Victims and their Criminal Procedure Status in Law Enforcement Practices in Latvia

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The current paper is devoted to the practical aspects of the status of victims in criminal procedure when it comes to crimes that have been committed. The author has tried to offer an illustrative answer to the question of what people who are involved in practical terms in work with victims think about legal regulations and practical implementation of same regarding the victims. The paper includes a concise review of Latvia's criminal procedure norms to the extent required for this discussion, looking at the law as of August 1, 2013. The discussion is focussed on the following issues: 1) public information about the issues related to the involvement of victims in the practical aspects of criminal procedure; 2) the views of more than 100 practical specialists (prosecutors, judges, attorneys, mediators) who were surveyed on the topic of currently important aspects of victims; 3) statistical data related to victims and their involvement in criminal procedure. Some of the data in this paper were obtained and/or utilised in relation to a study that is being conducted by the Centre for European Constitutional Law in partnership with the Institute of Advanced Legal Studies, School of Advanced Study, University of London, "Protecting Victims' Rights in the EU: The Theory and Practice of Diversity of Treatment During the Criminal Trial." The study is being financed by the European Commission.

Keywords: Victims in criminal procedure; information about the rights of victims; settlement of cases; compensation; legal aid to victims.

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Introduction

There is no denying that the issues related to crime, criminals and victims are of importance in the modern world. For many years, those who committed criminal offences were the main issue in this regard, while comparatively recently there has been an increasing focus on victims. This is clearly seen in the initiatives of the

European Union in terms of protecting victims. The most visible result has been European Parliament and Council Directive 2012/29/EU (25 October 2012). The Directive identifies minimal standards related to the rights, support and protection of victims, thus replacing Council Framework Decision 2001/220/JHA.[1] Professor Ārija Meikališa has offered a more detailed review of the Directive in this journal. The purpose of this paper, in turn, is to examine the understanding of victims and their status, focusing on the practical aspects thereof. The author has analysed various statistical data and reviewed the opinions of people whose everyday work relates to victims in civil proceedings. A survey of such individuals was conducted in June 2013. Due to technical reasons, the author did not manage to receive responses from investigators, and the representatives of victim support organisations also did not demonstrate any interest in the process. Answers were given by 23 prosecutors, 42 attorneys, 36 judges and 9 mediators. Thus, this paper reflects the views of 110 specialists in the field. The aim is to discuss the views of those people who work directly with the victims. The author has chosen not to look at the views of victims themselves, because this has been addressed quite extensively in other studies.[2] For illustrative reasons, the author has made use of various statistical information that is publicly available or has been specifically requested.

1 The definition of a victim and of criminal procedure status of same

Sections 95 and 96 of the Latvian Law on Criminal Procedure (KPL)[3] discusses victims as active participants in criminal procedure, stating that the following characteristics relate to the same:

- A victim in criminal proceedings may be a natural person or legal person to whom harm has been caused by a criminal offence, that is, a moral injury, physical suffering, or a material loss.
- A victim in criminal proceedings may not be a person to whom moral injury was caused as a representative of a specific group or part of society.
- If a person dies, the victim in criminal proceedings may be the surviving spouse, one of the ascending or descending relatives of the deceased, or the adopter or a collateral relative of the first degree of such deceased.
- The person desires or has agreed to be a victim as an active participant in criminal proceedings.
- The person has been declared to be a victim by the person who is handling the proceedings.

In discussing the understanding a victim in criminal procedure, the fact must be noted that a victim is not just the person who suffered victimhood because of a crime, but also his or her relatives in the case when the original victim has passed away. This is seen in Section 95.3, as indicated above. In practice, this is not a "dead" norm. According to the Information Centre of the Latvian Interior Ministry (IC), there were 43 criminal proceedings in which the victim was a representative of a deceased person, 75 in 2012, and 23 during the first six months of 2013. Asked to state the three most common crimes in which the relatives of a deceased victim have been declared victims, the IC provided the information contained in Table 1.[4]

The sections of the Criminal Law which are referenced in the Table 1 include Section 116 (murder), Section 125.3 (voluntary assault which has led to the involuntary killing of the victim), and Section 260.2 (violation of road traffic safety rules that has led to the death of the victim).

Table 1

Criminal proceedings in which the victim is a representative of a deceased person

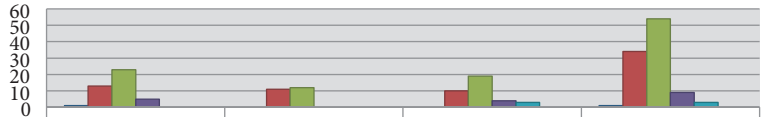
Section of Criminal Law	Year of decision		
	2011	**2012**	**2013 (6 mounths)**
260.2	17		
125.3	9		
116	4		
260.2		34	
116		16	
125.3		13	
125.3			7
260.2			6
116			6
Total	**43**	**75**	**23**

Despite the fact that there have been comparatively few cases in this regard, the survey of personnel indicates that the relatives of a deceased person have been declared as victims quite frequently – 76% of surveyed attorneys, 91% of prosecutors, and fully 100% of judges said that they had encountered such cases. This makes it possible to assume that the IC does not have complete data, and that may be the case because the specialists who conduct criminal proceedings do not provide it with full information. Asked about who specifically was declared a victim in such cases, respondents most often mentioned wives, husbands, sisters, brothers, parents and children. One respondent said that "usually it is a single individual." In another case, the declared victim was a brother even though the original victim's father and mother were both alive.

Because the aforementioned elements from the KPL allow victims or their relatives to choose whether or not they wish to be classified as victims, the survey of prosecutors, attorneys and judges included a question focused on how often victims in criminal cases have, in their experience, expressed the desire to be classified as victims in the criminal case. Most of the respondents agreed – 55% of attorneys, 52% of prosecutors and 53% of judges said that this happens "in most cases," and none answered "Hardly ever" (Figure 1).

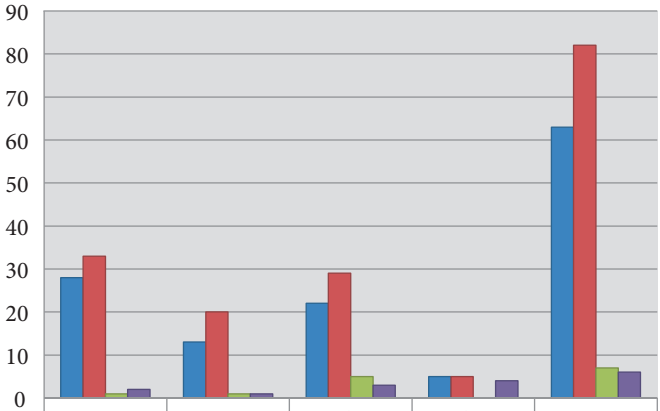
This shows that most victims decide to take on the status of a victim in criminal proceedings. Analysis of KPL norms show that this allows the individual to take part in the process actively and, insofar possible, influence it. The question arises as to what the victims wish to achieve by becoming involved in criminal proceedings. The survey respondents were asked about the main reasons why victims decide to take part in criminal procedure, and the results are shown in Figure 2.

The above results demonstrate that most respondents find material compensation to be the main reason for becoming involved in the process, while still many others said that they hoped that the criminal would be punished. Fewer than 10% of attorneys, prosecutors and judges listed a different reason as to why victims wished to take part in criminal procedure, while among mediators, nearly one-half did do. 8% of judges believe that victims do not have any particular reason for taking part, while among others this view did not attract much support.



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	1	0	0	1
Nearly always	13	11	10	34
In moust cases	23	12	19	54
About half the time	5	0	4	9
Rarely	0	0	3	3
Hardly ever	0	0	0	0

Figure 1 **Do actual victims of a crime decide to "obtain" the status of a victim in criminal proceedings?**

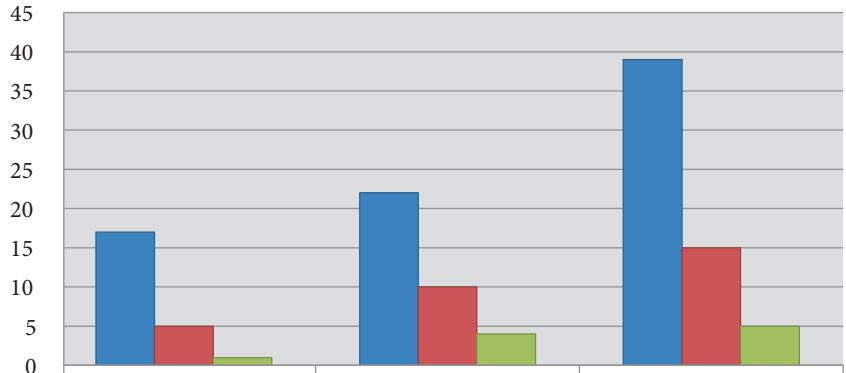


	attorneys (43)	prosecutors (23)	judges (36)	mediators (9)	total (110)
Hope criminal will be punished	28	13	22	5	63
Material compensation	33	20	29	5	82
No specific goal or reason	1	1	5	0	7
Other	2	1	3	4	6

Figure 2 **The main reasons why victims take part in criminal proceedings (multiple answers possible)**

The author also wished to find out how justified the decision to obtain the status of a victim is in terms of achieving the desirable result. It seemed important to ask judges and prosecutors, who are officials who handle criminal proceedings, whether they believe that the active participation of victims in the process can seriously influence its development and results. The overview of the responses is shown in Figure 3.

This clearly shows that the decision by a victim to take on the official status of a victim in criminal procedure can be seen as tactically justified, with 74% of



	prosecutors (23)	judges (36)	total (59)
yes	17	22	39
no	5	10	15
other	1	4	5

Figure 3 **Does the active participation of a victim substantially influence the development and results of the process?**

prosecutors and 61% of judges saying that the active participation of the victim can influence the process and its results.

The final question about this issue relates to when the status is obtained. Section 96 of the KPL says that the last moment when a person can be declared a victim is when the first-level court hearings begin. If the victim dies after the process begins or during an appeal of a ruling, the appeals court can declare a relative of the deceased party's to be the victim. The survey of prosecutors, judges and attorneys reveals that in most cases people are declared victims during pre-trial investigations. Asked whether they have encountered instances in which people declare their desire to be officially classified as victims during the criminal prosecution, 22% of prosecutors said that they had never encountered such cases, 48% said that they have hardly ever seen such a case, and 30% said that it was uncommon. Those who said that they had encountered the situation were asked why the person was declared a victim only during the time once the prosecution began, and 33% said that the investigator had not explained the relevant rights clearly, another 33% said that the victim changed his or her mind, and 24% said that the individual saw reason to be declared a victim only when a specific person was charged with the crime. Among the 36 judges who were surveyed, 44% had seldom encountered a situation in which a person was declared a victim during trial proceedings, 44% had done so only a few times, and 11% had never experienced such a case.

