

LATVIA

Recommendations to improve data collection on intimate partner violence by the police and justice sectors



The recommendations were developed after an in-depth analysis of data collection from the police and justice sectors. The relevance and feasibility of the recommendations were discussed with national professionals whose work is closely related to the topic at a meeting on 20 April 2017 in Riga, Latvia. The suggestions were revised upon participants' feedback. The recommendations aim to improve administrative data collection on intimate partner violence to better inform policies and to help the Member States meet the monitoring requirements outlined in both Directive 2012/29/EU (the Victims' Rights Directive) and the Istanbul Convention.

1. Legislative and policy recommendations

Strengthen political commitment

Political commitment is crucial to improving administrative data collection on intimate partner violence. It provides a catalyst for change and ensures the sustainability of systematic and harmonised data collection practices on intimate partner violence in the police and justice sectors.

The police and the judiciary play key roles in administrative data collection on intimate partner violence at different stages of the proceedings — from the time when a crime is reported to the police to the end of the trial. However, the issue of administrative data collection was not addressed when transposing the Victims' Rights Directive into domestic legislation. The lack of awareness of gender equality issues and domestic violence is sometimes reflected by the low quality of the data collected by the police sector. The Ministry of Welfare has produced explanatory material and implemented an awareness-raising campaign to provide information on the Istanbul Convention. This is a step in the right direction.

It is recommended to strengthen political commitment to ensure that progress on the improvement of administrative data collection is sustainable and to continue conducting awareness-raising campaigns on the aims and scope of the Istanbul Convention.

Recognise intimate partner violence as a specific and separate criminal offence

Domestic violence and intimate partner violence are not distinctly criminalised in domestic legislation, and no legal framework exists to regulate data collection on intimate partner violence or violence against women. Some amendments to criminal law and criminal and civil processes have been introduced to provide better protection for victims of intimate partner violence, including a definition of who constitutes a victim and the expansion of the law to include former and unregistered partners. Temporary protection orders have also been introduced. However, criminalising intimate partner violence as a distinct offence would enable the phenomenon to be adequately tackled and allow comprehensive data on it be collected.

It is recommended that intimate partner violence be recognised as a distinct criminal offence in domestic legislation.

Develop guidelines on how to improve data recorded at police level

The police collects data regarding criminal cases through the KRASS database. A current review of police sector data suggests that the relationship between the victim and the perpetrator is not accurately recorded at this level. While some police officers record domestic violence as a circumstance of the offence, others fail to do so. Current data production regulations do not provide guidelines in relation to victims' rights or intimate partner violence. Recording the relationship between the victim and the perpetrator is absolutely fundamental to any form of data collection on cases of intimate partner violence: this disaggregation enables the identification of offences in the context of an intimate relationship.

It is recommended that thorough and comprehensive guidelines be developed on implementing a system of data recording at police level, and that specialists on gender-based violence be closely involved in the process in order to maximise the potential for obtaining relevant data on intimate partner violence prevalence.

Introduce legislative changes to improve recording of the relationship at the judicial level

The Court Information System (the TIS database) does not allow for the recording of cases of domestic violence at the data input phase. A field with 'aggravating circumstances' is available, for which a list of specific circumstances is provided, and domestic violence is one of them. It is not possible to record the relationship between the victim and the perpetrator for criminal offences.

It is recommended to make legislative changes to Cabinet Regulation No 618 of 23 September 2016 (the regulation on the TIS database) ⁽¹⁾ so that the TIS database is capable of recording the relationship between the victim and the perpetrator for criminal offences, and to define intimate partner violence as a criminal offence which can be inputted as such.

Take steps to estimate the costs of intimate partner violence to the police and justice sectors

Violence against women in general and intimate partner violence in particular have far-reaching impacts on societies. A considerable amount of human and financial resources is devoted to dealing with cases of violence within the police and justice institutions. No studies have been undertaken that endeavour to estimate the economic burden of intimate partner violence on the police and justice sectors. Developing an action plan to estimate the costs of intimate partner violence could lead to a better understanding of the phenomenon in the context of the economic burden it creates.

It is recommended that a study using a purpose-built economic model be conducted to estimate the cost of intimate partner violence. The purpose-built model developed by EIGE can be used for this purpose.

2. Data collection infrastructure and cooperation between different authorities

Increase collaboration between sectors

Data collection on intimate partner violence requires cross-sectoral collaboration. Currently data is collected across the police and justice sectors, but is interpreted by a third. The Ministry of Welfare has the largest institutional capacity to work on gender equality-related issues, in addition to providing support to victims of intimate partner violence. However, it has little institutional influence upon developments in the Ministry of the Interior and the Ministry of Justice.

