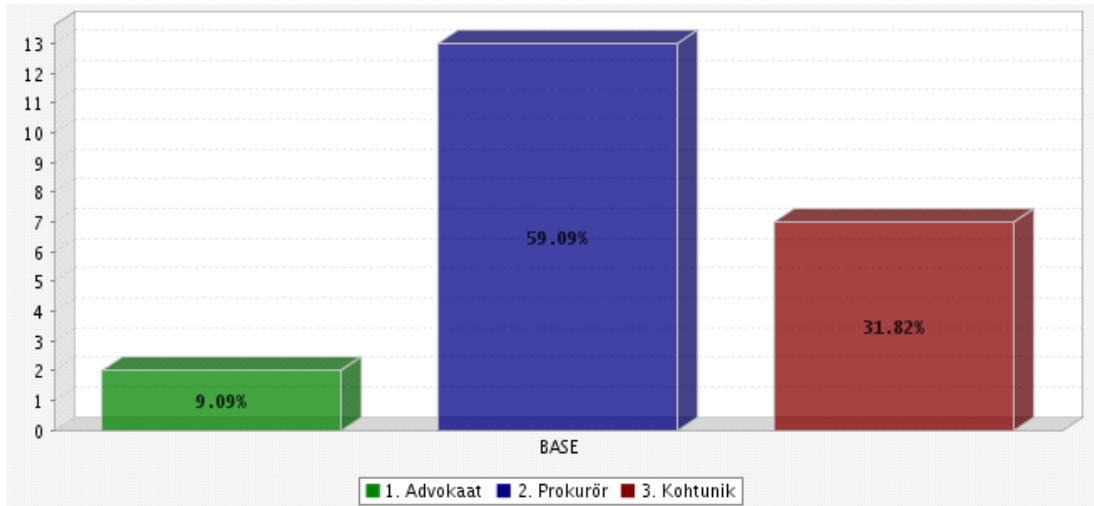
- It would be useful;
- The topic of domestic violence is still undeveloped in Latvian legislation;
- There has to be more serious activities to prevent domestic violence.

3.2. Estonia

In the following chapters we gathered information on the existence of specific training to for judges, lawyers and prosecutors on the themes of domestic violence, and the specific needs, behaviours and psychology of the victims. It will be also reported what is the average awareness of the problem and the victims' point of view in the institutions combating and preventing domestic violence.

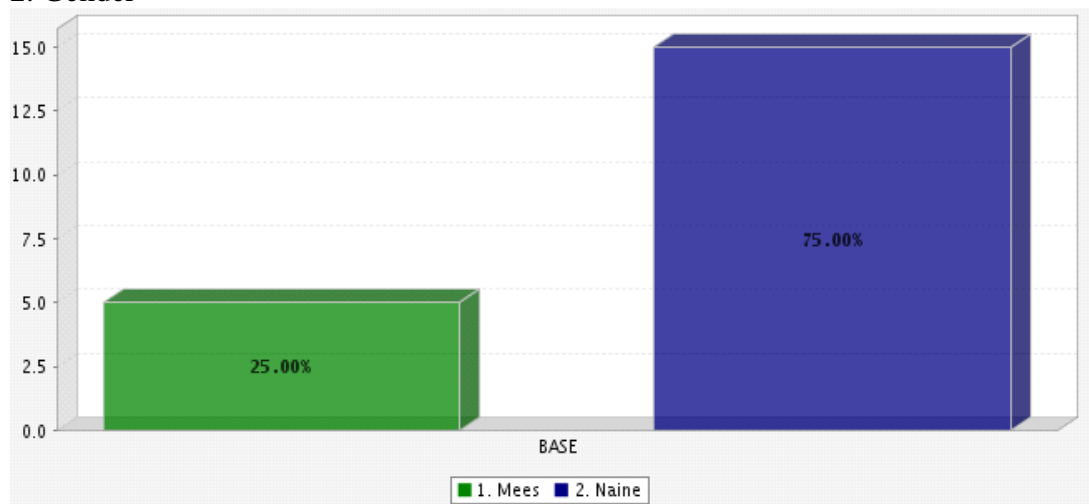
Therefore it has been decided to “let them speak”, in order to listen directly to the point of view of judges, lawyers and prosecutors, and to adopt another tool to reach the best results on such work categories: the adapted questionnaire tool.

1. Role



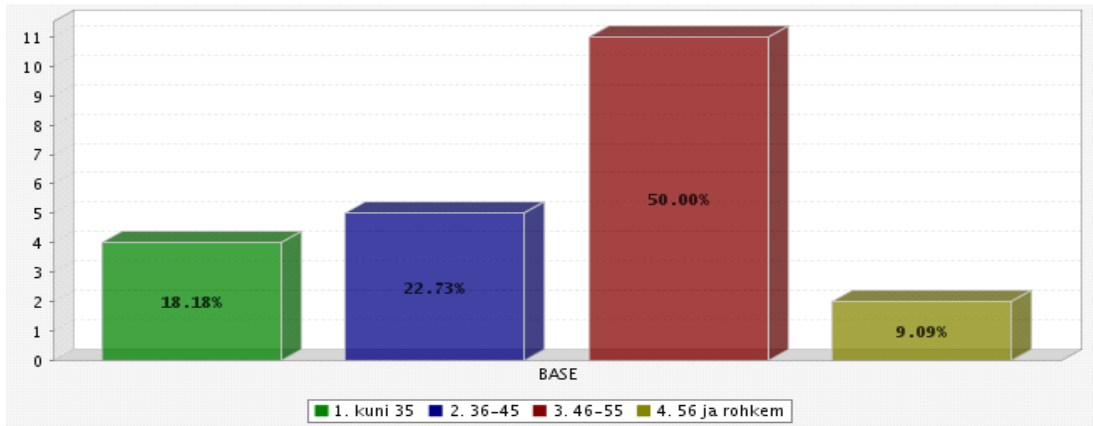
lawyer
 prosecutor
 judge

2. Gender

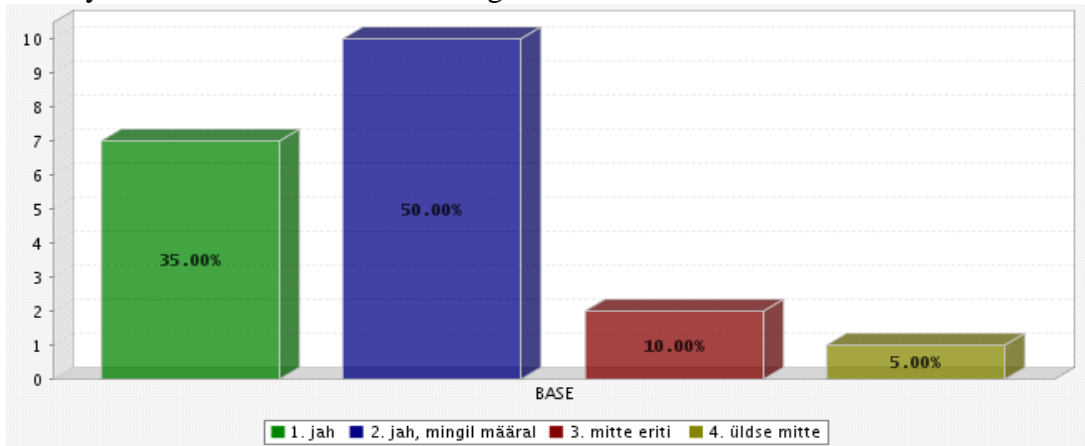


male
 female

3. Age



4. Do you think the main laws tackling domestic violence are successful?



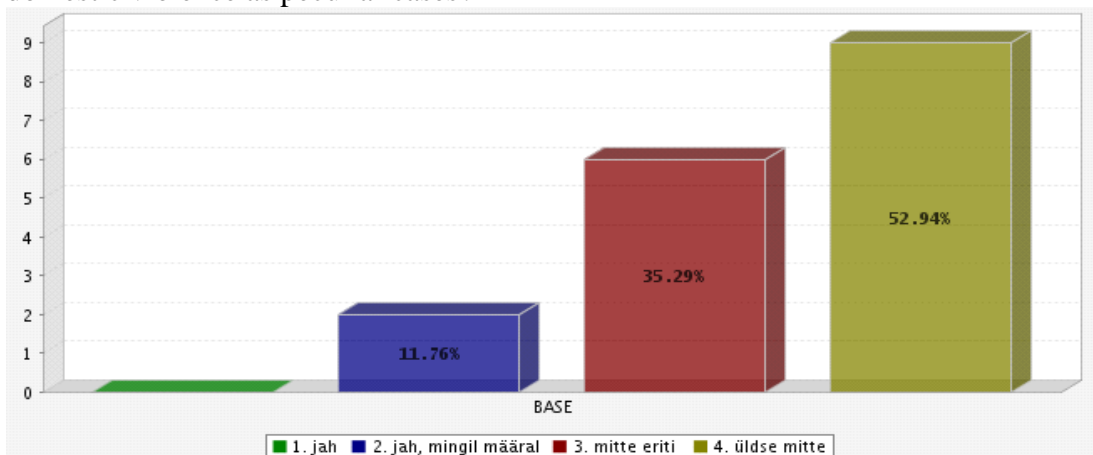
yes

yes, to some extent

not much

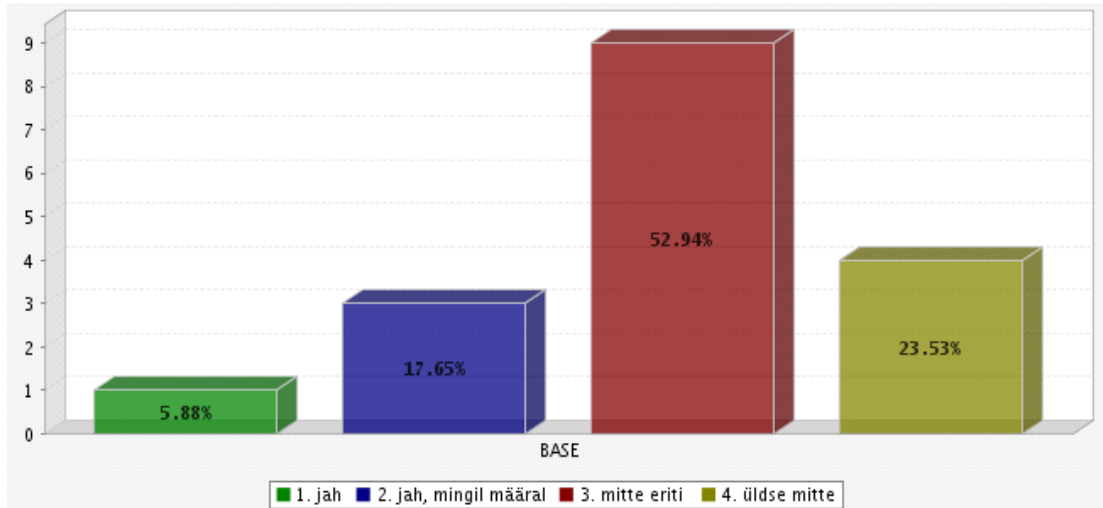
not at all

5. Do you think that legal professional and courts perceive the crimes of domestic violence as peculiar cases?



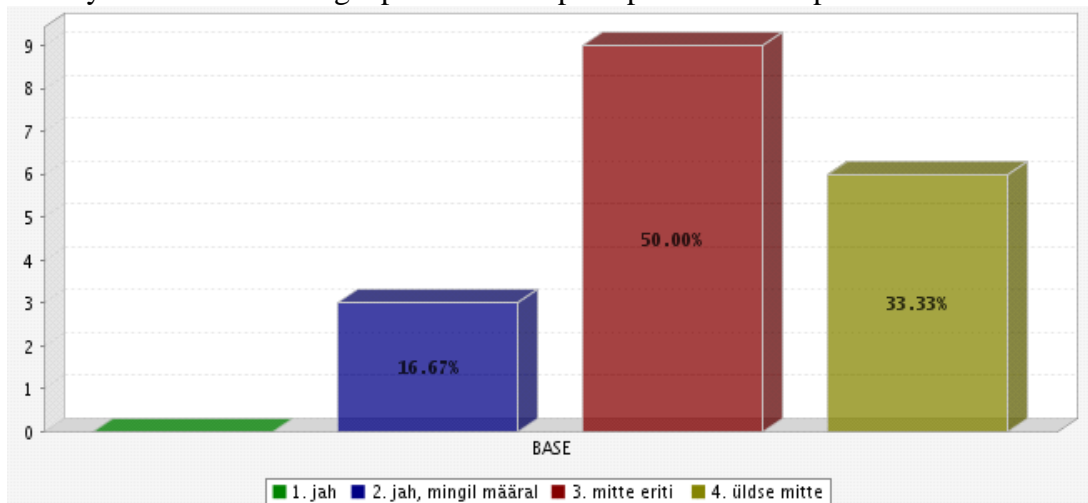
yes
 yes, to some extent
 not much
 not at all