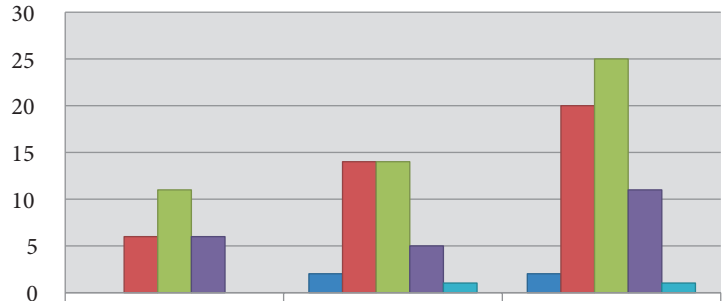
An equally important issue here is how people can lose the status of a victim. If victims can receive the status, can they also reject it during criminal proceedings? The KPL does not directly speak to this matter, so there can be no unambiguous answer to the question in practice. The author has written about the issue before. In the paper "Victims and their Status in Criminal Proceedings," she wrote that "*if each person is given the right to decide on whether or not he or she wishes to be classified as a victim, then that person also has the right to reject that status.*"[5]

When it comes to understanding this issue in terms of the current practices, it must be said that the situations in which victims wish to reject their status are quite

uncommon. As shown in Figure 4, such a situation has been frequently encountered only by 6% of judges and no prosecutors, it has been experienced rarely or only in some cases by 78% of judges and 74% of prosecutors, and 26% of prosecutors and 14% of judges have never encountered it.

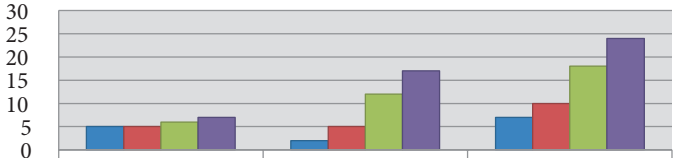
When it comes to those who handle criminal procedure, the situation is characterised by the answer to the next question depicted in Figure 5: "If you have encountered such a situation as the handler of the process, what have you done in response?"

Sadly, the respondents did not explain what the "other" option was, so a precise view of what employees do is not available. Personal interviews, however, make it



	prosecutors (23)	judges (36)	total (59)
Yes, frequently	0	2	2
Yes, but seldom	6	14	20
Only in a few cases	11	14	25
Never	6	5	11
Other answer	0	1	1

Figure 4 **Do victims reject their status in criminal procedure?**



	prosecutors (23)	judges (36)	total (59)
Repeal the decision on declaring the person as a victim	5	2	7
Decide to lose the status of a victim	5	5	10
State that rejecting the status is not possible	6	12	18
Other	7	17	24

Figure 5 **What handlers of criminal procedure do when a victim rejects his or her status**

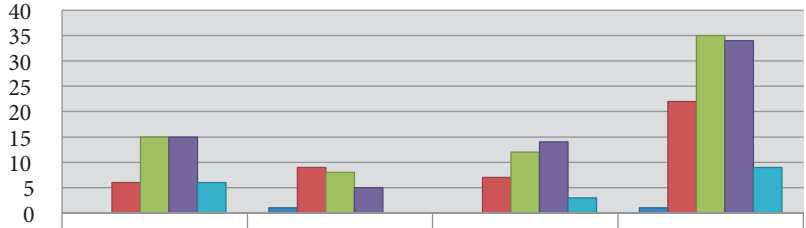
possible to conclude that in most cases, such requests are rejected because the status of a victim does not place any additional obligations on the person's shoulders. It is also true that if the person does not want to take advantage of the status, he or she does not have to do so. This means that in practice, the desire of victims to reject the status is not recognised, which means that if a person has been declared to be a victim, then he or she cannot reject or lose that status.

2 Informing victims about their rights, obligations and other issues related to the status of a victim

One of the most essential procedural guarantees for victims that is included both in the Directive and the KPL is the declaration that victims must be appropriately informed about their status, rights, obligations and other aspects of the status of a victim, and that this must be done in a comprehensible and understandable way. In order to find out whether victims really receive information about these aspects, the author asked her respondents to think about their professional observations so as to know whether the information about the issue is always presented, presented more often than not, presented rarely, or presented hardly ever or never. Respondents were asked to evaluate the provision of information about the rights that are enshrined in the Directive, as well as the obligations of victims. The answers are provided in Figures 6 to 18.

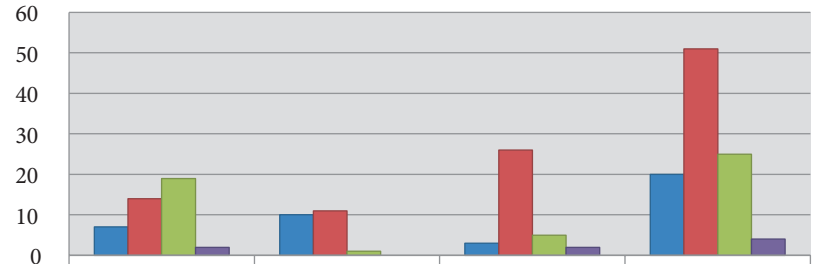
The survey data show that information about support for victims is very dissatisfactory, because only one of the 101 respondents who were surveyed said that such information is always provided. Less than 22% of respondents said that this happens in most cases, and among attorneys, the proportion drops to 14%. This may be in part because the KPL does not directly speak to the so-called support events. It is also possible that the practitioners do not have a clear understanding of the issue.

The data provided in Figure 7 confirm that the information about the right to petition for the launch of criminal proceedings is provided at a better level, but not in all cases. Although a bit more than 70% of respondents said that such information



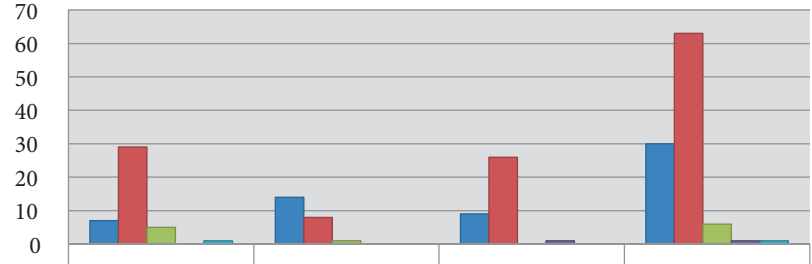
	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	0	1	0	1
In most cases	6	9	7	22
In fewer cases	15	8	12	35
Hardly ever	15	5	14	34
Never	6	0	3	9

Figure 6 **Information about support (medical assistance, specialist support, psychological support, etc.)**



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	7	10	3	20
In most cases	14	11	26	51
In fewer cases	19	1	5	25
Hardly ever	2	0	2	4

Figure 7 **Information about the right to petition for a launch of criminal proceedings**



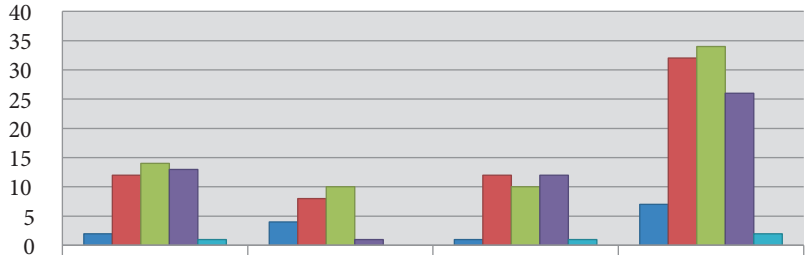
	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	7	14	9	30
In most cases	29	8	26	63
In fewer cases	5	1	0	6
Hardly ever	0	0	1	1
Never	1	0	0	1

Figure 8 **Information about the right to obtain the status of a victim**

is provided always or in most cases, the fact that 30% of respondents said that this happens seldom, hardly ever or never at all is a worrisome indicator.

According to the data presented in Figure 8, it can be said that the situation is better when it comes to informing people about their right to obtain the status of a victim. 82% of surveyed attorneys, prosecutors and judges say that such rights are explained always or in most cases, and a majority of prosecutors (61%) say that this happens always. A majority of attorneys, who tend to be comparatively critical when it comes to the provision of information about rights, in this case say that people are told about the right to obtain the status of a victim in most cases or always.

As evidenced by Figure 9, the situation with informing people about their right to receive legal aid is poor. Only less than 39% of surveyed attorneys, judges and

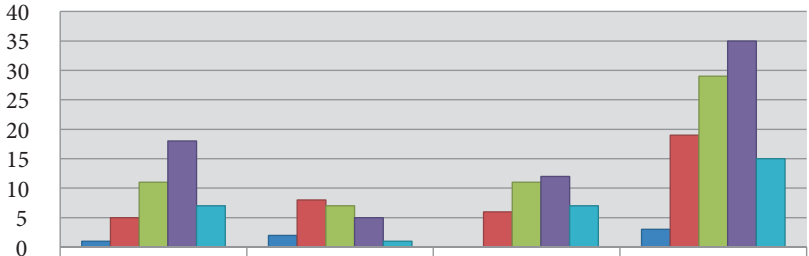


	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	2	4	1	7
In most cases	12	8	12	32
In fewer cases	14	10	10	34
Hardly ever	13	1	12	26
Never	1	0	1	2

Figure 9 **Information about the right to legal aid**

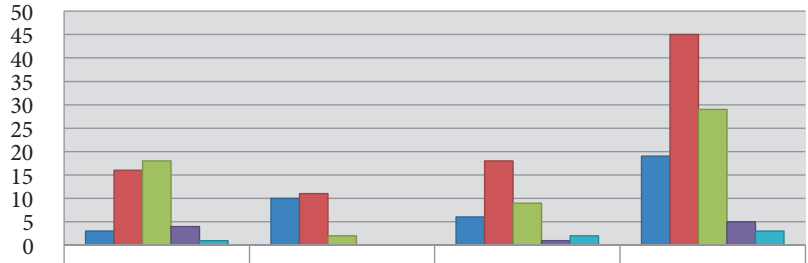
prosecutors confirm that such information is provided always or in most cases. Among them, 30% are attorneys, 52% are prosecutors, and 36% are judges. A total of 61% of respondents say that such information is provided seldom, hardly ever or never.

An even harsher image relates to the information about the right to protection reflected in Figure 10. Fewer than 22% of surveyed attorneys, judges and prosecutors admit that such information is provided always or in most cases. Among them there are 13% of attorneys, 44% of prosecutors, and 17% of judges. 78% of respondents said that the information is provided in fewer cases, hardly ever or never. It must also be noted that the largest percentage of surveyed employees – 15% said that the information is never provided.



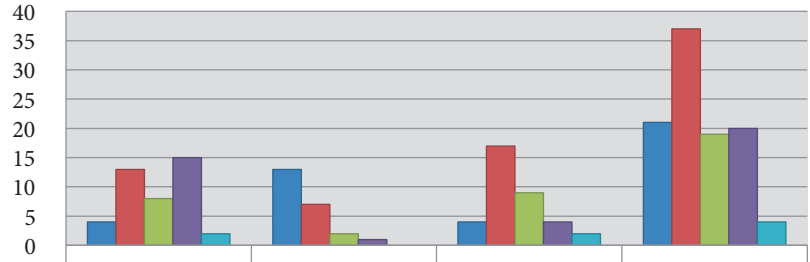
	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	1	2	0	3
In most cases	5	8	6	19
In fewer cases	11	7	11	29
Hardly ever	18	5	12	35
Never	7	1	7	15

Figure 10 **Information about the right to protection**



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	3	10	6	19
In most cases	16	11	18	45
In fewer cases	18	2	9	29
Hardly ever	4	0	1	5
Never	1	0	2	3

Figure 11 **Information about the right to compensation**



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	4	13	4	21
In most cases	13	7	17	37
In fewer cases	8	2	9	19
Hardly ever	15	1	4	20
Never	2	0	2	4

Figure 12 **Information about the right to receive a translation**

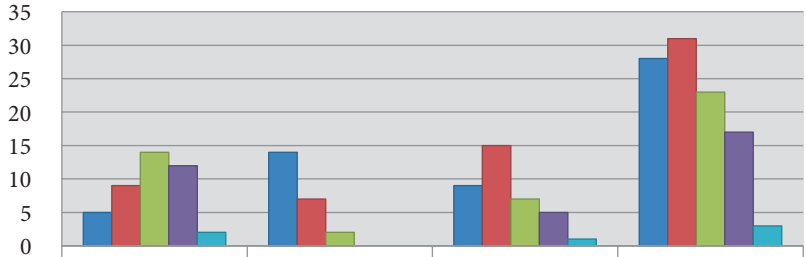
The situation with information about the right to compensation is comparatively better. Figure 11 shows that 63% of respondents say that victims receive such information always or in most cases, but it has to be noted that most of the attorneys do not agree with that, with 55% of them responding that it happens in fewer cases, hardly ever or never. The same is claimed by a comparatively large percentage of all survey respondents – 37%.