It is recommended that efforts be made to increase and strengthen collaboration between the police and justice sectors and the Ministry of Welfare in the context of their administrative data collection practices on intimate partner violence. It is additionally recommended that all sectors use complementary systems to record data and ultimately develop a standard data collection system which caters to all sectors.

Increase the capacity and role of the Central Bureau of Statistics

The Central Bureau of Statistics (CBS) receives data from the justice sector database (TIS) and the police sector database (KRASS), but it does not have the capacity to process information on intimate partner violence. The CBS regularly publishes data on criminal statistics with sex disaggregation. The CBS also has a user interface which allows for the accessing and processing of the most popular types of CBS data. However, additional relevant breakdowns for identifying intimate partner violence should be made available to the CBS for the purposes of statistical analysis and publication.

It is recommended that the capacity and role of the CBS be increased to allow it to collect, analyse and publish statistics on intimate partner violence from the data it receives from the police and justice sectors.

3. Technical recommendations

Invest in and improve the database used by the police sector

Currently the police database provides unprocessed raw data in an Excel table upon demand. A certain fee is required to acquire the data for non-public bodies. However, in order to acquire this data, certain criminal law articles must be presented and subsequently interpreted, which is a highly user-unfriendly approach. Easy access to data on intimate partner violence is essential for increasing the visibility of intimate partner violence-related issues.

It is recommended that the data processing system utilised by the police sector be improved to facilitate easy public access to data on intimate partner violence, and that the data provided be appropriately disaggregated.

⁽¹⁾ <http://likumi.lv/ta/id/284905-tiesu-informativas-sistemas-noteikumi> (not available in English).

Implement minor adjustments to the justice sector database

The justice sector database is newer than the one used by the police sector and has been significantly improved in the past few years. It is user friendly and allows for comparatively easy access to data with several breakdowns.

However, the breakdown variables in the database should include a variable stating the relationship between the victim and the perpetrator in order to enable the monitoring of cases of intimate partner violence.

It is recommended that variables on the relationship between the victim and the perpetrator be made available when selecting information on the system's public interface, to differentiate intimate partners from other relationships in the domestic sphere.

Indicator 1 — Annual number of women (aged 18 and over), victims of intimate partner violence ⁽²⁾ committed by men (aged 18 and over), as recorded by police

Indicator 2 — Annual number of reported offences related to intimate partner violence against women committed by men (aged 18 and over)

Indicator 3 — Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)

As there are no specific provisions for intimate partner violence in domestic legislation, all criminal law articles which could be related to intimate partner violence have been singled out. The following sections of criminal law could fall within the scope of intimate partner violence: Articles 116-124 (murder attempt; leading to suicide), Articles 125-128 and 130-131 (assault), Article 132(1) (stalking), Article 159 (rape), Article 160-162 (sexual assault), and Article 132 (threatening behaviour).

The numbers of victims of intimate partner violence, reported intimate partner violence offences and men perpetrators of intimate partner violence offences can be traced using cases filtered by the age of the victim and their relationship with the perpetrator. It is estimated that this indicator could be populated based on police sector data. However, the quality of data depends on accuracy during collection.

Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence ⁽³⁾ committed by men (aged 18 and over), as recorded by police

Specific sections of criminal law can be related to physical intimate partner violence: Articles 125-128 and 130-131 (assault), Article 116-124 (murder attempt; leading to suicide).

The number of victims of physical intimate partner violence can be traced by filtering cases by the age of the victim and their relationship with the perpetrator. It is estimated that this indicator could be populated based on police sector data. However, the quality of data depends on accuracy during collection.

For indicators 1, 2, 3 and 4

It is recommended that a specific provision for intimate partner violence be incorporated into domestic legislation. It is also recommended that the recording of certain variables — the age and sex of the victim and the perpetrator and the relationship between them — be made mandatory across the police and justice sectors.

⁽²⁾ Any act of physical, sexual, psychological or economic violence that occurs between former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, *Terminology and indicators for data collection: Rape, femicide and intimate partner violence*, Publications Office of the European Union, Luxembourg, 2017).

⁽³⁾ Any act which causes physical harm to the partner or former partner as a result of unlawful physical force. Physical violence can take the form of, among others, serious and minor assault, deprivation of liberty and manslaughter (EIGE, 2017).

Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence (4) committed by men (aged 18 and over), as recorded by police

There is currently no article of criminal law that specifically singles out psychological violence. Additionally, there is no data available on psychological intimate partner violence in criminal statistics on violence against women. Threatening behaviour (Article 132) and stalking (Article 132(1)) could be the closest options covering two aspects of psychological violence and could be used to populate this indicator, but more research should be conducted to analyse the range of the application of these articles.