6. Is there gender based discrimination when talking about domestic violence?



yes
 yes, to some extent
 not much
 not at all

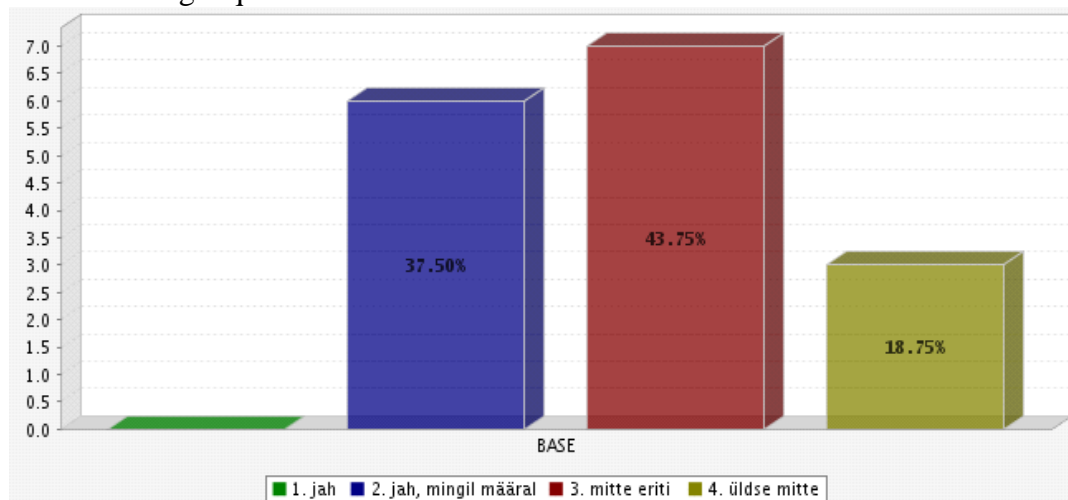
7. Do you think female legal professionals perception on the topic?



yes
 yes, to some extent

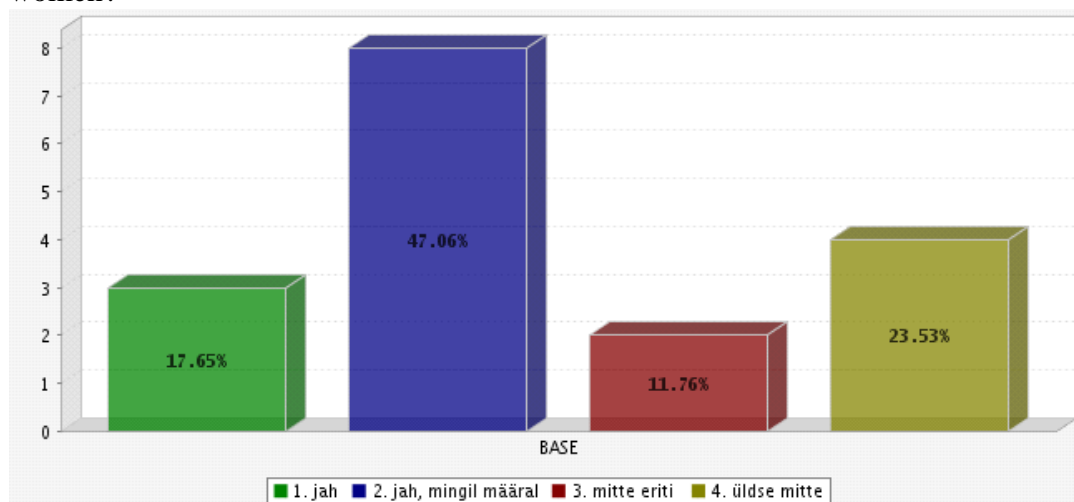
not much
not at all

8. Do you think female legal professionals have a particular sensibility for the victims during inquires and trials?



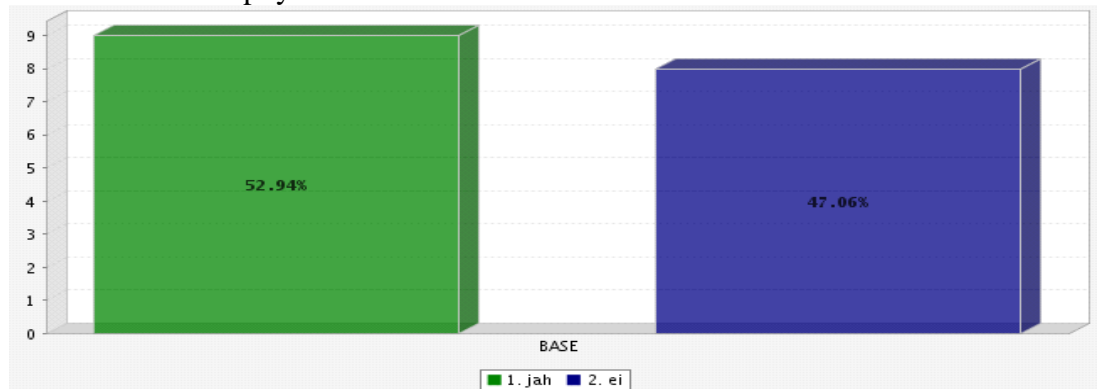
yes
yes, to some extent
not much
not at all

9. Is domestic violence to children taken more into accounting that on women?



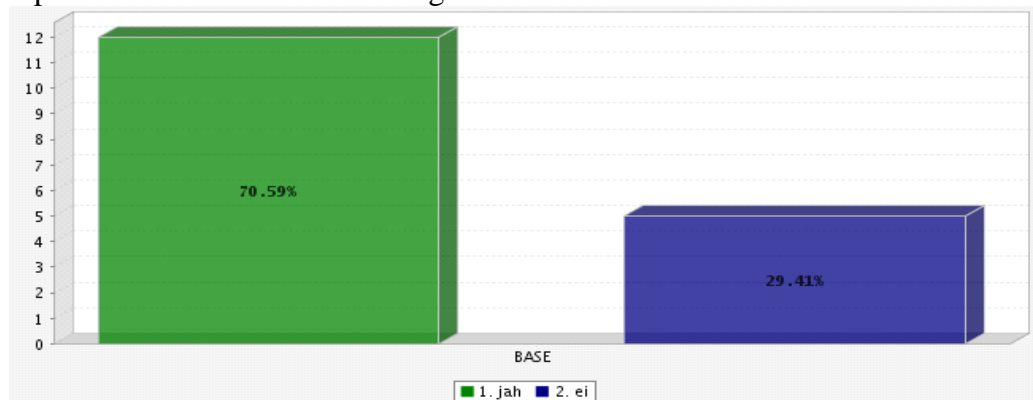
yes
yes, to some extent
not much
not at all

10. In your opinion, is psychological violence taken into account by judicial courts as much as physical violence?



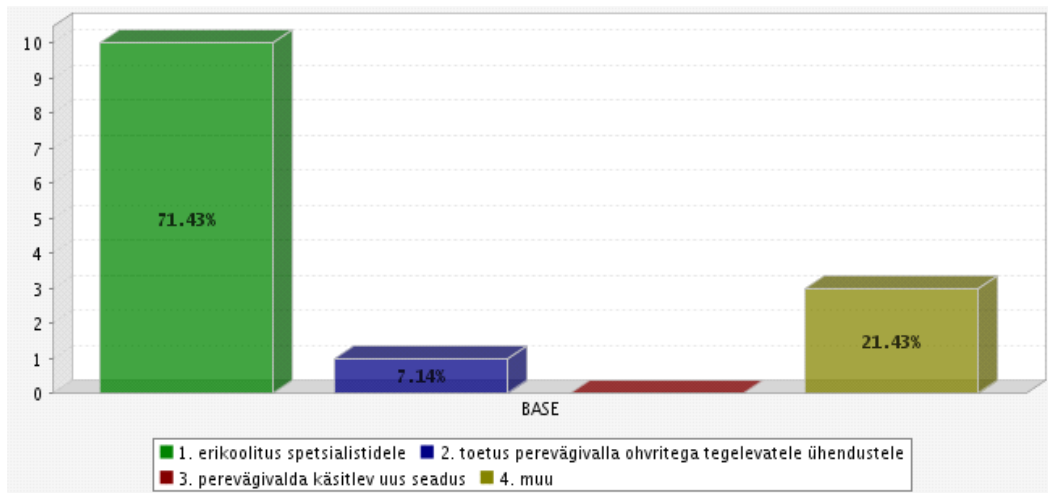
yes
no

11. In your opinion should the perception of legal professionals about the topics of domestic violence change?



yes
no

12. If you answered yes to last question, what could make the perception change? (Multiple answers accepted)



specific training

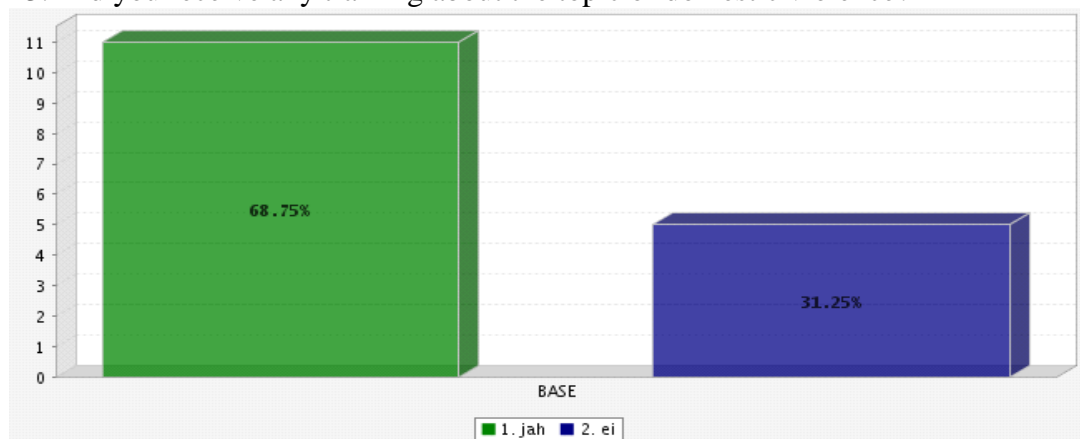
support of associations dealing with the victims of domestic violence

a new law dedicated to domestic violence

something else...

TRAINING

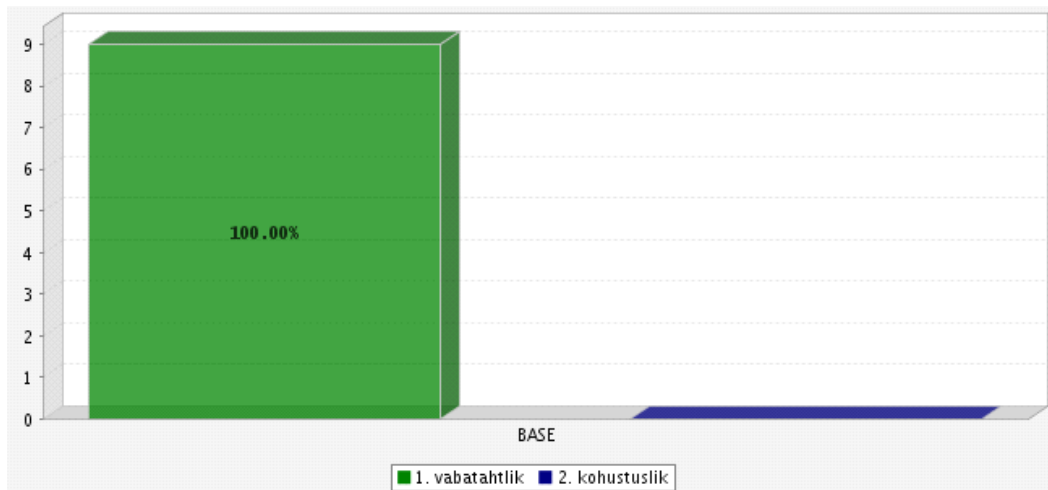
13. Did you receive any training about the topic of domestic violence?



yes

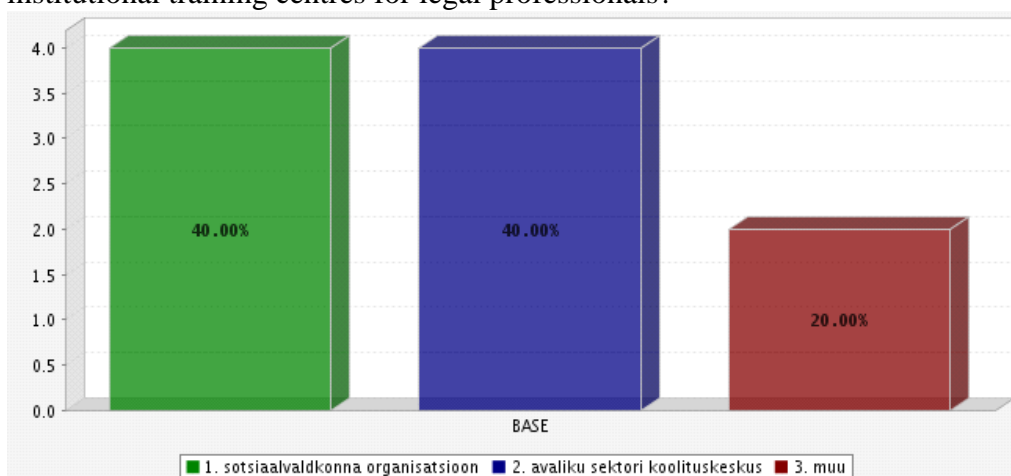
no

14. If yes, training was:



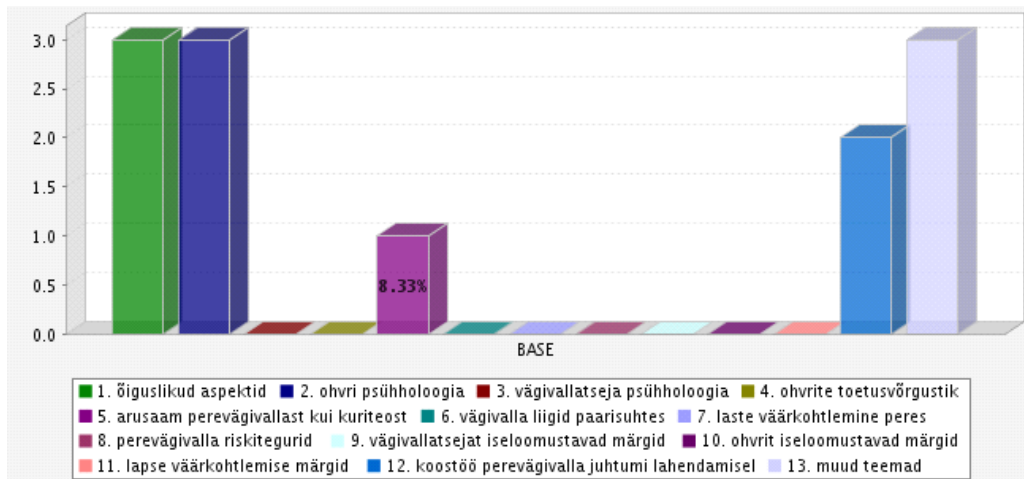
compulsory
optional

15. Was the training organized by private social organizations or by institutional training centres for legal professionals?