When it comes to the right to receive a translation, it has to be said that 57% of respondents said that such information is provided always or in most cases, while 24% argue that it is offered hardly ever or never at all, as depicted in Figure 12. In this case, it is interesting to note the difference between the evaluations of attorneys, prosecutors and judges. A majority of judges and an absolute majority of attorneys

confirm that information about such rights is offered always or in most cases, but most of the attorneys say that it is offered in fewer cases, hardly ever, or never.

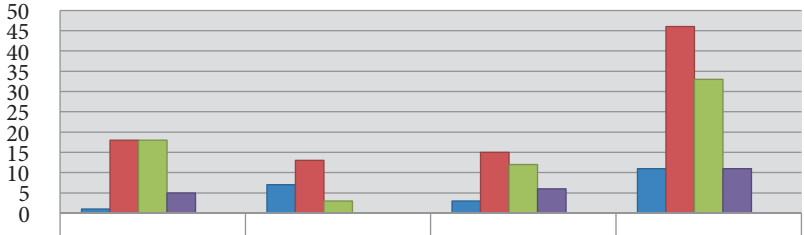
As shown in Figure 13, similar evaluations were offered when it came to the right to submit complaints. 57% of respondents say that such information is provided always or in most cases, while 20% note that it is offered hardly ever or never. Here again it is interesting to look at the different views of attorneys, prosecutors and judges. Most judges and an absolute majority of prosecutors claim that information about these rights is given always or in most cases, but most of the attorneys say that it happens in fewer cases, hardly ever, or never.

According to Figure 14, 56% of respondents said that the information about the right to achieve a settlement of a case is provided always or in most cases, while 43% said that it happens in fewer cases or hardly ever. Here, once again, there are



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	5	14	9	28
In most cases	9	7	15	31
In fewer cases	14	2	7	23
Hardly ever	12	0	5	17
Never	2	0	1	3

Figure 13 **Information about the right to submit complaints**



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	1	7	3	11
In most cases	18	13	15	46
In fewer cases	18	3	12	33
Hardly ever	5	0	6	11
Never	0	0	0	0

Figure 14 **Information about the right to settle a case and about the consequences of same**

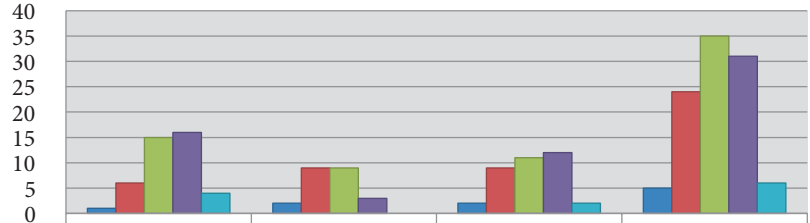
substantial differences between the views of prosecutors, judges and attorneys. An absolute majority of prosecutors (87%) confirm that victims receive such information always or in most cases, but only 45% of attorneys say so, with 55% admitting that it happens in fewer cases or hardly ever.

A very harsh scene appears when it comes to information about the fact that victims have the right to receive compensation for losses incurred during criminal procedure (see Figure 15). Only 30% of respondents say that such information is provided always or in most cases, while 70% say that it happens in fewer cases, hardly ever or never. It is essential to understand, moreover, that 52% of prosecutors agree with this view, and in most cases they feel that the most important thing is to inform victims about their rights. To a certain extent the fact that such information is not too widespread can be attributed to the fact that these rights are not specifically listed in the KPL, instead emanating indirectly from the part of the KPL, which speaks to property losses and, specifically, procedural expenditures.

58% of respondents say that victims always or in most cases receive the information as to how they can contact the handler of the process, while 41% say that this happens in fewer cases or hardly ever. Once again there are fundamental differences in the views of prosecutors and attorneys. 29% of attorneys claim that such information is hardly ever given, and only one of the 23 prosecutors who were surveyed said the same (see Figure 16).

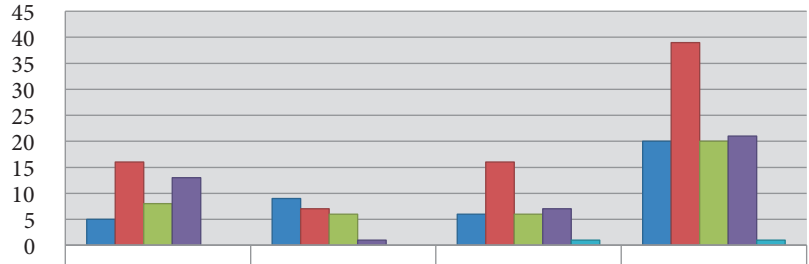
A very radical difference in opinion is revealed in Figure 17 regarding the information about the right of the victim to be informed about the development of criminal proceedings. 44% of respondents say that such information is provided always or in most cases, but that is true only among 21% of surveyed attorneys. 60% of them admit that this happens hardly ever or never. Judges are comparatively sceptical about this matter, with 50% responding that information about these rights is provided in fewer cases or hardly ever.

Comparative unanimity is seen in evaluations about whether victims are informed about their obligations (see Figure 18), with 76% of respondents answering that this information is provided always or in most cases. This is the issue where one



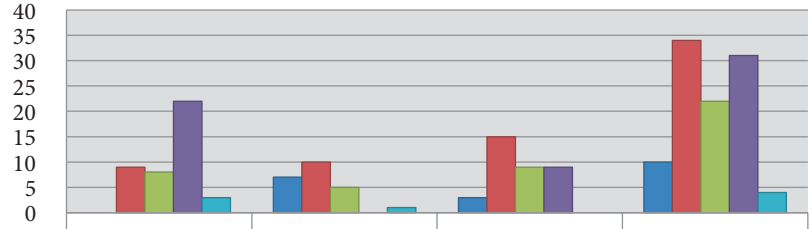
	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	1	2	2	5
In most cases	6	9	9	24
In fewer cases	15	9	11	35
Hardly ever	16	3	12	31
Never	4	0	2	6

Figure 15 **Information about the right to receive compensation for losses incurred during criminal proceedings**



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	5	9	6	20
In most cases	16	7	16	39
In fewer cases	8	6	6	20
Hardly ever	13	1	7	21
Never	0	0	1	1

Figure 16 **Information about contacting the handler of the process**

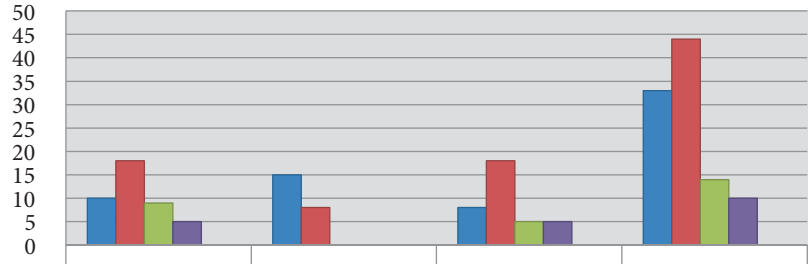


	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	0	7	3	10
In most cases	9	10	15	34
In fewer cases	8	5	9	22
Hardly ever	22	0	9	31
Never	3	1	0	4

Figure 17 **Information about the right to be informed about developments in criminal procedure**

can find the largest proportion of respondents saying that the information is always provided (33%). This is also one of the few cases in which a majority of surveyed attorneys replied that the information is provided always or in most cases.

An evaluation of answers that were given in terms of the provision of information about the status, rights and obligations of victims and other issues related to that status and elements therein, leads to several conclusions. All in all, the views about the extent to which victims are informed about elements of their status in criminal procedure are not particularly pleasing. Although the system is in line with the requirements of the Directive and the KPL, the application of the norms in practice should involve a situation in which the answer "always" is given to all of the various elements of the victim's status; however, that is not the case. In none of the



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Always	10	15	8	33
In most cases	18	8	18	44
In fewer cases	9	0	5	14
Hardly ever	5	0	5	10
Never	0	0	0	0

Figure 18 **Information about obligations related to criminal procedure**

aforementioned areas did 50% or more of respondents say that the information is always provided. Only in two cases did the answers "always" and "in most cases" add up to more than 75%, and that is unforgivable. Those areas were the information about the right of the victim to obtain that status, as well as the information about the victim's obligations. In most cases, the answers "in fewer cases," "hardly ever" and "never" totalled up to 50% or more – the right to receive information about the development of criminal proceedings, information about the right to receive compensation for losses that relate to the process, the right to protection, the right to legal aid, and the right to receive help from the relevant support services. It must also be noted that prosecutors were most likely to offer positive answers about information related to elements in the victim's status, and comparatively few of them answered "hardly ever" or "never" in response to the questions. Still, even the prosecutors have been critical about issues such as the availability of support for victims and the right to receive the aforementioned compensations. Attorneys were most critical in their answers, seldom saying that information is always provided and instead giving the answers "in fewer cases" and "hardly ever." To a certain extent, these differences in opinion may be down to the fact that when answering the questions, prosecutors were evaluating their own work and that of their colleagues, and this might have encouraged them to be "gentler" in their approach. Attorneys, in turn, could express their views about handlers of the process, and that may have created a conscious or subconscious desire to be "stricter" in criticising others, including their opponents. When it comes to judges as respondents and to the answers that they gave, it must be concluded that they were between prosecutors and attorneys, and an interpretation of this must involve the fact that judges expressed views about their own work and that of their colleagues, also evaluating the things which officials do during pre-trial proceedings.

In concluding this sub-chapter, it has to be said that the information about the elements of a victim's status is among the weakest elements in the application of the law. Rapid and essential improvements are very much needed. At the normative

level, the rights of a victim and so on are enshrined at the appropriate level in Latvia, but in order to ensure that these interests are truly protected, the rights must be brought to life in practice. First and foremost, this relates to appropriate information about the victim's rights, etc.