The application of Article 132 in police practice should be studied in more detail to explore whether and to what extent it covers psychological intimate partner violence.

It is recommended that psychological violence be recognised as a distinct crime in domestic criminal law and that ultimately it be recognised as a facet of criminalised intimate partner violence.

Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence (5) committed by men (aged 18 and over), as recorded by police

There is currently no article of criminal law that specifically singles out sexual violence. The closest data covering the indicator can be obtained from Article 159 (rape) and Articles 160-162 (sexual assault). The number of victims of sexual intimate partner violence can be traced by using cases filtered by the age of the victim and their relationship with the perpetrator. Data for 2015 does not directly address sexual intimate partner violence but lists a general number of women victims of sexual violence.

It is estimated that Latvia would be able to populate this indicator based on police sector data. There is sufficient legal regulation and infrastructure. However, the quality of data depends on accuracy during the collection process.

It is recommended that sexual violence be recognised as a distinct crime in domestic criminal law and that ultimately it be recognised as a facet of criminalised intimate partner violence.

Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence (6) committed by men (aged 18 and over), as recorded by police

There is currently no article of criminal law that specifically singles out economic violence. Consequently, no data on economic intimate partner violence can be singled out. Theoretically, criminal law Article 175 (theft), Article 176 (robbery, theft using violence or threatened violence), Article 177 (fraud), Article 179 (misappropriation), Article 180 (theft, fraud, misappropriation on a small scale), Article 183 (extortion) and Article 185 (intentional destruction and damage of property) could be applied. Latvia would be able to populate the indicator based on police sector data. However, in reality, the extent to which data collected by the police covers economic violence, despite these criminal offences, is limited.

It is recommended that economic violence be recognised as a distinct crime in domestic criminal law and that ultimately it be recognised as a facet of criminalised intimate partner violence.

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape (7) committed by men (aged 18 years and over), as recorded by police

It is estimated that Latvia would be able to populate this indicator based on police sector data obtained from the breakdown of Article 159 (rape) by age and sex. Sufficient legal regulation and infrastructure is provided.

No recommendation is needed.

(4) Any act or behaviour which causes psychological harm to the partner or former partner. Psychological violence can take the form of, among others, coercion, defamation, verbal insult or harassment (EIGE, 2017).

(5) Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

(6) Any act or behaviour which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony (EIGE, 2017).

(7) Sexual penetration, whether vaginal, anal or oral, through the use of object or body parts, without consent, using force, coercion or by taking advantage of the vulnerability of the victim (EIGE, 2017).

Indicator 9 — Women victims of intimate femicide ⁽⁸⁾ (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide (aged 18 and over)

Police data is currently able to provide the number of intimate partner femicides using Articles 116-124 (murder) of criminal law. The number of victims of intimate partner femicide can be traced through the number of homicide cases filtered by the age of the victim and their relationship with the perpetrator.

Thus it is estimated that Latvia would be able to populate the indicator based on police sector data. Sufficient legal regulation and infrastructure is provided.

No recommendation is needed.

Indicator 10 — Annual number of protection orders applied for and granted in cases of intimate partner violence against women by type of court

Indicator 11 — Annual number of men (aged 18 and over) prosecuted for intimate partner violence against women

Indicator 12 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women

Data is currently made publicly available by the civil procedure information section ⁽⁹⁾ and can be accessed via the TIS database, however it requires further disaggregation by sex and the relationship between the victim and the perpetrator. Such information has been gathered but is not displayed in the system.

It is estimated that Latvia would be able to populate these indicators with reliable, good-quality data, but such data is not yet available through the public interface of the TIS database.

Indicator 13 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women and held in prison or with a sanction involving a form of deprivation of liberty

Latvia is unable to populate this indicator as the TIS database does not allow for the breakdown of data according to the relationship between the victim and the perpetrator.

It is estimated that Latvia would be unable to populate this indicator as data is not available through the public interface of the TIS database.

For indicators 10, 11, 12 and 13

It is recommended that the public interface of the TIS database appropriately disaggregate its published data by the sex and age of the victim and the perpetrator and the relationship between them, so that the number of protection orders applied for and granted, persons prosecuted and persons sentenced for intimate partner violence is easily accessible.

⁽⁸⁾ The killing of a woman by an intimate partner and death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, 2017).

⁽⁹⁾ See https://tis.ta.gov.lv/tisreal?Form=TIS_STAT_O&topmenuid=0&groupid=tisstatcl (not available in English).



<http://eige.europa.eu>

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