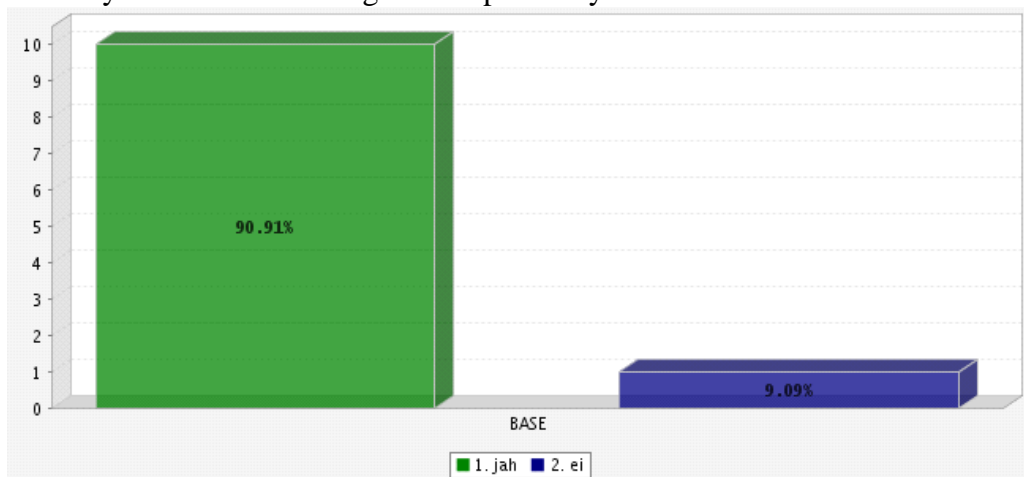
private social organizations
institutional centres
others

16. What were the topics of the training?



legl aspects
 psychology of the victims
 perception of the crime
 cooperation
 others

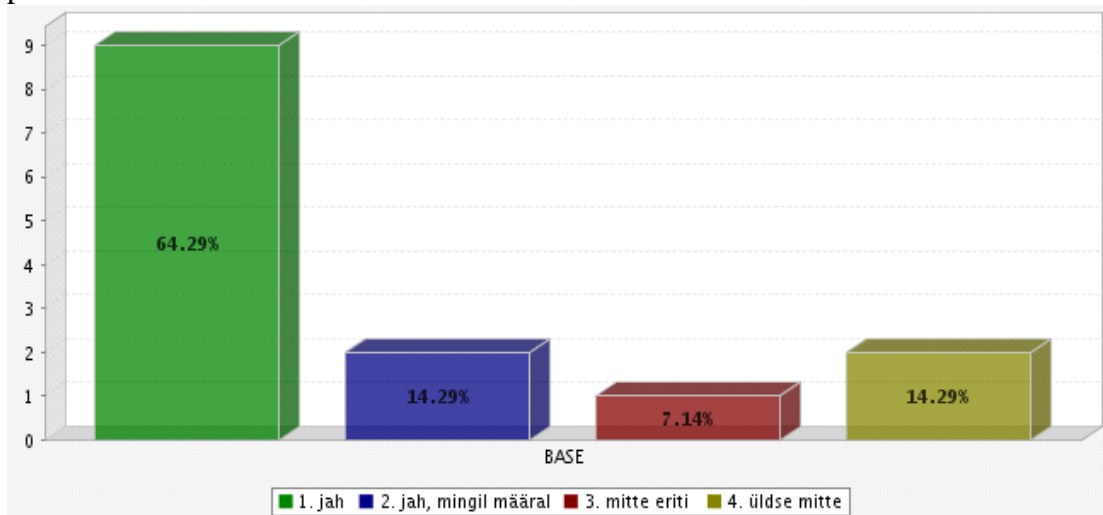
17. Do you think the training was helpful for your work?



yes
 no

18. Do you think there is a need for training on these topics for legal

professionals?



yes

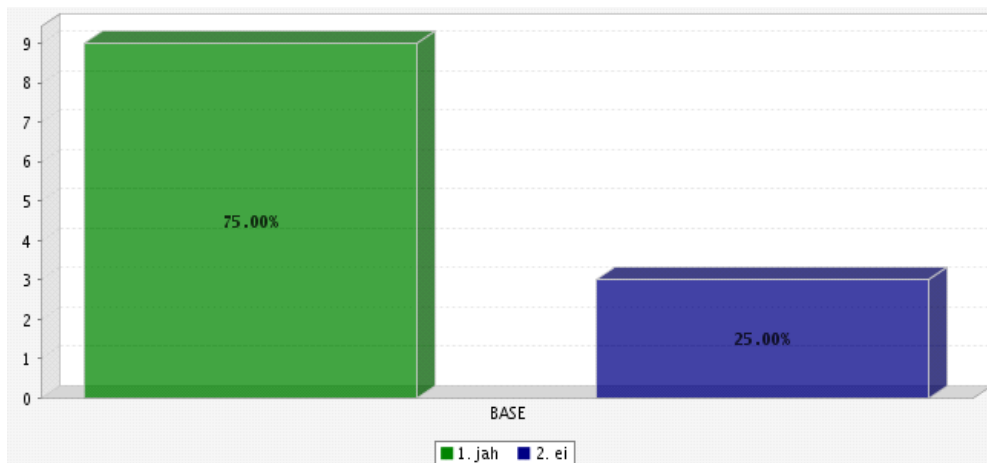
yes, to some extent

not much

not at all

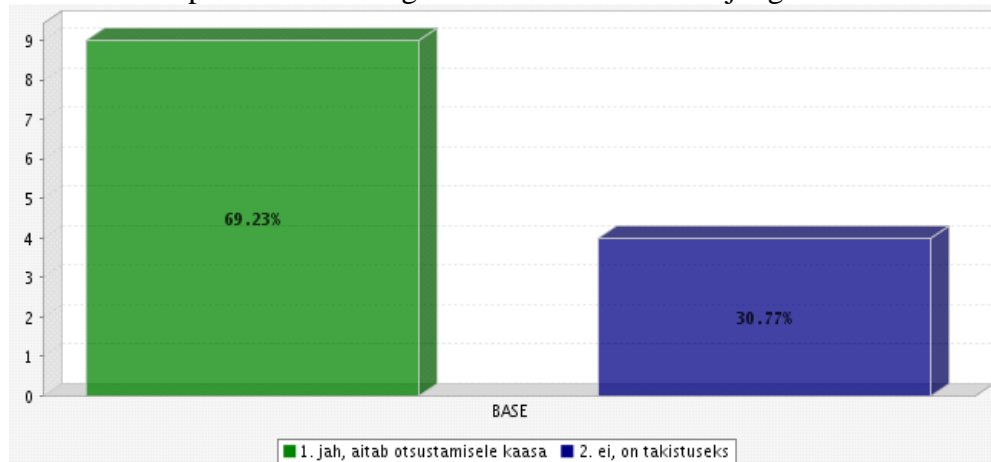
COOPERATION

19. Are there provisions for legal professionals to be helped by consultants, psychologists and/or social assistants in their communication and relation with victims?



yes
no

20. Do you think that the cooperation between legal professionals and social workers is helpful or interfering with roles and with the judgment?



helpful
interfering

If criminal proceedings have been initiated, law offers more protection to children. During a questioning of a child a certain person should be present there, if we speak about questioning a woman, nobody should be present during this (a social worker, a psychologist). There are certain requirements on working with children. In case of children certain aspects are being considered.

At least in case of children there is no such attitude as 'he must have done something to deserve it'. In case of women specialists say that you still have to analyze her personal behavior. It's very good that at least violence against children is taken seriously; if we could achieve that for violence against women as well, they are still more vulnerable.

Do legal professionals have any paragraphs or guidelines on co-operation with consultants, psychologists, social workers?

The Victim Support Act says that you should provide a person needing help with information. Each protocol of interrogation includes a statement that a victim has been informed of the Victim Support Act and possibilities of receiving psychological help, and then a victim gives a signature.

Legal professionals as colleagues and co-operation partners are always free to turn to us. If I realize that I am not that good at something, I always turn to someone more competent. The Victim Support is a public service, everyone may turn to us, regardless of being a victim or a legal professional, we don't

make any difference. They do turn to us. It depends on a person.

I have an experience of talking to a child, some investigation officers asked to be so kind and go talk to him. Some investigators feel unconfident talking to children or are incapable of doing this.

Training for legal professionals

In spring we've had one in Tallinn for the Prosecutor's Office and certain investigation officers chosen by the office. Now we're about to have one in Ida-Viru County as well.

Is the training voluntary? What are the main subjects covered by the training?

The Estonian Women's Shelter Union had carried out primary training on 'what is family violence'. This was the basic 'eye-opening' training. If a legal professional has never had any training, we are speaking in general terms. This training should be followed by other, deeper, advanced training. The first was aimed at general introduction of the subject, to making people understand that there is a lot of things they don't know on the matter and they need more.

One of the tasks when new county network training come is to achieve a common understanding of things, Victim Support workers know very much but if there is another counterpart of the network who is completely unaware of the difference between a bar fight and family violence, it takes very long to get the network to respond. The aim was to give a small introduction and bring understanding in order to carry out further network training in counties. The Tartu Women's Shelter is planning a training course in autumn, where they would bring all the various links of the Tartu County chain together - from patrols to judges.

One of the positive aspects of training is bringing people together, so that they know who this or that other person is. Even I feel braver turning to people that I know and have/want to create trustful relationship with. Personal contacts are essential.

What social services can be used by family violence victims?

- The Victim Support;
- Social departments – they do not have separately established services for family violence victims. This is for everyone who needs social subsidies on the basis of the registration at the local government office;
- Consulting centres.

Does the information regarding family violence services reach the necessary target group?

According to law, the information should reach the victim at the initiation of criminal proceedings.

Brochures contain the information on Victim Support and other supporting organizations and shelters by counties. All the co-operation partners' contacts are there in the brochures. Maybe a victim fails to reach a Victim Support worker at once, so then she is able take the brochure and look for a phone number of a shelter to call.

At my house I have drawn up an A4 sheet of supporting organizations' contacts for the police. The contacts are subdivided by topics: who deals with drug addiction, alcohol abuse, family violence. We draw up such sheets so that the police could also give people contacts.

The signature is there on the paper but it doesn't ensure that a client received the necessary information. A signature does not mean being informed. This is a faulty piece of the system.

I see that healthcare institutions are a completely blank space – when a woman with injuries reaches them, it largely depends on a person whether the information is given forward or not. An obligation of informing should exist but they don't inform.

Do victims trust the service provider?

The first time there is always more or less mistrusting attitude, you can't help it. Though it also largely depends on how well you can purely create this relationship of trust. We should say that our support is confidential and make it clear that a shelter's worker will not file a complaint nor take anyone's children away.

There is a lot of mistrust towards the legal system. Quite reasonable people have spoken that they didn't feel protected by the legal system, that they felt insecure. In the end if she doesn't receive help from the legal system a desperate feeling may arise, maybe she had spent 5 years going to every institution and office to get this help. The despair hits; why am I talking about this at all. If a man is well-off but a woman does not have funding options, then a man may pay the lawyer/attorney and make it a ready lost case.

How many family violence cases remain untried?

The majority of them. Here we can't speak of those who come to the shelter, because we are dealing with these cases.

In terms of statistics around 10% ever reach the court. This is actually quite poor statistics. People do not want to go to court at all. They want services, they receive consulting. To turn to a legal system one should yet be ready to go for it. Everything should be very well proven; you have to have enough evidence to go to court. The saddest part is when they get to a shelter, they speak of and they show their injuries. This could have been a very long-term mistreating but they never went to the police. What difference can the police make in my life? If a woman has already fled home, there is no way whatsoever to prove these things. This is so typical.

In terms of social services, how could they be improved, is there a need for any completely new types of services?

The important aspect is for the shelters to be sustainable on their own. To be brave enough to advertise more; when you run on three 1-month projects this is not a very good feeling.

There is an ongoing need for more legal and professional psychological support in addition to emotional support and all the regular information, a need to help in courts on disputes about children. Manipulation regarding child custody rights is a big part that keeps from quitting the relationship.

There is a need to increase the awareness of child protection workers, which is sketchy. Does a victim dare to go and talk to him or her if a child protection worker is already of such a good opinion about her man? In the end a child protection worker is against the woman, starts looking for her faults; so it ends up with children being taken away.