3 Organisations to support victims

Given the special role that the Directive assigns to organisations which support victims, this study to a certain extent addressed also the work of such services, mostly looking at how their work is perceived by practical employees. There are several organisations which support victims, both governmental and non-governmental. The Legal Aid Administration, for instance, is a government institution which provides legal aid and pays compensation to those who have been victims of criminal offences. The State Probation Service allows victims and clients of the probation system to reach a voluntary agreement with the involvement of a mediator. Information about the work of such institutions is quite extensively available to the handlers of criminal procedure and to the victims themselves. Apart from the government institutions which provide assistance outside of criminal process as such, there are many other, non-governmental organisations, e.g.:

- The Skalbes organisation, which is an NGO that provides psychological crisis assistance on the 24/7 phone line 6722-2922. It provides psychological consultations and information about the support that is available to victims.
- The Dardedze centre is an NGO which offers consultations and assistance to the children who have suffered from violence.
- The Talsi Administrative District Crisis Centre is an NGO which helps to establish healthy and strong families, defends the rights of children and women, and implements relevant programmes.
- The Victim Support Centre is an NGO that offers legal aid, free psychological consultations, as well as assistance to victims and criminals who wish to settle a case.
- The Marta Women's Resource Centre is an NGO that offers support to women who have suffered from violence or human trafficking.[6]

These are not the only institutions which offer support. The homepage of the National Police, *www.vp.gov.lv*, for instance, also lists organisations such as Mars Street, the Crisis Centre for Street Children, the Rīga Centre for Social Rehabilitation and Support for Orphans, the Māra Centre Crisis Centre for Women and Children, the State Children's Rights Protection Inspectorate, "Save the Children!", the Rīga City Council Children's Rights Defence Centre *www.bernutiesibas.lv*, the Association to Seek Lost Children, the University of Latvia Psychological Aid Centre, as well as a number of psychological support institutions for victims in other parts of Latvia – the Aizkraukle Psychological Aid Centre, the Allaži Children's and Family Support Centre, the Cēsis Psychological Aid and Support Centre, the Latgale Psychological Aid Centre 'Valentia', the Jaunpiebalga Parish Rehabilitation Centre "Life Energy" (for children addicted to psychoactive substances, *www.atkariba.lv*), the Līvāni Social Support Centre "White House" (*www.baltamaja.lv*), the Liepāja Creative Psychology Centre "For the Family" (*www.gimenei.lv*), the Ventspils Crisis Centre for Families and Children "Shelter", and the Valmiera Crisis Centre for Children Suffering from Violence.[7]

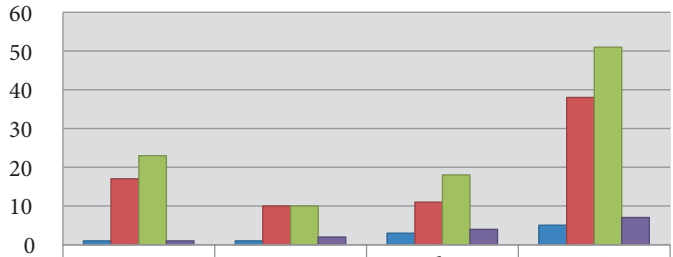
Let us discuss a few of these centres. The aforementioned Dardedze Centre offers consultation and support for children who have suffered from violence so as to

prepare them for investigation and court proceedings. If the relevant institutions or an attorney requests written conclusions about the child, then a psychological examination is conducted so as to prepare a report about the possible violence. The centre also has special facilities for investigation that involves children (and employees of the relevant institutions make comparatively active use of these facilities).[8]

The annual report of the Marta resource centre for women in 2011, in turn, indicates that during the course of that year, the centre offered 1,895 social work, legal, psychological, psychotherapeutic and growth-related consultations.[9] 1,282 of these consultations were offered on site, while the remaining 613 were provided electronically or via the telephone. The 2012 annual report, in turn, shows that a social worker provided 426 consultations, attorneys provided 566, psychologists provided 278 (115 of them involving children who had suffered violence), a psychotherapist offered 389, an individual growth trainer provided 17, and a masseuse provided her services to four women. The Marta centre operates a telephone hotline to deal with issues of violence, human trafficking and safe jobs abroad. Over the course of the year, 123 calls were received – 47 about family violence, nine about possible victims of human trafficking and their relatives, and four related to risks related to seeking a job abroad.[10]

Despite the aforementioned facts, information about the available support is comparatively minimal (see Figures 19 to 25). This is evident in the answers given by employees when asked whether victims at this time have access to support services that are free of charge, are confidential, and operate in the interests of the victims.

As can be seen in Figure 19, only 5% of respondents said that such services are available, while 38% strictly said "no." The other 50% said that the availability of such services depends on the extent to which the victim is actively interested in receiving them. Once the subjective attitude of respondents was determined in terms of the support organisations' availability, it seemed of interest to look at what the respondents think about the work of the relevant institutions in terms of providing information to victims about the support services and their work. Attorneys were asked whether the institutions offer sufficient information to victims about the



	attourneys (42)	prosecutors (23)	judges (36)	total (101)
Yes	1	1	3	5
No	17	10	11	38
Only if victim is actively interested	23	10	18	51
Other	1	2	4	7

Figure 19 **Availability of confidential support services**

services and whether they send the victims to such institutions. 35 of the 42 attorneys who took part in the survey responded "no" (83%), while only two (5%) said "yes" and five (12%) chose another answer.

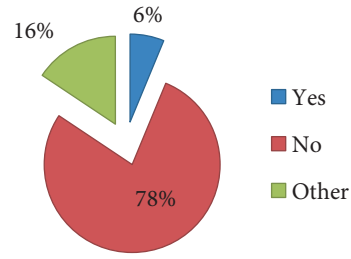


Figure 20 **Do the relevant services offer sufficient information to victims about support services and send the victims to such institutions? Attorneys (42)**

Judges were asked to answer two questions:

1) According to their professional observations, do the relevant institutions provide victims with sufficient information about support services during pretrial proceedings, and are they sent to such institutions?
2) Have you yourself recommended that a victim make use of the services of the support services?

The Figures 21 and 22 show the responses.

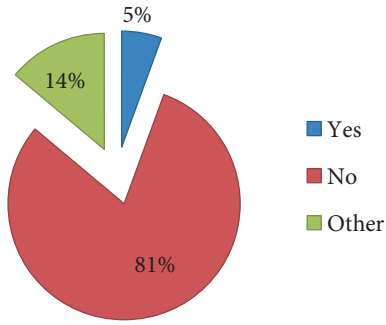


Figure 21 **Do the relevant services offer sufficient information to victims about support services and send the victims to such institutions? Judges (36)**

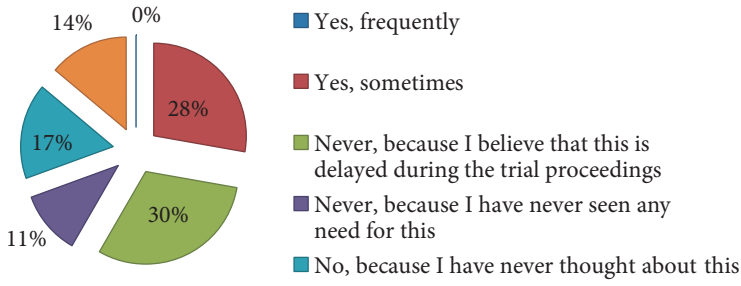


Figure 22 **Have you yourself recommended that a victim make use of the services of the support services? Judges (36)**

Prosecutors, in turn, were asked to evaluate the activities of investigatory institutions in this regard, as well as to evaluate the activities of prosecutorial services and their own work (see Figures 23 to 25).

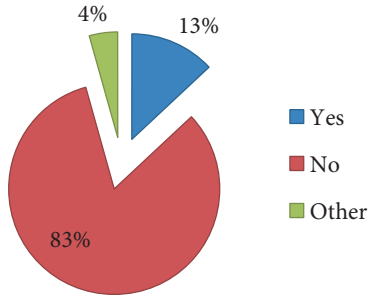


Figure 23 **Do the relevant investigatory services offer sufficient information to victims about support services and send the victims to such institutions? Prosecutors (32)**

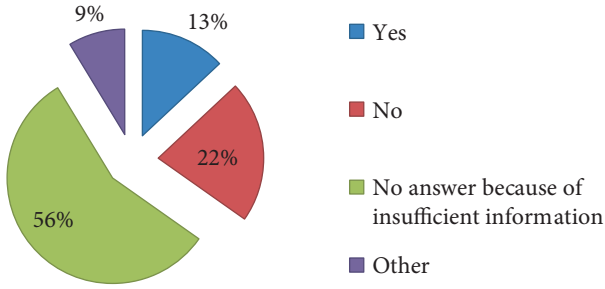


Figure 24 **Do prosecutorial institutions offer sufficient information about such services to victims during pre-trial proceedings and send them to the relevant institutions? Prosecutors (23)**

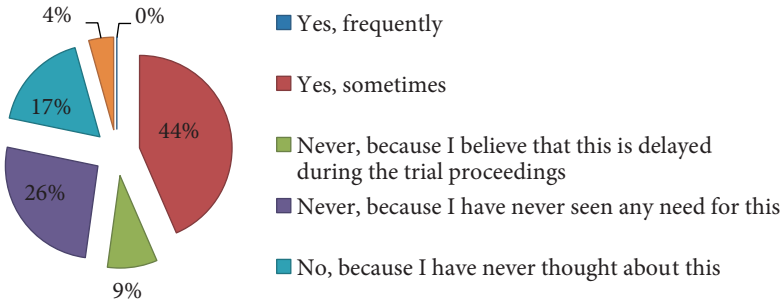
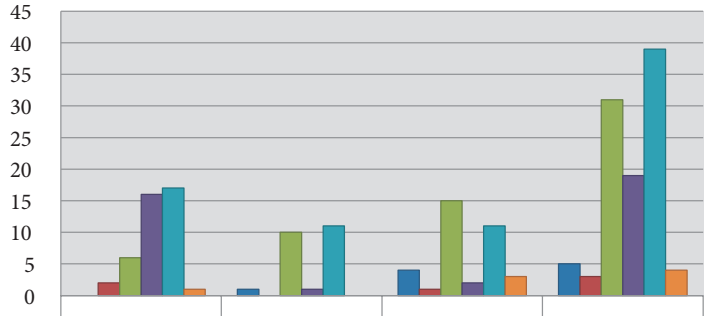


Figure 25 **Have you yourself recommended that victims make use of support services? Prosecutors (23)**

The respondents admit that in an absolute majority of cases the information about support services is not provided, although they are more lenient when evaluating their own work. There are two facts in the aforementioned responses which



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Positive	0	1	4	5
Negative	2	0	1	3
More positive than negative	6	10	15	31
More negative than positive	16	1	2	19
No opinion, no contacts with the institutions	17	11	11	39
Other	1	0	3	4

Figure 26 **An evaluation of the work of victim support institutions**

deserve attention – 30% of judges honestly admit that they have never recommended that victims make use of support services, while 56% of prosecutors say that they will not evaluate the work of their colleagues because they have insufficient information about this matter.

Respondents were next asked to evaluate the operations of the support organisations (see Figure 26).

Given the previous answers, it was no surprise that nearly 39% of respondents said that they could not offer an assessment because they had never had any contacts with the relevant institutions. 37% of respondents rated the operations of the institutions positively or more positively than negatively, while 22% rated them negatively or more negatively than positively. It must also be noted here that attorneys were far more critical in responding to this question.

This shows that the operations of victim support services are largely unknown to attorneys, prosecutors and judges. This means that one of the first things that should be done to strengthen the victim support institutions is to create greater understanding about the areas in which they work, as well as the content, necessity and availability of the services. If participants in legal procedure were to be more familiar with these matters that would clearly increase the level on which the victims receive the relevant information.

4 Investigations related to victims

The Directive speaks to various aspects of investigatory work, and consequently the author asked attorneys, prosecutors and judges to offer their views about four relevant issues:

1) The timeliness of interrogations;
2) The length of interrogations;

3) Repeated interrogations;
4) Medical examinations.