Getting social subsidies from local governments is strictly limited, even this single-time support when she gets to a shelter is extremely hard to obtain. A woman arrives at a shelter without money or clothes, so the shelter starts looking for some clothes for her. We don't have the right to buy food but we can't leave a person hungry like that either. This is a weak spot – where do you get food for this woman? If a woman wants to rent an apartment, where is she supposed to take a deposit, advance payment for one month and a real-estate agent's commission? A shelter does not have this money.

Moreover, destruction of documents sometimes takes place, and applying for the new ones is quite costly. Before there used to be an option of getting new documents cheaper if the old ones have been destroyed due to a crime, there is no such option anymore, everyone has to pay the full price.

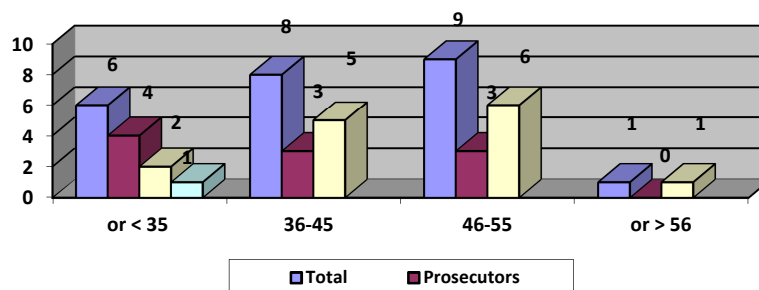
To end up, is there anything to add, anything that went unspoken?

In order to get the things going it is essential for people from various fields to be coming together, for offices to interact with each other – then a network co-operation would appear. If there were such communication between the fields of operation it would create ‘I know the person who deals with it there so I will get in contact with him or her’ attitude. Victims do not want to tell their stories numerous times to different people, this is extremely exhausting. Speaking of violence means tasting the blood in your mouth again every time you have to think about it.

3.3.Lithuania

In Lithuania 25 respondents answered anonymous Questionnaire: 1 lawyer, 10 prosecutors and 14 judges. Analysis provided by gender and by legal professional category. No lawyers participated at the research.

Age chart:



1. Laws tackling domestic violence (directly or indirectly)

1.1. What are the main laws tackling domestic violence in our country?

Please describe.

There are three main laws tackling domestic violence issues in Lithuania. Law on protection against domestic violence (LPADV), Penal code (PC) and Penal process Code (PPC).

Most of the respondents demonstrated good knowledge. One of the judges mentioned Law on Fundamentals of Protection of the Rights of the Child.

According to the comments it is hard to apply the law in case of just psychological violence which is recognized as such but not punished.

As currently judicial regulation is extremely strict to perpetrator officers are very precise with evidence collecting. It is not rare that cases are closed due to lack of crime content.

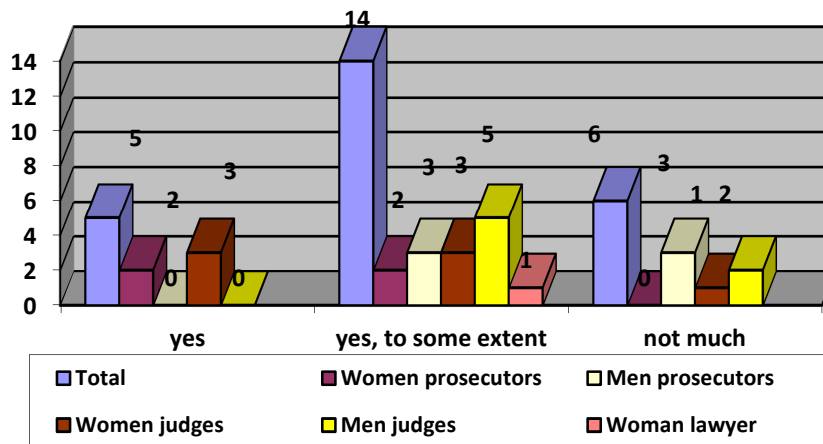
Law on protection against domestic violence (LPADV) is adopted recently and amendments are expected as new practice occurs and reveals weak parts etc.

Need of preventative measures are declared by respondent.

Answers:

Prosecutors	
6 male	4 female
- Law on protection against domestic violence, Penal code, Penal process Code. Although theoretically it is described how to act at domestic violence cases some declared norms are impossible to apply/implement in practice. Logic lacks some laws such as: psychological violence is recognized but under which article from PC persecutor should be punished.	-PC, LPADV - LPADV -Everything is criminalized, as violence is very prevalent – perspective is not clear. Accused persons will become recidivist. I think not just PC should be applied but also prevention measures.
Judges	
7 male	7 female
-Almost 6 questioners just marked but not commented -Currently judicial regulation is extremely strict to perpetrator. Officer gather evidence very precise, it is not rare that cases are closed due to lack of crime content. -current LPADV is very significant; probably latter it will be amended as certain disadvantages might occur.	-child protection law - Provision of this law allows isolating perpetrator as physical or psychological violence is identified, oblige separation, prohibit approaching and stop communicating. Similar means foreseen at PC but person should be suspected of having committed a crime.

1.2. Do you think they are successful?



Most of the respondents - 18 agreed that current *laws are successful*. 6 respondents said *not much*. None of the respondents choose reply *No*.

The Law on protection against domestic violence (LPADV) was adopted on 26 May 2011 and it is still not much experience on its application. Most of professional's link to complicated implementation as perpetrator has to be removed from home.

Lack of prevention measures is needed.

Some professionals see danger of misusing this law, provoking a conflict and punishing a perpetrator as an outcome.

Additional funding should be foreseen for implementation of new measures of LPADV.

This law is also criticized publicly in Lithuanian media as it lacks funding and human recourses as administrative paperwork takes all the time and recourses while all other cases suffer.

The law is still fresh so it is not yet productive as it suppose to be. In future there should be more positive results changing society's attitudes. Already we notice higher motivation and interest from professionals, willingness to cooperate for better results.

Answers:

Prosecutors	
6 male	4 female
-Prevention measure to isolate perpetrator from victim is hardly implemented. Although law is regulates where to "put" perpetrator, in practice it is obvious that he has no place to stay/live. State declares human right but is not ready to implement them. -no need to criminalize all the acts. Other proceedings are necessary not just PC.	-effective enough, giving results -laws are functioning, they are applied, we lack prevention measures. -I think persons who now how LPADV works could misuse it, provoke the conflict, imitate and stage it for personal interest. In other words cope with another person. -law works, persons are punished for smallest violence. But it supposes to help a victim which is not effective- so it is good to change responsibility under

-many unclear and not precise formulations. -necessary to adjust them to norms of PPC. Additional funding is required for police to implement the law.	administrative code.
Judges	
7 male	7 female
-usually head of the family- perpetrator is the only one who earns money so as wife knows that they could be separated is not complaining about violence. -law should foresee other means, not just isolation. Also victims situation after perpetrators isolation should be described.	-attention is too exaggerated towards violence cases- towards just one kind of violation or -sometimes police overdue while implementing the law. -there are cases of misuse, when both are drunk- wins the one who first claimed..turned for help. -obligation to live separately sometimes end with partners peaceful agreement/reconciliation and both remain living together. There are cases when victim depends on perpetrator, for ex. grandson who helps at home he cant be separated as person stays without help.

1.3 If not much or not at all what would you change?

Improvement of the laws is needed.

Alternative measures should be foreseen such as:

psychological (psychiatric) consultations for both sides, financial guarantees for victims and children, consultations and visits to the family, attention to underage were mentioned by respondents.

Alternative punishments are also needed, not just deprivation of liberty.

Elimination of “private litigation” would be crucial especially at cases when victim changes her/his mind and takes away the charges.

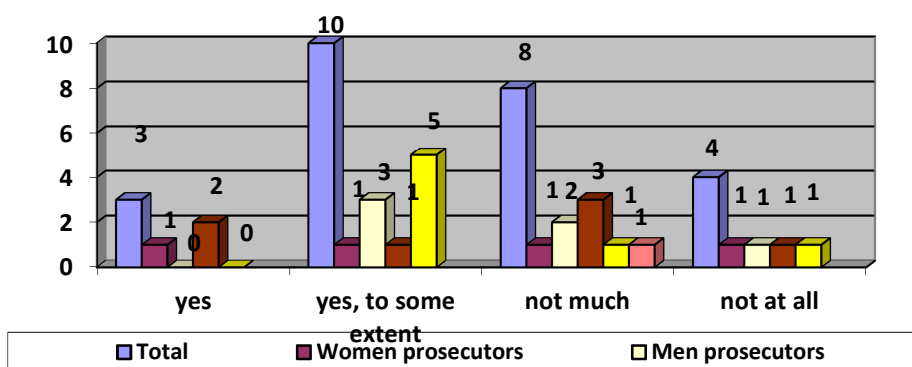
Answers:

Prosecutors	
6 male	4 female
-It is necessary to improve laws on violence in a domestic environment. Law is too imperative so that leaves no right /no choice for prosecutor or even a judge to make a decision regarding every particular case. -Partly contradicts to/all other laws.	-psychological (psychiatric) consultations are necessary to both- victim and perpetrator so it is a must to correct/amend the laws. Alternative punishments are necessary not just deprivation of liberty/custody.
Judges	
7 male	7 female

-there is need for alternative measures, like transferring money to families member account; unemployed perpetrator must get a job; get registered at police in case of crisis during eviction period; visiting families and providing consultations. - interim protection measures should be foreseen next to others to support underage in a family etc.	-I would eliminate “private litigation” article as victim has to prove everything since she/he later excuses, takes away the charges etc.
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2. Perception of domestic violence

2.1 Do you think that legal professionals and courts perceive the crimes of domestic violence as peculiar cases?



Respondents divided in 2 almost equal groups replying to the question both “Yes” -13, and “No”-11.

Usually victim, most of the times a woman changes her mind and takes away the charges.

In most cases perpetrator and even a victim are under influence of alcohol so it is hard to decide whether the evidence is false or true. High attention from media cannot force to accept the case as peculiar.

Sometimes court makes favorable decision to the first who placed charges.

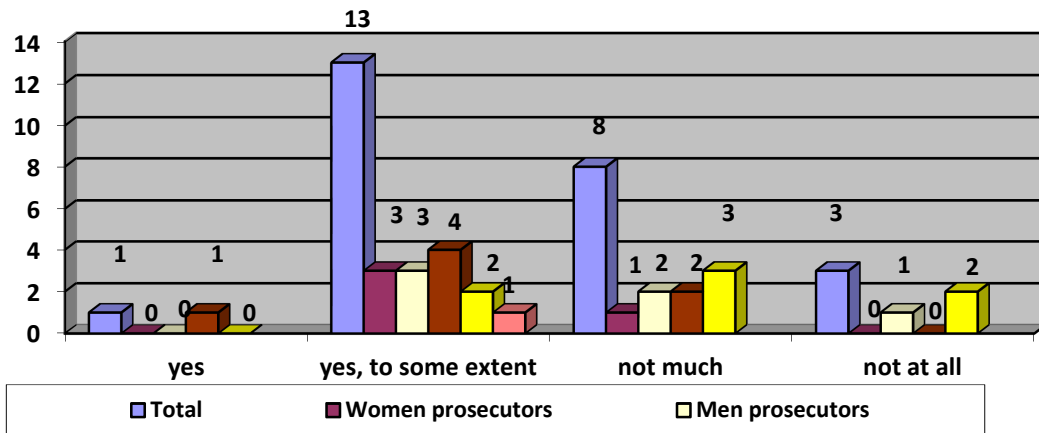
Sometimes cases are treated as peculiar as only 2 quite strict sanctions foreseen by the law.

Answers:

Prosecutors	
6 male	4 female
-These are simple crimes just done to certain people. -there are much more dangerous cases that must be treated as special. -1 high latency 2 problems occurring isolating perpetrator from victim 3 often victim refuses to continue the	-partly accepted as peculiar cases as both of persons are accused in most cases. Conflict there is a consequence. It is complicated to treat cases as special because there are cases when women overuse the LPADV law. -pretrial investigation and trial goes same

process. -higher attention is paid to those cases in prevention matter	way as in other criminal cases. -I heard that in all cases the person who complained was right, and another – punished. -those cases treated as all the others. It is special in a way described in law.
Judges	
7 male	7 female
-such situation because there are only 2 quite strict sanctions foreseen by the law. -violence is one of many crimes performed also at home/in family. Attention from media towards domestic violence cases is very high. But it gives no reason to treat it as special cases as person is equal against the law.	-those cases are same as usual, there are much more serious ones- such as killings, murder, abduction -it is complicated to say which cases are true and which made – alcohol rises too much false emotions.... -all cases at court are equal. We do not know if lawyers who do not work at courts treat those cases differently. -it is very rare that victim- usually a woman do not change her testimony during court procedure. It is crucial at family conflicts. 2 most often cases are: ... usually victims feel sorry for perpetrator and changes her testimony; collecting proof against perpetrator is direct with the purpose of eviction.

2.2 Is there gender based discrimination when talking about domestic violence?



Answers regarding gender discrimination distributed quite equally both YES-14 and NO-11.

Respondents mention that stereotypes still are very influential especially at rural areas when women are weaker so men are blamed. Some stereotypes are named as possible reason of domestic violence in general and some are mentioned as possible reason of charging a man as a perpetrator.

“There is popular stereotype that woman must obey man, if not – she is to be punished and if she is not punished – he is not a man. Based on this logic violence in family is prevalent.”

“Only a woman could be a victim in domestic environment.”

“There is a norm that woman is weaker so usually man loses.”

“Women tend to speak about violence most often. Men avoid talking about physical abuse. Even during divorce cases statement on psychological violence are rare.”