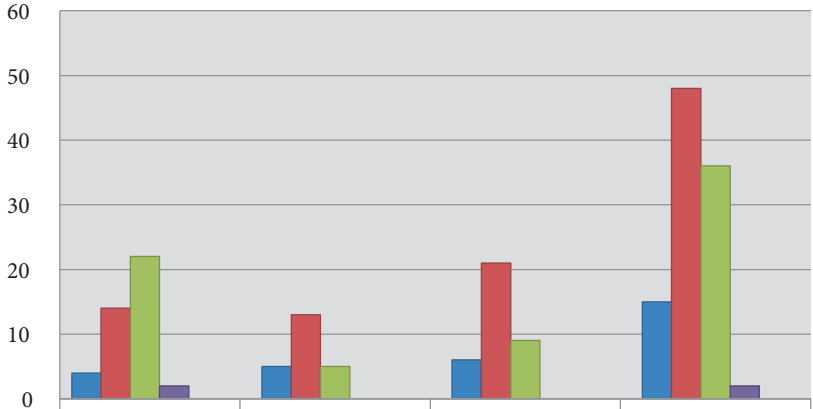
In relation to the timeliness of the process, respondents were asked to answer this question: As far as you have observed in terms of your work, does the interrogation of victims during pre-trial proceedings usually occur without any unnecessary delays, immediately after news of the criminal offence have been received, and at a competent institution? The responses are depicted in Figure 27.

These responses show that judges and prosecutors agree on this issue, with 75% of judges and 78% of prosecutors saying that interrogation of victims occurs without unnecessary delays almost always or in most cases, while 57% of attorneys said that this happens only sometimes or hardly ever.

The next question illustrated by Figure 28 had to do with the duration of interrogations: As far as you have observed in terms of your work, is the duration of pre-trial interrogations appropriate?

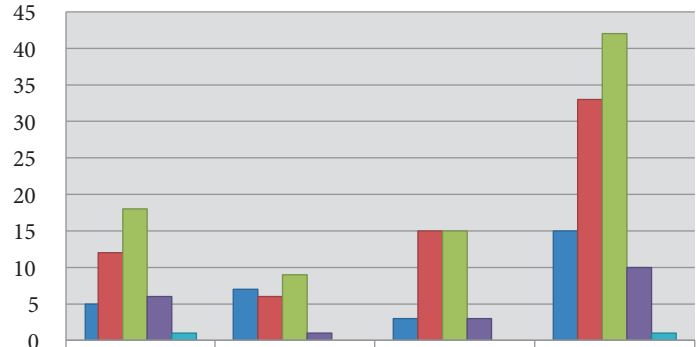
Here it can be seen that a slightly fewer than 48% of respondents say that the duration of interrogations is almost always or in most cases appropriate, while fewer than 42% admit that the interrogations are sometimes too short and too careless, and 10% argue that they are too long.

Since repeated interrogations may be troublesome for victims, respondents were asked whether this happens to an unnecessary degree. Different groups of respondents were asked to answer different questions. Attorneys were asked to respond to the general question of whether the repeated interrogation of victims is or is not



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Nearly always	4	5	6	15
In most cases	14	13	21	48
Only sometimes	22	5	9	36
Hardly ever	2	0	0	2
Other	0	0	0	0

Figure 27 **As far as you have observed in terms of your work, does the interrogation of victims during pre-trial proceedings usually occur without any unnecessary delays, immediately after news of the criminal offence have been received, and at a competent institution?**



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Nearly always	5	7	3	15
In most cases	12	6	15	33
Sometimes the process is too short, interrogations are careless	18	9	15	42
Sometimes the process is too long, posing unnecessary questions to the victim	6	1	3	10
Other	1	0	0	1

Figure 28 **As far as you have observed in terms of your work, is the duration of pre-trial interrogations appropriate?**

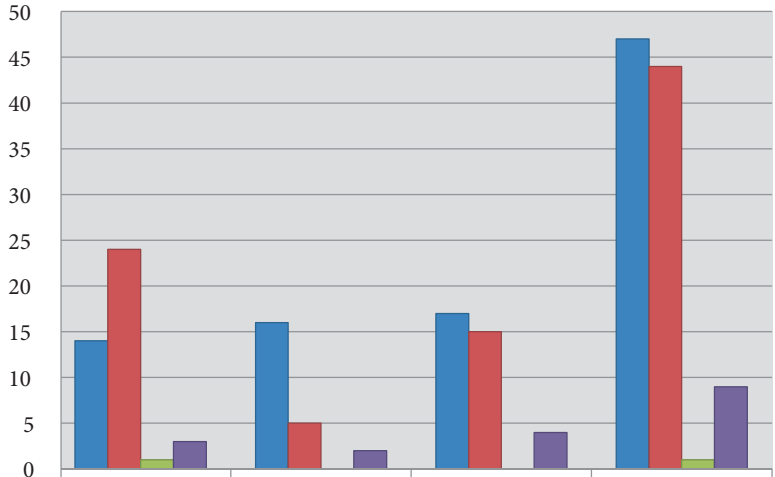
common in criminal proceedings. 62% said no, while one-third said yes. Judges and prosecutors were asked two questions:

1) Have you encountered unnecessary repeated interrogations during pre-trial proceedings?
2) Is the repeated interrogation of victims necessary for the court? The views of prosecutors and judges did not differ much when answering these questions (apart from those who answered "other").

In responses to the first question, both confirmations and denials were equally common. In terms of the second question, most prosecutors and judges said that repeated interrogation of victims is necessary. This means that improvements in this area might apply to the pre-trial interrogation of victims, focusing greater attention on the first interrogation so as to avoid unnecessarily repeated interrogations that may be problematic for victims.

The last question related to the information from victims related to medical examinations (see Figure 29). The Directive's preamble includes concerns about excessively encumbering and unnecessary examinations, and so attorneys, prosecutors and judges were asked to evaluate the relevant practices.

These answers fully overturn the belief that there may be unnecessary or too many medical examinations. 46.5% of respondents said that the process is appropriate, while 43.5% said that it is not appropriate because there are too few examinations or that the examinations are cursory. Only one respondent thought that there are too many examinations.



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Appropriate	14	16	17	47
Too few careless examinations	24	5	15	44
Unnecessarily many examinations	1	0	0	1
Other	3	2	4	9

Figure 29 **An evaluation of medical examinations**

5 Compensation for victims

There are two aspects in relation to compensation for victims insofar as the relevant guarantees are enshrined in the Directive, which are worth the consideration – the compensation for harm caused by a criminal offence and the compensation for expenditures that victims have incurred because of their participation in criminal proceedings.

The compensation for harm caused by a criminal offence at this time involves two manifestations – the state compensation that is paid in accordance with the relevant national law[11], as well as the compensation which victims receive from the people who are found guilty of the relevant offence or who have been responsible for the activities of such people.[12] The latter process is more related to criminal procedure than the former one is, and that is why this study is more focused on it. It must also be noted that state compensation is not the main issue here in that such compensation only applies to a narrow range of individuals.[13] It is also true that the payment compensation from the state does not preclude the victim from demanding additional compensation from the guilty party. For illustrative purposes, the author can offer data about state compensation paid in 2013 (see Tables 2 and 3).[14]

Official statistics show that 49,905 criminal offences were registered by the Interior Ministry in 2012.[15] There is no reason why the number of offences should have declined substantially last year, and that shows that state compensation is paid in very few cases. Accordingly, the issue of compensation in criminal proceedings is and will continue to be of importance.

Table 2

State compensation for victims

	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	All
Applications	52	45	59	44	59	31	45	40	40				415
Approval of state compensation:	43	41	41	60	33	37	36	42	37				370
Death	11	10	7	12	7	3	11	6	10				77
Sexual offences	10	6	8	13	9	10	2	9	8				75
Major bodily harm	8	8	7	10	5	5	14	14	9				80
Medium-level bodily harm	14	17	19	25	12	19	9	13	10				138
Refusal of state compensation	9	4	7	7	13	5	3	4	3				55

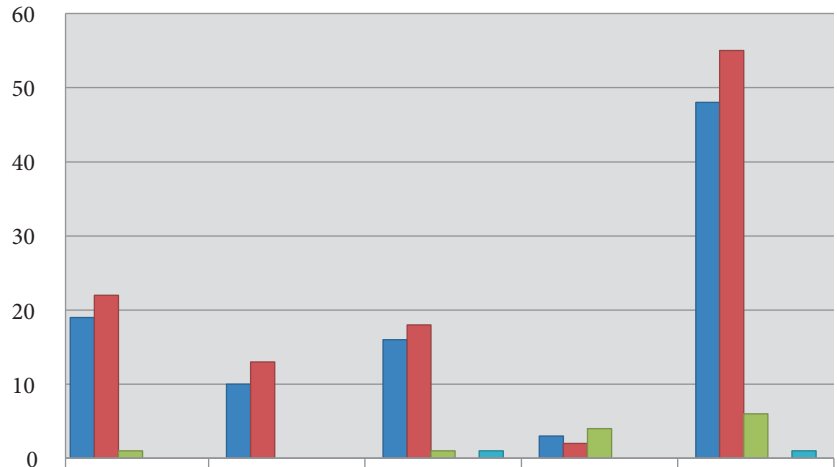
Table 3

Sum of state compensation to victims, LVL

Total	**26892.19**	**22420.00**	**20087.69**	**31440.00**	**19140.00**	**19000.00**	**20520.00**	**20160.00**	**21700.00**				**201359.88**
Death	9700.00	7600.00	5600.00	8600.00	5600.00	3000.00	8800.00	4000.00	7000.00				59900.00
Sexual offences	5320.00	3780.00	3920.00	7840.00	5040.00	5600.00	1120.00	4880.00	3360.00				40860.00
Major bodily harm	5460.00	4340.00	3920.00	5400.00	2800.00	2800.00	6440.00	7280.00	6140.00				44580.00
Medium-level bodily harm	6412.19	6700.00	6647.69	9600.00	5700.00	7600.00	4160.00	4000.00	5200.00				56019.88

To recall the previous question about how the respondents view the main motivation of victims when it comes to becoming involved in criminal proceedings, i.e., to receive compensation, two questions were posed in relation to compensation, applications for compensation, and the importance thereof. This time nine mediators were also asked to answer the questions. The first one depicted in Figure 30 relates to the frequency at which applications for compensation are submitted.

The above data reveal that 94% of respondents said that this happens nearly always or frequently, while only 5% said that it happens seldom. It must be noted that most of those who said that it happens seldom were mediators, while very few attorneys, judges and prosecutors said the same.



	attorneys (42)	prosecutors (23)	judges (36)	mediators (9)	total (110)
Nearly always	19	10	16	3	48
Frequently	22	13	18	2	55
Seldom	1	0	1	4	6
Hardly ever	0	0	0	0	0
Other	0	0	1	0	1

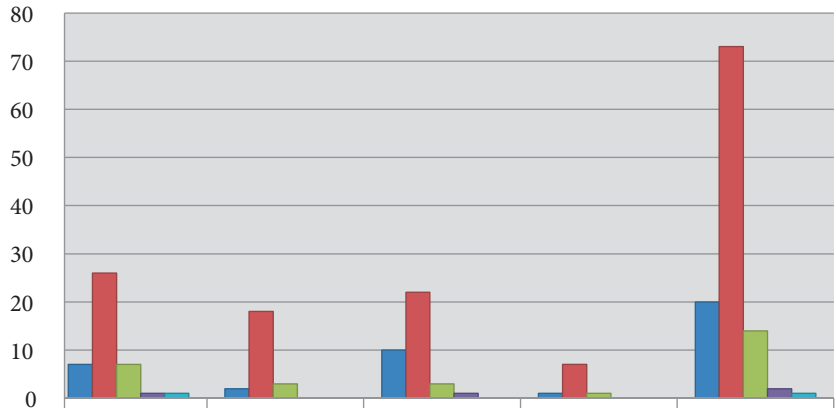
Figure 30 **Do victims make use of the right to seek compensation?**

Considering whether the main reason why victims take part in criminal proceedings is that they wish to receive material compensation, the respondents were asked whether the interest of such people diminishes once they have received the compensation (see Figure 31).

These answers show that 84% of respondents say that the interest of victims diminishes after they receive compensation nearly always or in most cases, with only 14% saying that this happens seldom or hardly ever. This shows that material compensation is the main motivation for victims in terms of actively taking part in criminal proceedings, also noting that interest in this diminishes once the compensation is received.

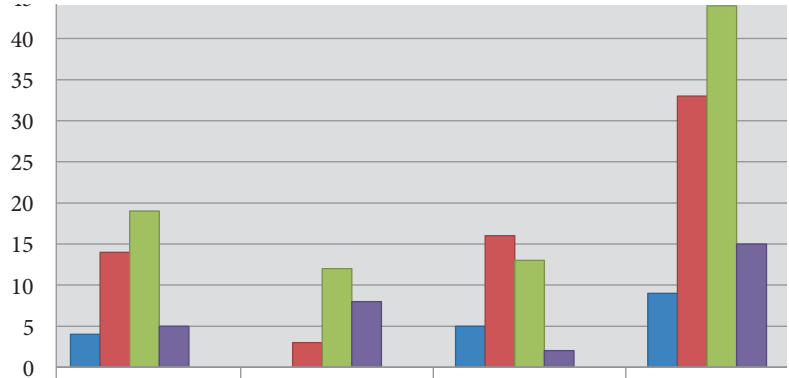
The other aspect of compensation relates to whether victims receive compensation for expenses that they have incurred during criminal proceedings – something that refers to Section 367 of the KPL. Respondents were asked whether victims make use of this right (see Figure 32).

The above responses demonstrate that 58% of respondents say that requests for such compensation are received seldom or hardly ever, while 37% of respondents say that this happens frequently. Considering these responses in the context of how often victims ask about the right to receive such compensation, one must conclude that victims make use of the right to receive compensation more often than they receive information about it. This means that they learn about the opportunity from people who are not involved in the proceedings. Still, it has to be said that even though victims often ask for compensation of the expenses that they have incurred, comparatively many responses reveal that these requests are submitted seldom or



	attorneys (42)	prosecutors (23)	judges (36)	mediators (9)	total (110)
Nearly always	7	2	10	1	20
Frequently	26	18	22	7	73
Seldom	7	3	3	1	14
Hardly ever	1	0	1	0	2
Other	1	0	0	0	1

Figure 31 **If victims receive compensation during criminal proceedings, does their interest in the proceedings diminish?**



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Nearly always	4	0	5	9
Frequently	14	3	16	33
Seldom	19	12	13	44
Hardly ever	5	8	2	15
Other	0	0	0	0

Figure 32 **According to your professional observations, do victims often ask for compensation for expenses incurred during criminal proceedings?**

hardly ever. This means that by no means all victims make use of the procedural guarantees that are always awarded to them. Another negative trend here is that most prosecutors have encountered the relevant situations seldom or hardly ever, which means that inadequate attention is devoted to this issue during the pre-trial proceedings.

6 Settlements of criminal cases

Several studies and publications have been devoted to the settlement of criminal cases during the past decade. Among them are several important publications in Latvia.[16] These have recommended essential improvements to legal regulations and their application. There have been some essential changes in this regard as a result of these scholarly recommendations, as well as other circumstances which relate to the legal regulation of this particular issue. One issue that has not changed is the fact that, depending on the criminal charges that have been filed, a settlement can prohibit criminal procedure (KPL, Section 377.10), exempt an individual from the criminal liability (Section 379.1.2), or have no decisive procedural consequences. In recent years, the use of settlements to prohibit criminal procedure has been amended not in relation to Section 377 of the KPL, but instead in relation to instructions in Section 7 of the KPL which speak to those cases in which criminal procedure can only be launched if the victim files a petition in this regard (such procedures must be ended if settlement is reached). This applied, for instance, to offences against the state until this year, as defined in Section 90 of the Criminal Law (KL) when this part of the law was stricken via amendments that took effect on April 1, 2013. Only in 2011 were the criminal offences referred to in Section 185.1 of the KL included in this category. The next statistical data in this paper show these changes very evidently. When it comes to the overall application of Section 377.10 of the KPL, it has to be said that between 2010 and the first half of 2013, the number of criminal procedures that were ended because of a settlement increased in 2011 and 2012, while there was a decline in 2013. The situation differed in terms of specific criminal offences. An overview is provided in Table 4.

There have also been essential amendments to rules concerning a settlement as a reason for exempting an individual from criminal liability in accordance with Section 379.1.2 of the KPL. The most important amendments to the KPL and KL took

Table 4

Criminal procedures ended on the basis of Section 377.9 of the KPL[17]

Section of law	Year of decision			
	2010	2011	2012	2013 (1st 6 mos.)
90	0	0	0	0
130	18	130	167	72
157	0	1	6	2
159.1	5	3	3	2
160.1	0	0	1	0
185.1	9	251	287	116
260.1	74	57	34	19
Total	**556**	**1,040**	**1,147**	**477**

effect on April 1 of this year, and they have been reviewed in great detail in the journal *Jurista Vārds*.[18] It is particularly important to note that once the amendments took effect, there were very important requirements in relation to a settlement as a cause for exempting someone from criminal liability (KPL, Section 379.1.2). In the past, the law did not include any direct indications as to people who could be exempted from criminal liability as the result of a settlement. Neither did it include any rules about the content of the relevant settlement. The new version of the law states that a person who has committed a criminal offence or a less serious criminal offence can be exempted from criminal liability except in cases when the criminal offence has led to the death of an individual, but only if a settlement between the suspect and the victim or a representative of the victim has not led to exemption from criminal liability during the past year and if the suspect has fully prevented any harm caused by the criminal offence or has paid compensation for any losses that have been incurred. Due to this reason, it was interesting to look at statistics related to Section 397.1.2 in terms of the three most common criminal offences with respect to which these rules are applied, also looking at how practices have changed since the aforementioned amendments took effect. Illustrative data are found in the Table 5.

There are several important conclusions that can be drawn from these data. First of all, the number of cases in which a settlement has led to an exemption from criminal liability has tended to decline since 2013. If the number of applications of Section 379.1.2 of the KPL does not increase during the second half of 2013, then the total number of such cases during the course of the whole year will be lower by one-half than in 2010. This increase also cannot be predicted by the amendments to the KPL and KL that took effect on April 1, 2013, thus substantially reducing the range of incidents and offences with respect to which a criminal procedure cannot be ended with the help of a settlement. It is also true that in the context of the aforementioned prerequisites for the use of a settlement, Section 279.1.2 related to criminal procedure in accordance with offences listed in Section 175 of the KL have been ended to an equal degree as was the case with Section 379.1.2 of the KPL between April and June 2012 and January and March 2013, when the amendments were not yet in force, as well as between April and June 2013, when the additional prerequisites had to be utilised. This led to the assumption that before the amendments took effect, those who were handling criminal procedure chose to use a settlement only if the prerequisites for the process were satisfied, etc., or that those same people did not even notice the new rules.

Respondents in the survey were asked to state their views about settlements in terms of several related issues. The first question is whether a settlement is in line with the essence of criminal procedure (see Figure 33).

As can be seen in these answers, the absolute majority of respondents said that a settlement is in line with the essence of criminal procedure or that this depends on the criminal offence that was involved.

Asked about the cases in which a settlement should be offered, the respondents offered a great variety of answers, but those that were mentioned most often were the cases involving property losses, involvement of juveniles or first-time offences, many cases in which the victim wants to settle the case because it facilitates understanding of the situation at hand, only in those cases when a real compensation has been paid, etc.

Mediators were asked about what victims expect from a settlement, and several answers could be ticked off. Six of the nine mediators who filled out the

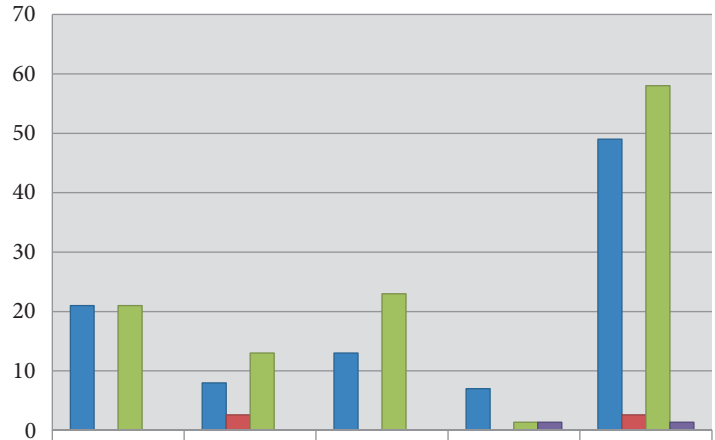
Table 5

Criminal procedure ended on the basis of Section 379.1.2 of the KPL[19]

Sen of Law (top ctio3)	Year/period of dicision							
	2010	2011	2012	2013, 1st 6 mos.	4 Jan. to 30 June 2011	4 Jan. to 30 June 2012	1 Jan. to 31 March 2013	4 Jan. to 30 June 2013
185	364							
180	193							
130	142							
185		96						
180		86						
175		85						
260.11			153					
175			86					
180			65					
260.11				49				
175				46				
126				43				
180					27			
185					19			
126					18			
260.11						43		
175						23		
185						19		
126							27	
175							22	
260.11							20	
260.11								29
175								24
126								16
Total	**1198**	**704**	**667**	**283**	**175**	**171**	**142**	**141**

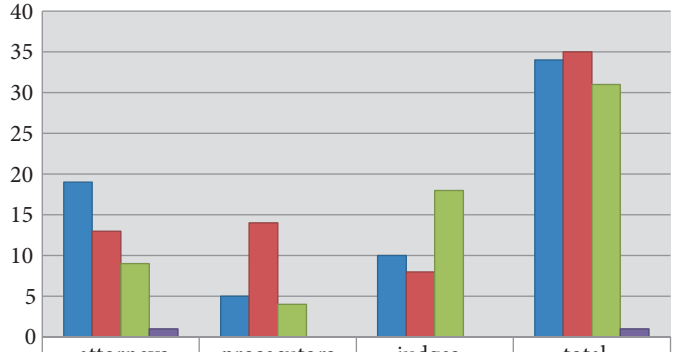
questionnaire said that victims expected the guilty party to apologise, eight said that the victim wanted to know why the offence was committed in the first place, one said that the victim expected to reach an agreement with the guilty party, nine said that the victim was interested in compensation, and two ticked the answer "other."