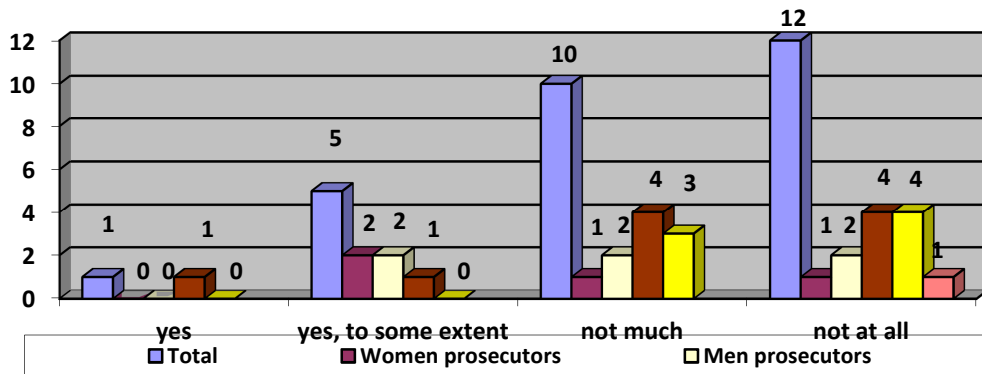
Although both men and women are equally treated by law- men use violence against women and children more often.

One respond reveals personal opinion as very stereotypical: *Men are superior as physically they developed better so they use violence against women more often.*

Answers:

Prosecutors	
6 male	4 female
<p>-Although most of those crimes are against women, I see no gender discrimination.</p> <p>-It is not clear from the question what this discrimination, who should discriminate is.</p> <p>-most often the man becomes a perpetrator but facts show something else.</p> <p>-old attitudes are still very common in rural areas.</p>	<p>-partly as there is still stereotype that women are hardly use violence against men but vice versa.</p> <p>-both men and women are equally treated by law, Men more often use violence against women and children.</p> <p>-I think it is always men who are punished. Courts intend to believe in women.</p> <p>-there is popular stereotype that woman must obey man, if not – to be punished and if she is not punished – he is not a man. Based on this logic violence in family is prevalent.</p>
Judges	
7 male	7 female
<p>-As the law is too recent (since 2011) we cannot state opposite conclusion</p> <p>-Most often men are accused in violence, but we can't treat it as discrimination. Men are superior as physically they developed better so they use violence against women more often.</p>	<p>-there is stereotype that perpetrators are men, maybe as investigators are mostly women.</p> <p>-men do not turn for help if suffer from woman. There is also a stereotype that only a woman could be a victim in close environment.</p> <p>-there is a norm that woman is weaker so usually man loses.</p> <p>-women tend to speak about violence most often. Men avoid talking about physical abuse. Even during divorce cases statement on psychological violence are rare.</p>

2.3 Do you think female legal professionals' perception of the topic is better?



Responds show that most disagree that women perceive the topic better or worse. Although women called more sensitive, noticing more emotional aspects etc. the law pushes to make correct juridical assessment of each case. Sometimes quite opposite could happen when female colleagues tend to condemn the victim who ended up in such situation of violence towards her.

If we analyze those answers by gender we could notice that women lawyers and judges describe women's emotional nature but men discuss if this question is even correct.

If such cases will be investigated exceptionally by women – general problem of objectivity will occur.

“If such cases will be investigated exceptionally by women – general problem of objectivity will occur”.

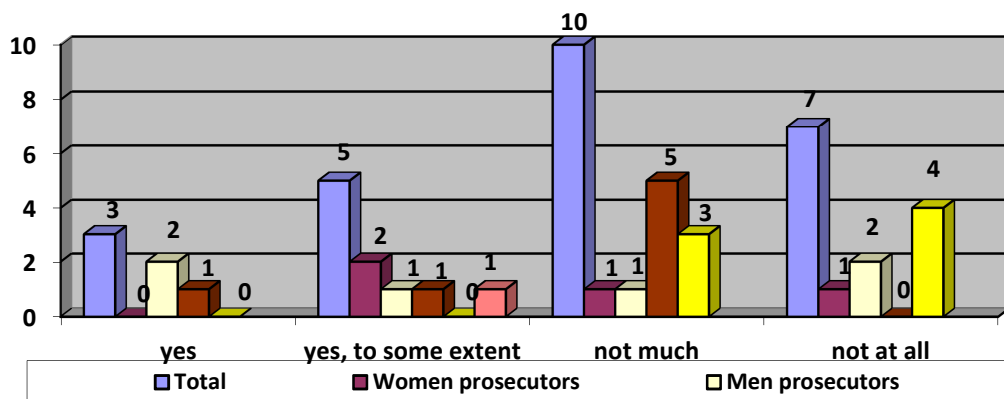
“This question openly discriminates men.”

Answers:

Prosecutors	
6 male	4 female
-This should not be a question of perception but correct juridical assessment. No matter women or man – they must investigate the case objectively. If such cases will be investigated exceptionally by women – general problem of objectivity will	-possible as women better imagine situation in closest environment -women tend to excuse women. -women lawyers are wife's and mothers. They notice more in feelings, emotions, looks, behavior, and reactions of victims.

occur. -quite often female colleagues tend to condemn the victim who ended up in such situation. -This problem is more relevant for women.	
Judges	
7 male	7 female
-I think deeper understanding could have those who have longer family life experience but not by gender. -this question openly discriminates men.	-depends on culture, mentality, education. -both understand equally . -judges make decisions based on gathered/available evidence so gender has no influence. Maybe we have to take a look at personality but this should not be called discrimination. -women by nature use to talk more so they have to listen more to others. I think most women are more sensitive so they less forgiving to perpetrators.

2.4 Do you think female legal professionals have a particular sensibility for the victims during inquiries and trials?



General opinion would be *No* – 17 against *Yes* -8. Female respondents try to explain *particular sensibility* referring to emotional nature of woman. Men respondents disagree with the statement although mention *human factor* and agree that women somehow understand this issue better.

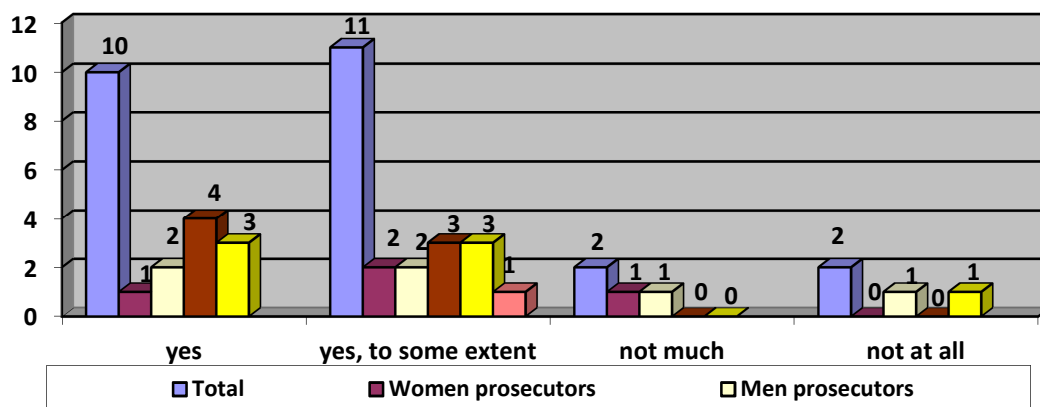
Answers:

Prosecutors	
6 male	4 female

-woman not equal to woman. -women understand this issue better.	-women get deeper into situation but are more sensitive. Hard to tell because at work human factor exist for both – men and women cases. -women look for explanations more often, why this event happened, whom is to blame. -it is determined by women “maternity” instinct.
Judges	
7 male	7 female
-human factor might be present during investigation but not influence the final result. -no comment.	-working with those cases makes you used to it so less sensitive we become. -hard to asses when no witnesses and both are under alcohol. -if there is no underwater streams – everyone is more forgiving to a victim – gender does not matter. If fact of violence is enlarged – women tend to condemn victim faster.

2.5. Is domestic violence to children taken more into account than that on women?

Please explain ...



According to 20 positive responds it is clear that cases where children might be abused are taken even more serious. Main reason is that children most often cannot resist or avoid the violence while adult women still are able to control the situation.

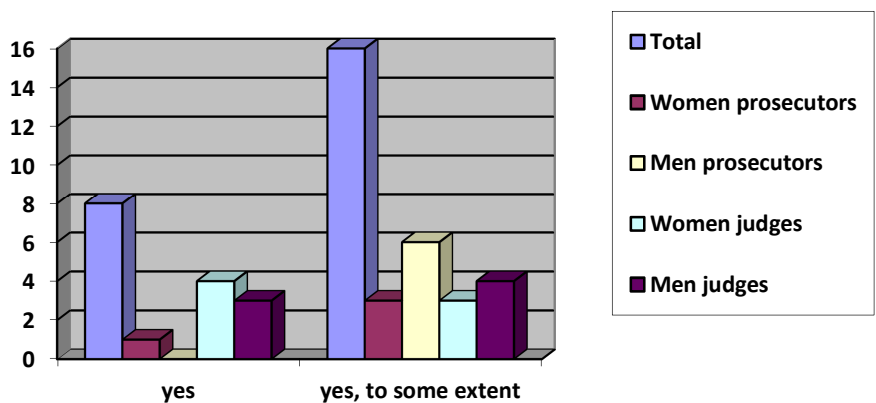
If Children involved – another institutions joins the process. Unfortunately children are not recognized as victims of violence if they are only observers of violence.

“Children are affected by violence and psychological consequences remain for a life time.”

Answers:

Prosecutors	
6 male	4 female
-crime against minors are investigated as priority field. -who else would protect children if parents are violent against them. That's why there is higher attention towards this issue.	-Always. Children are the weakest chain; it is a priority at Penal process. -mother and child are most often victims of domestic violence, rarely it is a father. If the violence is against the child – there are more strict remand measures applied. -special attention is paid towards cases of violence against children. -women victims usually have choice to suffer or to look for way out. Children depend upon adult decisions and have no right to choose. After parents reconciliation there are consequences such as fair, anger...so those consequences are harder for children.
Judges	
7 male	7 female
-violence is violence so there is no legal reason to asses it by gender or age. -children are affected by violence and psychological consequences remain for a life time.	-children are more vulnerable, women are grown-ups and could protect themselves, they also do provoke, -children need special protection as they do not even able to declare their pain. -it is common opinion that woman victim has a chance to avoid conflict or defend herself. Child is dependent upon adults so more attention and care is required.

2.5 In your opinion, is psychological violence taken into account by judicial courts as much as physical violence?



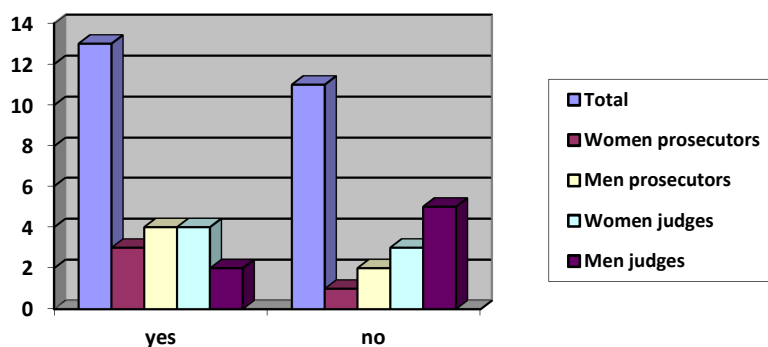
None of the respondents choose a negative answer. We can assume that psychological violence is accepted as a negative factor but has less “weight” while making decisions in the court.

The article on psychological violence is criticized as no punishment is foreseen. Usually it is accepted as negative factor. Cases where psychological violence did not develop into physical are closed. Complicated assessment of prove is mentioned in psychological violence cases.

Answers:

Prosecutors	
6 male	4 female
-If psychological violence do not pass to physical according which CC article should we apply to punish the persecutor??? Responsibility is not foreseen although the law declares it. Courts naturally take it into account and in just psychological violence cases are closed/cancelled. -I had no case where violence was just psychological. -complicated assessment of proof, there is risk factor.	-it is punished for physical violence. Psychological accepted as negative factor.
Judges	
7 male	7 female
-such conclusion s possible only after assessment of all circumstances.	-currently we lack knowledge on psychological violence. -I think an opinion that psychological violence is easier to avoid tan physical is popular. You have to compromise or leave.

2.7 In your opinion, should the perception of legal professionals about the topics of domestic violence change?



Responds *Yes*-13 and *No*-11 divided in almost equal parts.

Respond that laws are fine and nothing to be changed contradicts with part 1.1, 1.2, 1.3 where various amendments are suggested regarding implementation of the law, necessity of alternative and preventative measures.

Respondents argue if it is the law or lawyer’s opinion should be changed:

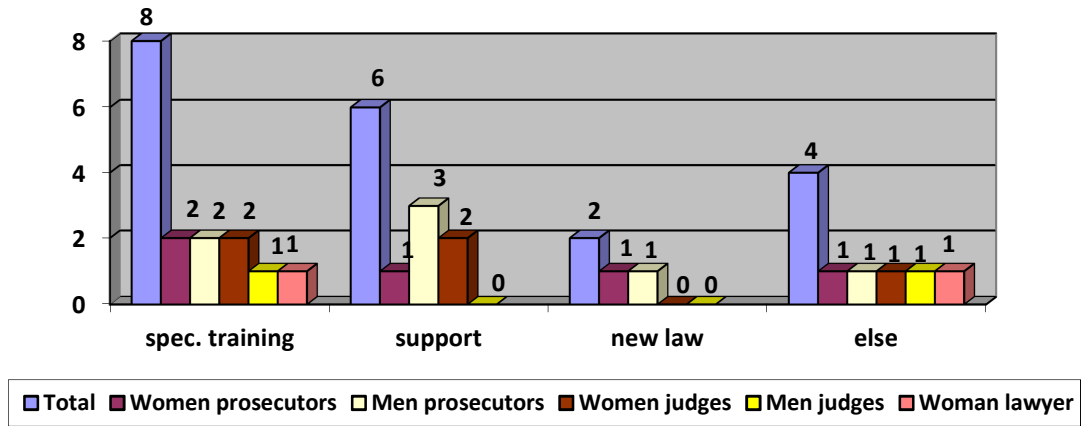
“I think we have to change laws but not lawyer’s opinion. Violence has to be treated equally in spite of its place: home, street, work etc”.

The problem that cases of gender based violence are treated as Cases of private litigation is mentioned as an obstacle and should be changed. Also societies attitudes should be changed in connection with gender based violence.

Answers:

Prosecutors	
6 male	4 female
-everything is fine with laws, no meaning to change a thing. -yes. We have to stop accepting the problem as a private family matter. -it is crucial to change societies attitudes but this is time taking.	- laws are changing radical enough, it is important to recognize serious cases and taking advantage/misuse, providing false information. - the law is still very fresh, it is necessary to form a legal practice, for example analysis... -lawyers’ duty is correct application of the law but not some exclusive point of view towards case or person.
Judges	
7 male	7 female
-All societies views has to change -prevalence of violence forces courts to change its attitudes.	-it is already changed and for better for victim. -I think we have to change laws but not lawyers opinion. Violence has to be treated equally in spite of its place: home , street, work etc.

2.8 If you answered yes to 2.7, what could make the perception change?
(multiple answers accepted)



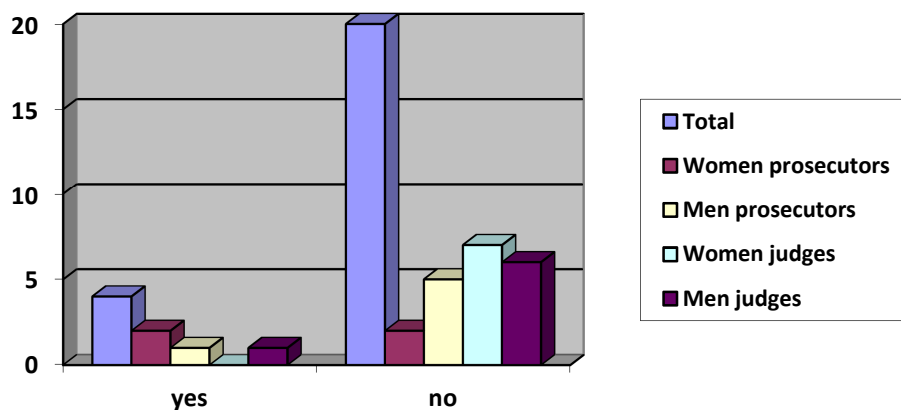
Society's perceptions and stereotypes should be addressed in early age.
 Any direct institutional cooperation and new knowledge regarding the topic of gender based violence is useful.
 There should be the whole system created starting at school institutions – ending with legal system.

Answers:

Prosecutors	
6 male	4 female
	-direct institutional cooperation, more often
Judges	
7 male	7 female
-humanistic teaching, preschool institutions, schools since early age, help for associations and families -extra knowledge is only for good	

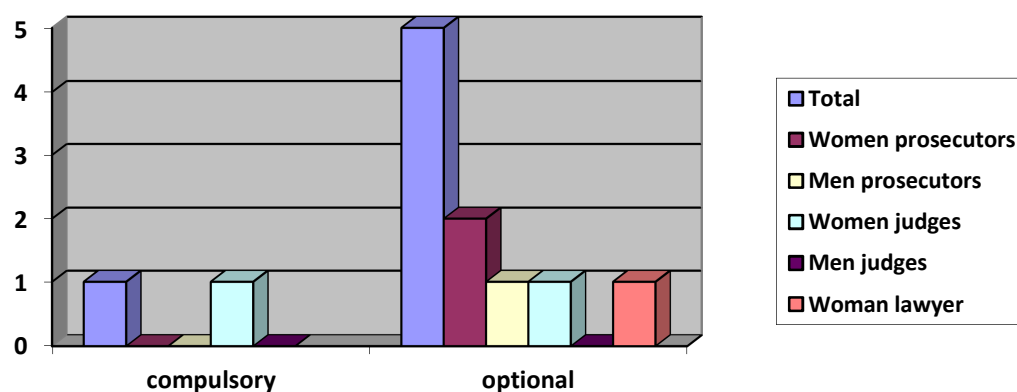
3. Training

3.1 Did you receive any training about the topic of domestic violence?

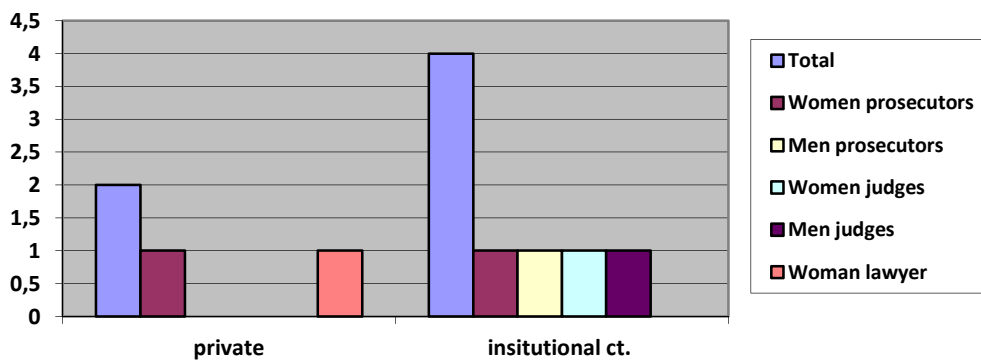


Only 4 respondents mentioned that they have participated at some trainings on the topic of domestic violence. For most of them – 3 – the training was optional.

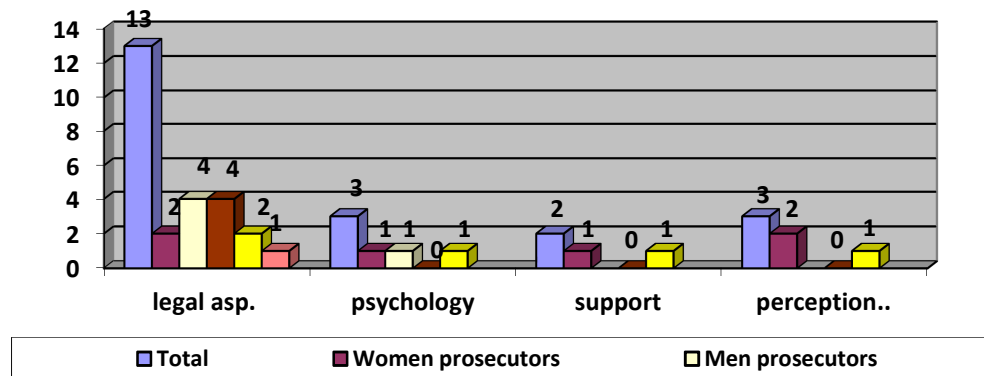
3.2 If yes the training was:



3.3 Was the training organized by private social organizations or by institutional training centers for legal professionals?

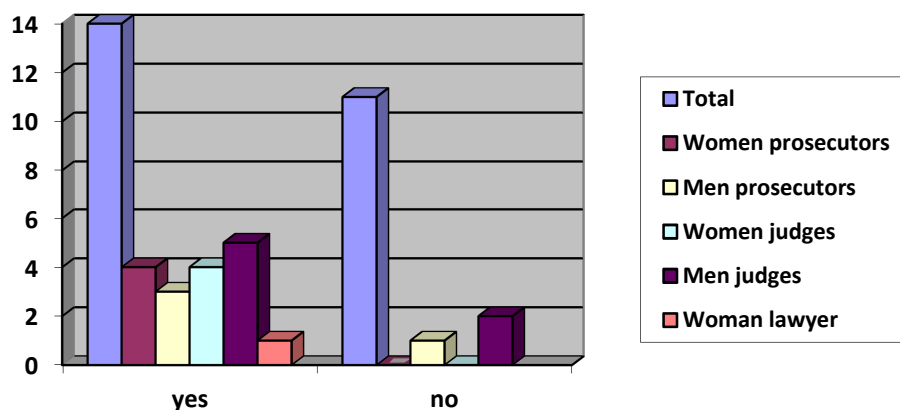


3.4 What were the topics of the training? (Multiple choices admitted)



Most of the trainings – 13 - for legal professionals were about legal aspects. 3 professionals listened about psychology and perception, 2 professionals listened about support.

3.5 Do you think the training helped you in your work?



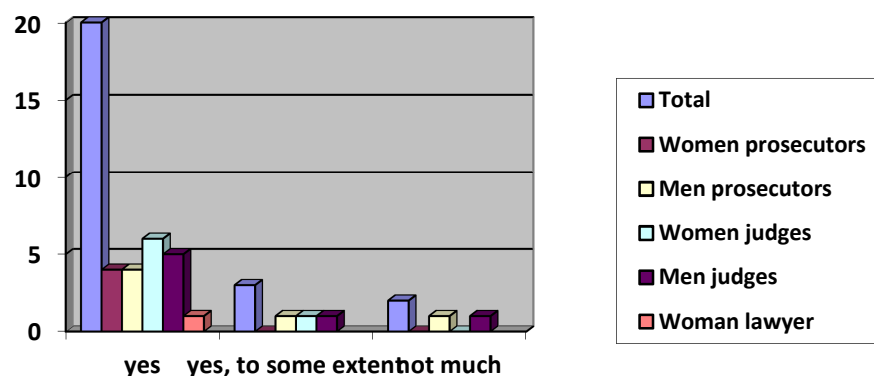
Answers split into *Yes*- 14 and *No*-11. In general practical experience mixed with cooperation and trainings could solve certain questions and is useful.

Answers:

Prosecutors	
6 male	4 female
-No. Content of the criminal act is analyzed during the trainings. This is already clear without training. -new knowledge is applied at work. -every training increase your knowledge.	-knowledge gained at trainings e apply at work, many questions are solved. -updated information is provided, we share practical examples and experience -we can easier apply information into practice after trainings. -more knowledge- more chances to apply it into practice.
Judges	
7 male	7 female

-trainings are only for good. -legal knowledge and life experience allows to apply LPADV very creative.	-trainings help to improve practical experience, cooperation among different experts is very useful.
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3.6 Do you think there is a need of training on these topics for legal professionals?



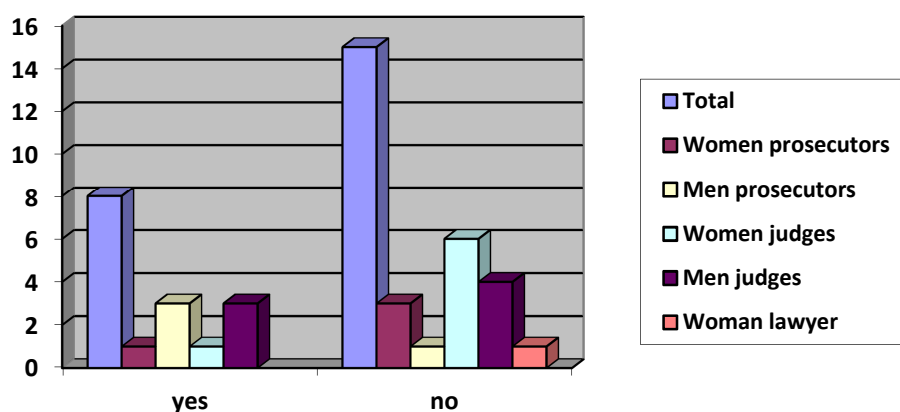
It is clear that trainings on these topics are needed – 19 positive answers. No one responded - *Not at all*.

Answers:

Prosecutors	
6 male	4 female
-Content of Penal Code is clear. To analyze it droning the trainings would be wait of time for participants and lectors.	-we have to combine practice and theory, point out things to improve, change etc. -there is always useful information obtained during trainings. We can apply it into practice. -trainings helped me to control anger after victims next morning reconcile with perpetrator and take away the complaint and do not want a thing. At every training we learn about new circumstances that we have to use, adopt...
Judges	
7 male	7 female
-lawyer needs not just legal knowledge but also others experts experience.	-we need knowledge in this field

4. Cooperation

4.1 Are there provisions for legal professionals to be helped by consultants, psychologists and / or social assistants in their communication and relation with victims?

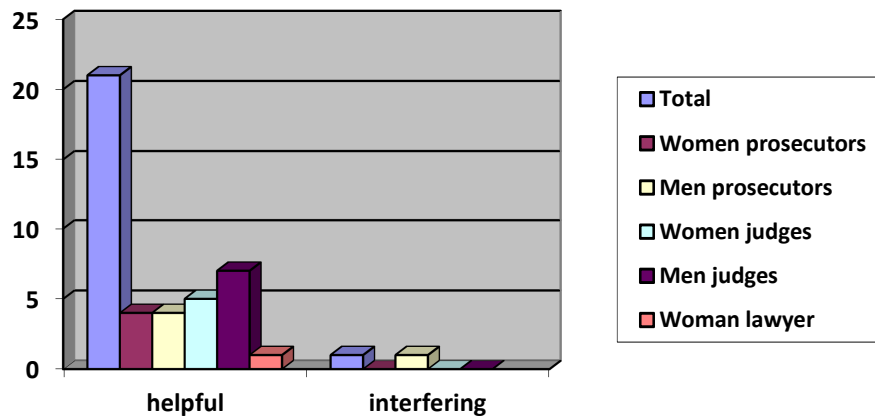


Responds divided by Yes –8 and No-14. There is possibility to invite specialist to the court if their testimonies needed. Informal cooperation is possible and in some cases such was mentioned.