Attorneys, prosecutors and judges were also asked to express their views as to a settlement which did not allow criminal procedure to be pursued. The responses are shown in Figure 34.



	attorneys (42)	prosecutors (23)	judges (36)	mediators (9)	total (110)
Yes	21	8	13	7	49
No	0	2	0	0	2
Depending on the offence	21	13	23	1	58
Other	0	0	0	1	1

Figure 33 **Is a settlement in line with the essence of criminal procedure?**



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Fairly positive	19	5	10	34
A settlement should not halt criminal procedure but should exempt from criminal liability in accordance with Section 379.1.2 of the KPL	13	14	8	35
Views depend on the offence	9	4	18	31
Other	1	0	0	1

Figure 34 **Views about a settlement which does not allow criminal procedure to be pursued**

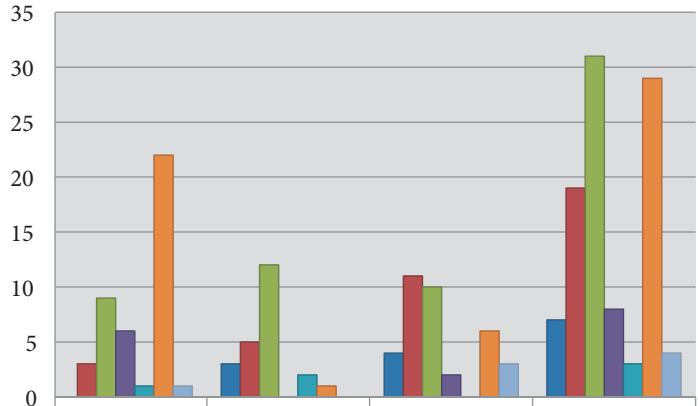
As can be seen here, the answers are by no means homogeneous, and equal numbers of respondents have positive views about a settlement as something which halts criminal procedure, that the settlement should not be an obstacle against criminal procedure, or that it all depends on the offence that has been committed.

The KPL also allows employees of the State Probation Service (VPD) to help in pursuing a settlement. In recent years, the VDP has done active and effective work in facilitating and organising settlements. In its 2012 annual report,[20] the VDP offered data about settlements that require no further comment.

- The trends in this area can be seen in numbers – there were 51 requests to organise a settlement in 2005, 251 in 2006, 744 in 2007, 1,140 in 2008, 745 in 2009, 440 in 2010, 696 in 2011, and 706 in 2012. The rapid drop in 2009 had to do with the financial crisis which began in 2009 and continued until 2013. The work of the VPD was substantially curtailed with the rule that it could only organise settlements during the pre-trial stage of the process.
- In 2012, 15% of all the probation clients who were involved in a settlement were juveniles.
- In 2011 and 2012 settlements were requested most often by those who had committed a criminal offence, but the number of requests from prosecutors increased by 19% in 2012, while the number of requests from the police declined by 20%.
- Settlements have most often been requested in the context of less serious criminal offences and crimes, but in 2012 there was a substantial increase in settlements related to serious criminal offences in which juveniles were involved.
- Most settlements related to theft, fraud or misappropriation at a minor level, theft, fraud or misappropriation at a minor level when the offence was committed repeatedly, theft involving access to a flat, other venue or warehouse, or the purposeful destruction or damage of the victim's property.
- When it comes to the results of settlements, there were several positive trends in 2012. For the second year in a row, there was the same number of conditional settlements. The number of incidents in which a settlement was not reached declined a bit, and the sad fact is that the number of cases in which a settlement was interrupted increased in 2012. That was mostly because the person who committed the criminal offence was unwilling or unable to pay the demanded compensation to the victim or did not agree to do so in the period of time that was established.
- Analysis of the results of settlements in 2012 show that the parties reached agreement 272 times, agreed without conditions in 104 cases, and did not reach agreement in 28 cases. These results can be seen as positive, because nearly 60% of the cases in which both parties arrived at a settlement meeting led to an agreement. In 2012, 76% of participants in settlement attempts agreed on compensation which related to compensation for the victims, in 22% of cases it involved an apology, only 2% involved specific work, and in 1% of cases it involved work and compensation.

Given the active work of the VPD and the ideas included in the Directive about the involvement of mediators, the author sought the views of practical workers about the conclusion of a settlement with the VPD with the participation of a mediator.

Mediators were asked whether effectiveness of settlements increases if a mediator is involved, and all nine respondents answered yes. Attorneys, judges and



	attorneys (42)	prosecutors (23)	judges (36)	total (101)
Very positive	0	3	4	7
Positive	3	5	11	19
More positive than negative	9	12	10	31
More negative than positive	6	0	2	8
Negative	1	2	0	3
No view or experience	22	1	6	29
Other	1	0	3	4

Figure 35 **Evaluation of the work of the State Probation Service in relation to settlements**

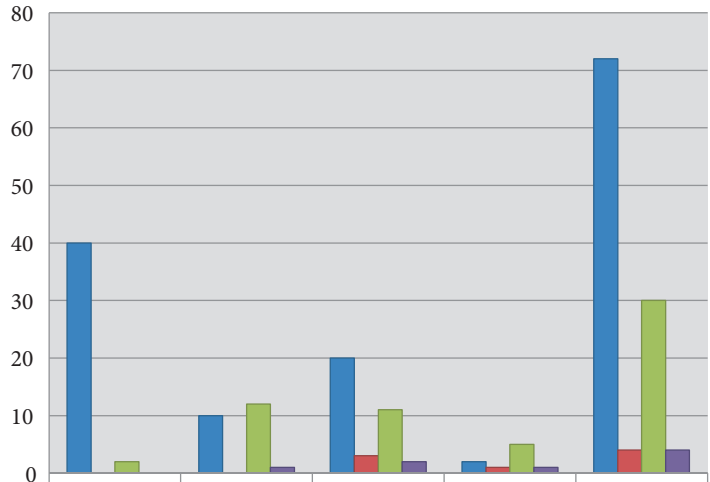
prosecutors, in turn, were asked to evaluate the work of the State Probation Service (see Figure 35).

The above numbers show that more than 56% of respondents have positive views about VPD operations, while fewer than 11% have negative views. 29 of the respondents had no view about the matter, because they have had no contacts with the work of the VPD. It is interesting that most of them are attorneys.

The overall conclusion here is that the fairly active operations of the VPD have proven themselves to be effective, and the amendments to the KPL that speak to the rights of the handler of the process and to the obligation to approach the VPD in terms of organising a settlement and that took effect on April 1 of this year will improve the overall situation to an even greater degree.

7 Legal aid to victims

One of the most important procedural guarantees for victims, to be sure, is the right to receive legal aid from an attorney in criminal proceedings. A professional attorney can take part in the defence of a victim's interests in two ways – as a representative of the victim or as a provider of legal aid to the victim. With the aim of determining whether the involvement of a attorney in criminal procedure improves the defence of the victim's interests, respondents were asked about their observations in terms of whether the defence of a victim's interests is more effective if an attorney takes part in the procedure as a representative of the victim or as a provider of legal aid (see Figure 36).



	attorneys (42)	prosecutors (23)	judges (36)	mediators (9)	total (110)
Yes	40	10	20	2	72
No	0	0	3	1	4
Depends on victim's own participation in process	2	12	11	5	30
Other	0	1	2	1	4

Figure 36 **Is the defence of victim interests more effective if an attorney takes part as a representative of the victim or as a provider of legal aid?**

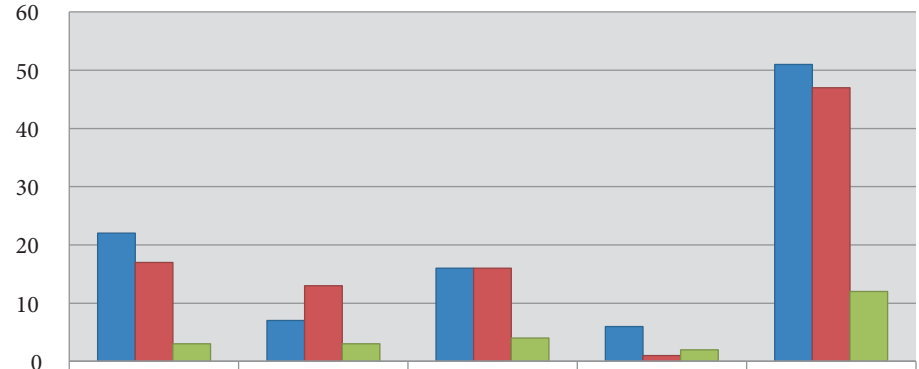
These answers show that most respondents (65%) answered the question in affirmative, while the next largest group (27%) argued that this depends on the victim's own ability to take part in the process actively. It is important to note the fundamental differences here among various groups of respondents. Nearly all attorneys (95%) said yes to the question, while most prosecutors and mediators believed that the participation of an attorney in the defence of a victim's interests depends on the capacities of the victims themselves. Most judges believe that the participation of attorneys makes the process more effective and ensures the defence of the victim's interests to a greater degree.

According to the existing law, not all victims in criminal cases receive the state-financed legal aid. Respondents were asked whether such aid should be provided to all victims (see figure 37).

The above figures show that approximately equal numbers of respondents support and reject the idea that all victims should be provided with state-financed legal aid.

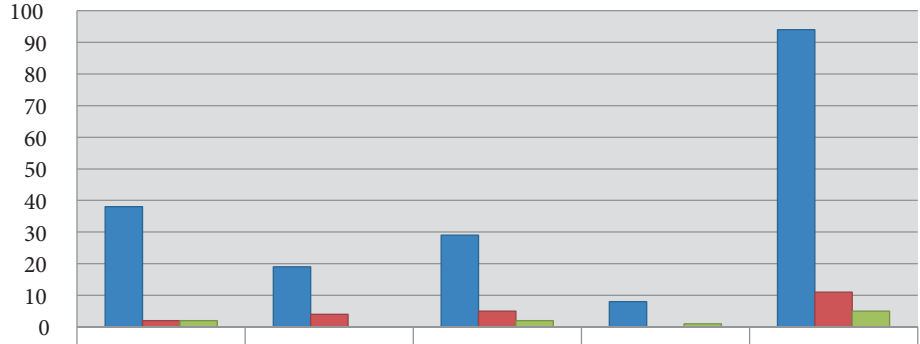
As depicted in Figure 38, more distinction in views was observed when respondents were asked whether there should be cases in which the participation of an attorney in defending a victim's rights is mandatory.

As shown in Figure 39, the absolute majority of all respondents, as well as in each group of respondents, in supporting the mandatory participation of an attorney in the protection of a victim's interests. Respondents were next asked about the cases in which this should happen, with an opportunity to indicate several answers.



	attorneys (42)	prosecutors (23)	judges (36)	mediators (9)	total (110)
Yes	22	7	16	6	51
No	17	13	16	1	47
Other	3	3	4	2	12

Figure 37 **Should all victims receive state-financed legal aid?**

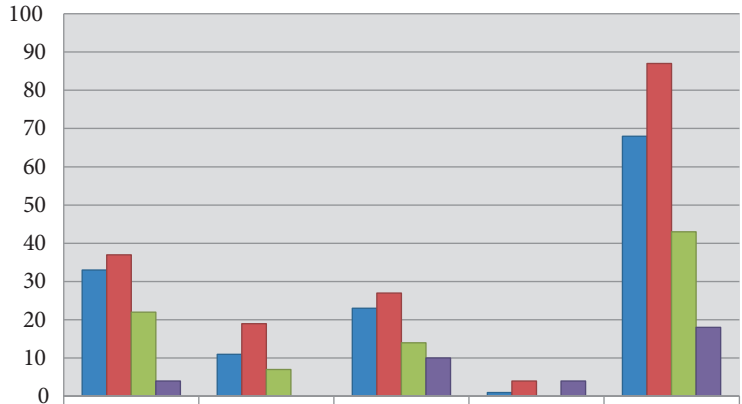


	attorneys (42)	prosecutors (25)	judges (36)	mediators (9)	total (110)
Yes	38	19	29	8	94
No	2	4	5	0	11
Other	2	0	2	1	5

Figure 38 **Should the participation of an attorney in the protection of a victim's interests be mandatory in some cases?**

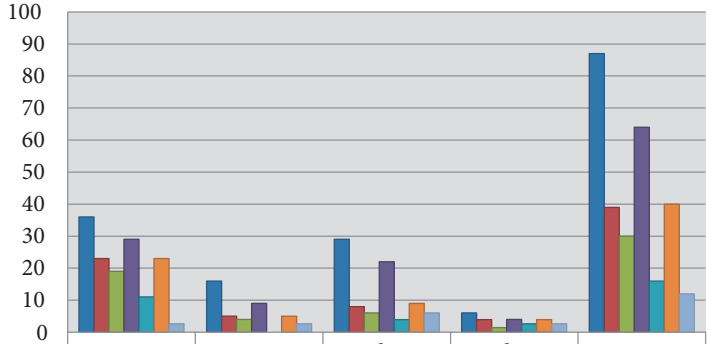
A majority of respondents believe that an attorney's participation should be mandatory for victims who suffer from physical or mental disorders, as well as when the victim is a juvenile. Other options, including the mandatory provision of aid to poor people, are supported by the minority of respondents.