Answers:

Prosecutors	
6 male	4 female
-there is a possibility to address hem but we do not do that as we see no sense. -there is cooperation with organizations providing help in this field.	-they can invite them into the court
Judges	
7 male	7 female
-cooperation beneficial to all professional groups, it must be implemented.	

4.2 Do you think that the cooperation between legal professionals and social workers is helpful or interfering with roles and with the judgment?



Out of 24 respondents there were 20 positive answers and 1 negative. Cooperation between legal professionals and social workers would be very helpful.

Especially help of psychologist and social worker would be useful during children interviews.

As not only punishment is important but help for the victim – any cooperation for better relations in the family is welcome.

Judges see more use in similar trainings.

Answers:

Prosecutors	
6 male	4 female
-Social workers talk about emotions not going deeper into legal aspects. This would be waste of time. -it is harder for the officers to get in psychological contact with victim or perpetrator. - it is always useful to exchange information.	-information obtained from them could influence decision we take. -such cooperation is necessary. During child interview especially younger ones the presence of psychologist and social worker is necessary as victim is talking about behavior of close people towards him. -extra knowledge is always useful. -the goal is not just perpetrators punishment but wider help for victim. Any cooperation towards change of relations in family is greeted.
Judges	
7 male	7 female
-cooperation is very useful; also it allows to make right decision to all interested parties.	-lawyer does not know all in the world so extra knowledge from other specialists is important... -often we learn about violence in close environment from social workers. -such cooperation is a must solving issues of domestic violence in domestic environment. -hard to reply as it is very personal. Once

	I had experienced very active support just of one side so it makes no sense to talk about objectivity.
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4.3 If you think that it is helpful, how could cooperation between social workers, social organizations, police forces, judicial courts and legal professionals be improved?

Cooperation between social workers, social organizations, police forces, judicial courts and legal professionals would be important thinking about:

- Help for victim, broadening social services, establishing mobile groups of specialists;
- Solving common practical problems with involved specialists or services;

Answers:

Prosecutors	
6 male	4 female
-Closer cooperation based on law acts is needed. -clear description of possibilities, limits of action and responsibilities of each actor. -joined trainings, meetings, consultations.	-common seminars, trainings, direct cooperation/contacts. -cooperation is possible after amending certain regulations and assuring funding. -organize trainings for all in one time. During such trainings common practical problems would be revealed. -wider scale of social services is needed. It is useful for layers to have this information, what is effective or not, what measures to apply.
Judges	
7 male	7 female
-we have to influence reasons not just fight consequences. -cooperation is useful to all participants	-to establish mobile groups with different specialists, providing help consultations, consult investigators... -police should cooperate more with social workers, exchange new legal news etc. -As I am the judge, I see the only cooperation solving the case during court meeting. -I think social workers already doing such job but very formally. They do formal paperwork in case something happens and they could be blamed in poor performance of the duties.

5. Final comments

5.1.If there is anything you want to add, or you think that must be further taken into account and discussed, please use the space below to point it out:

Prosecutors	
6 male	4 female
-Closer cooperation based on law acts is needed. -Law on protection against domestic violence contradicts to Penal process code norms. This law is outcome of public relations. Provisions of this law should be integrated into PC and PPC but not as a separate law.	-I think cases of domestic violence should be investigated very carefully, informally, individually. Special attention should be paid and investigated while persons not under alcohol or drugs. More witnesses should be questions to avoid conspiracy against not guilty.
Judges	
7 male	7 female
-lack of humanistic teaching since early age, it is impossible to change adult -international cooperation is a must, especially with countries that have more experience in the field.	-I think it is necessary to provide social and educative help to both victim and perpetrator as the eviction do not solve the problem. -more professional training at social sphere. More concrete help for victims. Court won't provide any protection or guaranties. Even after court decision no guarantees that violence will be repeated. Psychologist or even Psychiatrist help for perpetrator is a must because court's decision won't influence if he continues to be violent.

Conclusions:

- General knowledge on the laws tackling domestic violence in Lithuania is well known by legal professionals. Even broader view was demonstrated as Law on Fundamentals of Protection of the Rights of the Child was mentioned.
- Opinion on law content and application contradicts as one part of answers reveal that current laws are complete while other parts of answers reveal that possible amendments needed:
 - ✓ Alternative measures (financial security of the family ...), alternative punishments
 - ✓ Procedures regarding psychological violence cases should be clearer.
- Answers regarding perception of the problem reveal prevalence of stereotypes in our society or even among lawyers and judges.
- Importance of trainings for legal professional was evaluated as needed. Although gained trainings was not evaluated as useful. Multi-sectoral participation and information exchange might be an asset.
- Cooperation between legal professionals and social workers and psychologist would be very helpful:
 - Especially help of psychologist and social worker would be useful during children interviews.

-As not only punishment is important but help for the victim – any cooperation for better relations in the family is welcome.

- There are differences between answers of professional groups but not many differences between groups by gender.

4.0. In-depth interviews – victims

4.1. Latvia

During the research the interviews were conducted with three women who were the victims of violence. The conducted interviews are anonymous in order to protect the victims of violence. The female victims' names and surnames are identified by the letters in the alphabetical order. The first woman A.B. suffered from sexual abuse in the family, when she was still a minor and currently her case is reviewed in the court. The second woman C.D. has suffered from sexual abuse in the family, but the criminal procedure has been terminated due to the shortfall of criminal offence. The third woman E.F. is currently suffering from emotional abuse in the family, but has not been able to start the process against the offender.

The interviews were targeted at obtaining the opinion regarding the interaction with police, prosecutors, courts and sworn advocates, as well as to receive their assessment of the need for changes in the process. Since no cases related to the interviewed women have yet reached the courts of law, the prosecutors' and courts' work has not been evaluated.

1. What is your age?

A.B.: 19 years.

C.D.: 42 years.

E.F.: 66 years.

2. What kind of violence have you experienced?

A.B.: Sexual violence.

C.D.: Sexual violence.

E.F.: Emotional violence.

3. What kind of relationship existed between the abuser and the victim?

A.B.: The abuser was the father.

C.D.: The abuser was the husband.

E.F.: The abuser was the husband.

4. At the time when the violence was experienced, were there children in the family?

C.D.: Yes, there were two daughters in the family. One was 15 and the other – 4 years old.

E.F.: No, the children have grown up.

5. How long the relationship lasted?

C.D.: We were married in 2004 and separated in 2009.

E.F.: We are married since 1971.

6. Do/did the other family members, neighbours, friends know about the violence in the family?

A.B.: I think that the mother should have known. The relatives also knew. They chose not to react. I did not tell anything about it to my friends.

C.D.: The relatives and friends did not know because I was afraid to tell them about it. The children might have known, but we have not talked about it.

E.F.: Yes, the children, friends and relatives know about it. They also have seen and heard a number of times when my husband attacked and hurt me.

7. If children, relatives, friends knew about domestic violence, what was their reaction?

A.B.: They pretended to know nothing. Now they all have taken the father's side and believe that I am slandering him. For a long time I have had no contact with my family. I am completely alone. Now at least I have resumed the contact with my sister, but I have not talked to my mother.

E.F.: They defend me and try to help.

8. For how long did you experience the violence until you decided to seek help?

A.B.: For several years. I would not be able to tell precisely.

C.D.: For two years and then I decided to seek help.

E.F.: Emotional humiliation has been going on for a long time already. I cannot tell when it started.

9. What prompted you to seek help?

A.B.: I am in a church congregation, and one member there noticed that something was wrong with me and advised me to seek help.

C.D.: I realized that I can no longer continue to live this way. I felt humiliated. I was looking for ways to be able to leave it behind.

E.F.: I could not stand it anymore. My husband kept attacking me more and more. He chose the time when no one was near, so no one could help me. I could not stop it myself.

10. Where did you seek help?

A.B.: Initially, after one incident, I ran to the neighbour to escape. Then I was helped by the member of the church who knew what to do.

C.D.: I knew that there were crisis centres, and therefore went there to get help.

E.F.: I knew that the police should help, so I went to talk to the police about what could be done.

11. What did you expect when you sought help initially?

A.B.: I expected nothing. I wanted for it to end as soon as possible.

C.D.: I wanted to finish it all. I wanted to escape.

E.F.: I wanted it all finally to end. I wanted for my husband to leave me alone.

12. Criminal procedure

a) Who conducted the investigation?

A.B.: A woman.

C.D.: Investigators repeatedly changed, but all were men.

E.F.: The district police officer is male.

b) What was the attitude of the police?

A.B.: The attitude was very tolerant and receptive.

C.D.: No one wanted to do anything. I was blamed for what had happened and they tried to convince me that no crime had been committed.

E.F.: The police officer told me at once that he had no intention of doing anything. I should cope on my own. He would not provide any help because he does not have to. I have not seen this officer any more. I have not gone to another police officer either, because we do not have a municipality police and in this district of the state police he is the only police officer, so I cannot even go to another one.

c) Was the process explained to you comprehensibly?

A.B.: Yes. The policewoman was very sympathetic and explained how everything would happen.

C.D.: There was no special explanation. As I said – they tried to assure me that no crime had taken place and that I should give it all up.

d) Were you provided with the information about other possible forms of support (crisis centres, social services)?

A.B.: No, additional information was not provided, but a social service was also involved, which handed all the information over to the police at the very beginning.

C.D.: No, no information was provided.

e) How were the interviews conducted?

A.B.: I did not feel offended. The policewoman was very sympathetic.

C.D.: I felt humiliated and offended that I had dared to report the crime. If something like that were to happen again, I would not go to the police for the second time.

f) Was investigation carried out by the same person from beginning to the end?

A.B.: Yes, the investigation was carried out by the same person. The investigators did not change.

C.D.: The investigators changed regularly and the case was passed from one policeman to another. I don't know why it was done like that.

g) How long did the investigation last?

A.B.: It lasted for several years.

C.D.: It stretched over several years, but there was no result nevertheless.

h) Was an examination conducted and how did that happen?

A.B.: There was a gynaecological examination. I had to wait for it for several months. I went to the expertise along with a social worker and only when we arrived there I found out that the expertise was to be conducted by a man. I immediately refused. I felt violated and humiliated. The expert even looked offended that I refused inspection. He believed that there were no problems. The social worker persuaded me to carry out the examination after all. When the expertise was carried out, the expert was polite and discreet.

C.D.: Yes, the gynaecological examination. This was done by a man. I felt very humiliated and offended, but it was explained that another expert cannot carry out the examination.

i) Was there an access to legal aid (free of charge or for your own money)?

A.B.: No. When there was an investigation, I had no legal help, but I did not feel any need for it. In the court I will have a lawyer, but I blame myself, that

I did not do it all in a timely manner. A few days are left; I hope that everything will be all right.

C.D.: No, I did not receive any legal assistance. I did not know if I was entitled to something for free and no one explained anything.

13. What kind of help would be needed during the process?

A.B.: A psychological support would be necessary.

C.D.: A psychological support and legal assistance would be necessary. I could not afford to hire some kind of a lawyer myself. A place would also be needed where to escape from the perpetrator.

14. What would you advise to other women who are victims of violence?

A.B.: I would recommend fighting for them.

C.D.: Of course, one should fight, but after the treatment I received from the police, I would not advise anybody to go to the police and report it.

E.F.: I do not know. It's not worthwhile to report to the police because they will not do anything. If you do not have any additional support, then nothing can be done.

4.2. Estonia

A research on the state of the art of the battle against domestic violence can't be conducted without giving word to the victims. It will be precious to listen to the direct experiences of victims that had to face:

- ✓ The shame of reporting crimes committed by their relatives,
- ✓ Communicate with police forces that could not know the specific needs of the victims and could underestimate their reports
- ✓ Dealing with courts that could not take their point of view
- ✓ In case of parents or sons and daughters, facing separation from their beloved.

The tool that is most suitable for this part of the research has been identified in the in-depth interviews.

I have been experiencing domestic violence for 4 years. I had been abused by my husband. When we met he used to be very attentive and caring, carried me in his arms. He used to always see me to work and meet me in the evening. We went everywhere together. He seemed to be perfect, never drank alcohol, attended church, he didn't have many friends, who to spend time with. He spent all his spare time with me. I was so deeply in love and wanted to be only with him. We didn't have friends in common and I just didn't have any time for my old friends. We were always together; sometimes we used to visit his parents. After spending four months together we decided to get married. It was a small wedding, in his parish, where I also belong now; only his parents attended the wedding. I don't have any relatives. The first big fight that we've had started because of my wish to go to my colleague's place alone for a birthday party. At first I was quite shocked, I couldn't even be scared of anything like that. He accused me for no reason of such things that I couldn't even have thought of – one of our senior female colleague invited only women, who worked with us for a coffee and a cake. My husband has

accused me of going to be drinking alcohol with other men and flirting with them. That time I didn't go to the birthday party for the sake of home peace thinking that it was just some momentary irritation. But after that the situation has changed – I had never went anywhere on my own but now the thing has got so much worse. He started constantly controlling me, everywhere, he constantly rang me to work, and he always suspected me of willing to start a relationship with someone else. I was sad and tired of it and I couldn't understand why he doesn't realize I belong to him only. The first time he attacked me we were in a shop together and a bag of apples slipped out of my hands and fell. All apples rolled apart and one senior gentleman came up to me to help me collect them. At home I was accused of doing this on purpose and wanting to get this man into my bed. He hit me, took me hard by the throat and dragged me by the hair. The next day my colleagues asked me why I was having a blue cheek but I never dared telling anyone about what happened. After that my husband became even more caring and told me his great love towards me made him go crazy. So our relationship has been lasting like this for years, I walked around quietly trying not to irritate him in any way and everything was calm until he would eventually find a reason to attack me again. Little by little I started to explore the Internet and found out that there are more women in a situation similar to my own. It helped me a lot because before that I thought I was doing something wrong or acting bad and that I have somehow deserved all that beating. But then I knew it wasn't so. I was afraid to flee home – actually I had nowhere to run. Once he had threatened me that if I had left him, he would kill me. I believed him. Then I got pregnant – we have been waiting for that for a very long time and I was so happy. I hoped that now everything would change. When I was three months pregnant he attacked me again and I've lost a child. After it happened something broke inside of me and I wasn't afraid of him anymore, or I didn't care what would become of me anymore because he deprived me of everything. I went to a women's shelter, its personnel and one of the women that we made friends with had helped me a great deal. Especially in terms of psychology, I have regained my self-esteem and my confidence, and I realized that our problems did not lie within me. My husband used to call me all the time and come to my work, he asked, begged me to return, sometimes he threatened me, too. The shelter was small and uncomfortable, I had missed my home but fortunately I stayed true to myself and never went back. I've found a colleague, whom to rent the apartment with – I couldn't have made it out of my own salary, and gave the divorce papers in.

In your opinion, which of the following seems to be the major reason for occurrence of violence against women and children?

- The lack of respect towards the other person;
- Alcohol or drug abuse;
- Having once been a victim of violence himself;
- Inclination to violent behaviour;
- Other reasons: - low self-esteem of the offender.

Under which circumstances do you think an act of violence may be deemed justified? – I cannot think of any such reasons.

What service or person could help women and children, who have suffered violence, the best? – There are good people working in a women's shelter, who helped me a lot, never accused me of what happened, they have also helped me with the papers. I've very much lacked the single-time financial subsidy when I wanted to rent an apartment, I didn't have the money to pay the deposit and real-estate agent's commission at once. My salary is low and I didn't have any savings – my husband never let me save anything, kept an eye on all my financial affairs. Luckily I have found myself a co-lessee.

What could be improved when dealing with women and children suffering from domestic violence? – Unemployed women with children were in an extremely difficult position. They didn't have anywhere to go but home to their offending husbands or stay at the shelter squeezed between the others. They have also been in consent fear that after the divorce the court would grant the guardianship rights to their husbands.

Do you feel protected reporting an act of violence committed against you? If yes, then why, if not – why not? – I've had a positive experience, I called the women's shelter and went there; everyone treated me well and secure. I don't know what would happened if I went to the police first – I have heard from other women that the police are just telling the women to go, sending them out.

4.3. Lithuania

Story of Janina

A research on the state of the art of the battle against domestic violence can't be conducted without giving word to the victims. Victim of violence Janina agreed to share her story with researcher and gave the opportunity to look closely to the victims life and story.

Interview reflects the real situation, in order not to lose the essence of story in formal language, sum-ups and interpretations, the concept of questions-answers were chosen.

Reference questions:

- 1. Please tell did you experience any form of violence from your family members?*

Well of course I experienced punches and humiliations towards me from my life partner (male). Moral pressure and violence was always there. Violence was applied in different ways, with his legs, hands, psychological violence, threatening me, even forced sexual intercourses. I also experienced economical violence; I was forced to hide money from him, report every time

on where I spend the money. Basically I experienced all forms of violence in the relationship with my partner.

2. *If yes, who was the perpetrator? What in your opinion could be the reason for such behavior?*

I don't know why but usually every time when he raised his hands on me I blamed myself, I thought that I have said or done something wrong. I used to think that I am lesser than him that I'm not worthy of such a man, maybe that is because he beats me, maybe I am not as good as other women is. I thought that it's all my fault. He beats me because I am not as good as others; I constantly compared myself with someone, according to my own view. That is what I felt when I lived with him.

3. *Did you ever raise hand towards your family member? What were the reasons for such behavior?*

Sometimes when he hit me I tried to hit him back, but if I tried to hit him back he hit me even more, so much harder, so hard that I could lay in bed for several days. Of course many things happened, I took even knife to defend myself. When I took knife he became silent, every time convinced me to give it to him, when I did, violence towards me continued. So I could not say or do much against him.

4. *Did you even come face to face with victim of domestic violence, or helped the victim of domestic violence?*

I grew up in a family of alcoholics and I saw violence myself, I grew up seeing violence, saw how my father beat my mother. Later my life was like that: I grew up in a shelter for abandon children and I saw everything, how boys when they came to town beat girls. I believe many things and ways of life depend on childhood environment. In normal family children do not see violence and they grow up differently. And as I grew up in a family of alcoholics I saw violence and anger. I truly have seen a lot and it all affected my life, I tried to act as my mother did. In my opinion I acted and reacted quite well. Childhood experience haunted me, they it was always close to me, I put them to past only a year ago, and 29 years I have lived with that experience.

5. *Maybe you met women that remain to live with the same partner despite that fact that he abused them?*

I really wanted that would leave, well at least in my thoughts. But when he started to talk that he would leave, I was afraid to be left alone. I feared to be alone, because I thought that no one will care about me because I have four children. This fear was my main fear. It seemed like I have loved him, sacrificed everything for him and let him beat me. It seemed like I can change, try to live better, do everything the way he wants and do everything in order for him to be satisfied.

„I will leave and no one will need you“ - these are the words with whom men holds you and leads you into living in fear. And we women are sticking to

these men, do not try to change neither man, environment that we live in nor get divorce.

Why in your opinion victims of domestic violence remain to live with the perpetrator?

It is very hard to raise four children on my own. But now I think that it is extremely stupid to hold to that kind of man and his behaviors. Because our children is our fortune. Man can be changed, and children cannot be changed. My daughter says that if I will come back to him she will leave me. And she is only teenager of 12 years old. I really don't think that men are worth our tears.

Why other women stay in an abusive relationship?

The women that live in Shelter are not planning to come back to their men, we all come here devastated, but with the help of social workers situation is getting better. We try to stand on our feet, create new life. We start everything from zero with the help of Shelter for battered women in Vilnius.

I think that if woman takes her husband or partner back and agrees to be with him, that man should assure her that he has really changed and his intentions will be different, good. But usually these intentions last no longer than half year. Couples try to glue their broken relationship together, but from what I have heard from the people I know, the abusive relationship repeats over and over again.

6. *In your opinion which aspect that is gives is the main reason for violence against women and children?*

- ✓ Lack of help to another person
- ✓ Use of alcohol or drugs
- ✓ Cultural environment and behavior
- ✓ Being victim of violence
- ✓ Tendency to act aggressively
- ✓ Not enough education
- ✓ Low income, economical problems, unemployment
- ✓ Bad images/going after wrong examples (TV, magazines, internet and etc.)
- ✓ Other reasons

Something from the childhood of a man I think. If the boy is raised in the safe environment and does not see violence he will not be violent. I believe the reason comes from family: parents, grandparents, uncles, aunts. Main base is the family. Later school in which many things happen, kids fight with each other, but main reason for violent behavior in my belief is in the family.

Also TV is very influential, young kids especially boys see all the violence that TV translates. Even in commercials we can see couples that are fighting in one moment and kissing another, and kids like to copy the behavior they see on TV.

Alcohol and drugs also influence the behavior of the perpetrator. My man liked to drink, and when he did he said that I failed to satisfied him in bed,

when he was sober he was a completely different man. And when he was drunk he was out of control and every word that I said seemed to insult him a lot.

His mood was changing a lot, and if he left home serene I never knew in what mood he would come back home. Sometimes when I spoke with him on the phone he seemed ok, and when he came home he was unsatisfied did not know what he needed.

Men are like children always, and differs only the size of games. Men are like little children, but little children can be educated, explain things, and men, they grow old and their character gets more and more complicated with every year and they usually loose interest in their significant others.

Men should consult with psychologists, because it is really very difficult with them.

How atmosphere at home and situation differ when man does not have any job?

His job is seasonal, he fixes and replaces windows. He has almost no job in winter, that is why he is cranky, and releases his anger in many ways on me. I was happy that he was calm when he communicated with his children. He was angry at me, he drank to drown his pain, and this is how he explains himself to me.

But when work season come he loses his will to work, starts to be lazy, because he sees that I can provide him with everything that he needs, so there is no motivation for him to work.

For me it was really hard to work for two, I was so tired. I was crying, I was tired even from my own children. So from that state of mind I started to drink also, because everything I dragged on my own shoulders with no help from my man, I raised my children alone. I stopped working and we started living from social allowance provided by the State.

7. Are there any circumstances that justify domestic violence?

When I lived with my first husband, we were together for four years and during those years one time he raised his hand towards me. I justify his behavior. We had two children and me and my youngest daughter left home for two days and I came back only third day like nothing happened. He was angry at me for this behavior but he restricted himself while he was sober, and when he got drunk he released his anger in an abusive manner. I justify this behavior because I did not act like good wife and mother, no good wife disappears for 2 days without warning, good wife must stay with her husband always.

I learned my lesson that he taught me and never act in this way again, therefore he never raised his hand towards me. Of course we had our own arguments, but no violence, children also didn't see any violence. When my husband died and I found new man that is when violence started.

This time violence from my life partner toward me was seen by children, they saw how he threatened me with the knife and how he put it near my face. When he threatened me with knife I was in shock, I did not understand what had happened. I couldn't say that he would use the knife to actually hurt me. Everyone around told me that he is aggressive, but thing is that when you live with a person you believe in him and not take into consideration remarks and

opinions from people from your surroundings. It seems love, that this man is irreplaceable, the only one. You hear only him, you listen only to him, other people opinion doesn't matter.

I came to the Shelter for battered women in Vilnius completely devastated and without the help of this institution after maybe a year or a half of the year I could be easily going through garbage containers. I was totally broken, drunk, children were taken away from me, I was totally hopeless.

I had to put a lot of effort and get a lot of psychological help. Living in the Shelter every day I can count on getting help from social workers, they always listen to me and help me, as well as lawyer that helps to professionally prepare needed legal documents. And what concerns problems of heart – women should try to heal it herself.

I live in the Shelter for a year now and I am very happy that I am able to live here with my four children and I thank God that I have the ability to raise my girls alone without abusive father by my side. Of course father of my child comes to the Shelter, we speak with phone, because our girl is 3 year old and she need father very much, even more than me, maybe because she sees him so rarely.

While children are so small (3 and 2 year old) I really do not want to forbid communicate with their father. Living in the Shelter is also important in order to check if I can live just by myself with no help of my partner.

When I will leave Shelter I will have no feelings left for my partner, only pity for him remained, this train is long gone. My partner says that he wants to live together to raise children together, but it is too late for everything. He know what he had put me through all these years and what hard rode I had to go through in order to stand on my feet again and start to take care of my children. Now I can assure safety for my children let them feel that mom can. Children are very happy that I feel so much better.

Of course time will come when I will have to leave Shelter and I have a fear of living completely on my own. I pray every day and I am so grateful to God for every day despite on my mood, I am so happy that everything is ok for me and my children that we are safe.

And if I would have to wish something to women that come to the Shelter with their problems I would wish only good for them. They all will need strength, because nothing changes in one day. For one woman recovery can last half a year and for other one year and etc.

8. *What services or people could effectively help women and children that experienced domestic violence?*

Services for victims: consultations of psychologist, social worker and lawyer. If you have no money to hire a lawyer, their services is vital if you want to get divorced or deal with other legal situations.

Services for children: services of social workers are needed. If we work until late evening, social workers help our children to do their homework; also children do not sit alone in our room and feel forgotten.

Children are doing their homework, there is a children psychologist, she is doing special trainings for children. All conditions for good growth are assured in the Shelter: computer room, game room, homework room and etc.

Children often talked to the director of the Shelter about how they feel in this institution. My children are really very calm now.

Even on weekend social workers come to help us take care of children so that we could go for example to study. We have labor law, English lessons, we really want to improve our knowledge. It is extremely important to learn and graduate from some kind of education facility. I try to give my children the life that I have never had while growing up.

9. *Would you feel safe to report act of domestic violence? If yes why, if not why?*

Now, yes. But some time ago definitely no, every time that you leave act of violence in silence and in private area of your home you feel more fear to tell someone about the case. Now, I would definitely report, because I know that they will support me and take care of me.

Of course reporting domestic violence case may not affect the perpetrator, but he would chill for a while and I know now that these kinds of facilities like Shelter for battered women in Vilnius exist, but no one leaves you here against your will, you must have the will to change something in your life.

Now if I will experience violence once more in my life I will definitely be loud about it and report it because I know for sure now to which institutions I have to turn to. My mother would never understand, because she always said that it was my fault that I was in abused, but now I know there are people that would understand me and help me.

What other help/support is missing?

It was time when I thought that in order to be happy I need a man. After a year of suffer I understand that I am safe I have everything that I need: job, wonderful children. In heart I wish for more money, but I feel they would not make me happier.

I feel like at this part of my life I need my own place to stay. Some time ago I thought that man and money is all that I need for being happy, but I figured it isn't true. All happiness can be created by oneself, now I am thinking about my children, my own home, and the rest will be how God has planned.