The final question about legal aid focused on the main benefits for victims when an attorney represents a victim or provides legal aid in criminal procedure. The point here was to obtain information from professional observations of those cases in which the participation of an attorney really helps the relevant victim. Here, again, multiple answers were offered, and respondents made active use of them in



	attorneys (42)	prosecutors (23)	judges (36)	mediators (9)	total (110)
Juvenile victims	33	11	23	1	68
Victims with physical, mental disorders	37	19	27	4	87
Poor victims	22	7	14	0	43
Other	4	0	10	4	18

Figure 39 **When should the participation of an attorney in the protection of a victim's interests be mandatory?**



	attorneys (42)	prosecutors (23)	judgesi (36)	mediators (9)	total (110)
More precise understanding of process	36	16	29	6	87
Greater respect from process handler	23	5	8	3	39
More responsible approach	19	4	6	1	30
Greater sense of security	29	9	22	4	64
No unjustified obligations	11	0	3	2	16
Greater hope of favourable result	23	5	9	3	40
Other	2	2	6	2	12

Figure 40 **Benefits for victims from the participation of an attorney in criminal procedure**

the sense that, on average, each respondent chose more than two options (for an overview, see Figure 40).

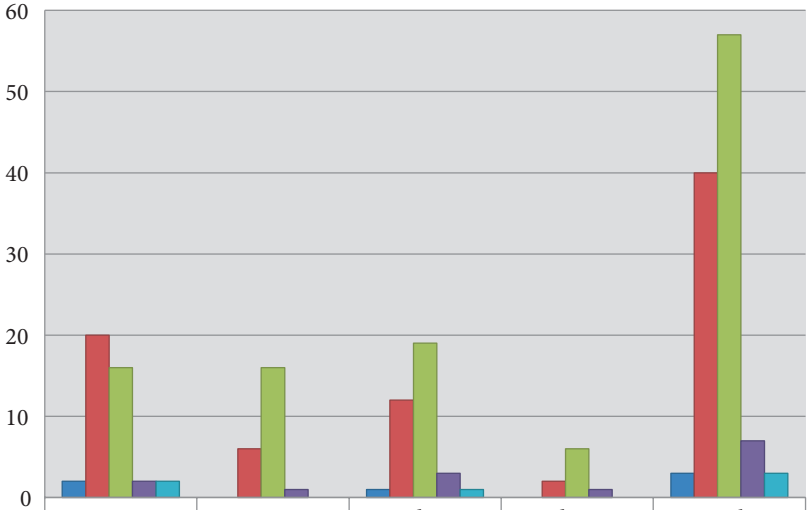
Overall and in each group most of the respondents said that the main benefit from an attorney's participation is that the victim has a more precise understanding of the process. More than a half of the respondents indicate that victims have a greater sense of security when an attorney takes part. Only among attorneys did the majority of respondents say that an attorney's participation ensures greater respect on the part of the handler of the criminal procedure, with few respondents in other groups agreeing with this view.

The bottom line here is that the participation of an attorney in protecting a victim's interests is an effective procedural guarantee, one that is supported in various groups of practical participants in criminal procedure.

8 Aspects of the defence of victims

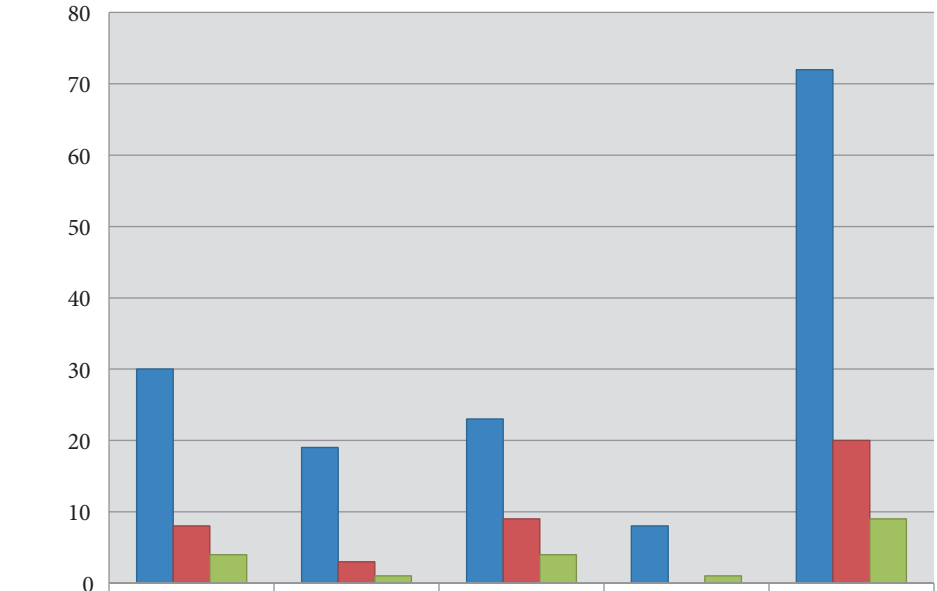
Finally, the author presented respondents with a few general and possibly provocative questions. The first question, illustrated by figure 41, focused on whether there are cases in which victims make use of their rights in a dishonest manner.

These answers show a comparatively positive attitude about the participation of victims, because an absolute majority of all respondents, as well as in each group, say that dishonesty on the part of victims is uncommon or occurs in just a few cases. This is positive, in that irrespective of the reasons why victims choose to take part in criminal procedure, the malicious misuse of their rights is an uncommon thing.



	attorneys (42)	prosecutors (23)	judgesi (36)	mediators (9)	total (110)
Yes, often	2	0	1	0	3
Yes, but seldom	20	6	12	2	40
In few cases	16	16	19	6	57
Never	2	1	3	1	7
Other	2	0	1	0	3

Figure 41 **Do victims sometimes use their rights dishonestly?**



	attorneys (42)	prosecutors (23)	judges (36)	mediators (9)	total (110)
Yes	30	19	23	8	72
No	8	3	9	0	20
Other	4	1	4	1	9

Figure 42 **Should victims take an active part in criminal procedure?**

Next respondents were asked whether victims should take an active part in criminal procedure in the first place (see Figure 42).

Here a fairly extensive homogeneity of views is represented. Among all respondents and in each group, the absolute majority of respondents reply in affirmative, and that means that the participation of victims is not, in most cases, seen as a hindrance to the process. On the contrary, it is supported.

Finally, the aspects of the status of victims in criminal procedure have been reviewed by scholars and by victims, but there has been little examination of the views of practical workers who encounter victims in their everyday professional work when it comes to the most important aspects of the defence of victims in Latvia at this time. An open question about this led to a wide variety of answers. Several respondents argued about the impossibility of receiving compensation for damages because the defendant has no money. Others pointed to effective protection of the victim against family violence, the provision of an effective defence, great availability of initial support procedures, increased state compensation, a failure to inform victims about their status and the relevant rights and obligations, the limited ability of victims to speak about the case in court, the need to reduce or eliminate contacts between the victim and the convict, and protection of a victim from the influence of defence attorneys.

A few very interesting thoughts were expressed by few of the respondents. Some said that a victim is helpless if the handler of the process is not active and interested

in the procedure. One specific proposal might really improve the defence of victims in a substantial way without any major investments of time or resources – that victims should be ensured the right to receive at least one free consultation with an attorney when a criminal case has been launched and the individual wishes to have the status of a victim.

Summary

1. Victims and their status in criminal procedure are topical and problematic issues in criminal proceedings at this time.
2. At a time when norms related to the criminal procedure rights allow the victim to choose whether or not to obtain the official status of a victim, the absolute majority of victims decide to accept the status of a victim in the criminal procedure.
3. The survey data show that the most important reason why victims wish to take part in criminal procedure is that they can receive material compensation and that they wish to ensure that the guilty party is punished. It is also true that if a victim receives a compensation during the process itself, it is less likely that he or she will be actively involved in the process from there onward.
4. Most of the surveyed judges and prosecutors confirmed that the active participation of the victim in criminal procedure could influence the process and the result, thus visibly proving that the victim's involvement in criminal procedure was tactically justified.
5. The KPL does not directly regulate the issue of whether a victim can reject the status of a victim, while, in practice, the desire of victims to reject the status is not recognised; this means that once a person has been declared to be a victim, he or she cannot reject the status.
6. When it comes to informing victims about their rights and obligations, it has to be said that the evaluation of the practical employees was not particularly positive, and the situation in Latvia must be described rather critically.
    - 6.1. In accordance with the requirements of the Directive and the KPL, as well as other norms which apply to the practices, the information about the relevant elements of the status of a victim can be evaluated as something which always must be provided.
    - 6.2. Still, there are no such instances. In no case when the respondents were asked to evaluate the provision of information about the specific element of the victim's status, did even 50% of respondents say that this information is always provided. There were unforgivably few cases in which the evaluation of "always" or "in most cases" reached a level of 75%.
    - 6.3. At the same time, there were 50% of respondents who said "in few cases," "hardly ever" and "never."
    - 6.4. The highest level of informing people about the elements of their status as victims was presented by prosecutors who comparatively seldom said that this happens "hardly ever" or "never."
    - 6.5. Attorneys were most critical, saying that this happens "always" in very few cases, instead often claiming that it happens "in few cases" or "hardly ever."
    - 6.6. Information about the elements of a victim's status is one of the weakest aspects in terms of the reviewed issues related to legal proceedings, and this requires rapid and essential improvements.

7. Latvia should more extensively evaluate and popularise the work of available organisations that offer support to victims. Although several organisations in this area are quite active and successful at this time, practical employees and victims lack information about them and do not have an understanding as to how this involvement is necessary. This means that support for "external procedures" is not at an adequate level.
8. In most cases, practical employees indicate that investigatory work is usually corresponding to the requirements. There are, however, improvements necessary when it comes to the initial interrogation of victims so that the process is carried out sufficiently responsibly and completely. This would eliminate or at least fundamentally reduce the need for victims to be interrogated more than once during pre-trial procedures.
9. Victims actively make use of the right to seek compensation, but the poor material condition of the guilty parties means that compensation is received very seldom.
10. Settlements have been known and practiced in Latvian criminal procedure for a long time, and practical employees support the process. Amendments to the KPL and KL that took effect on April 1, 2013, and had a comparatively substantial effect on settlements as exemption from criminal liability, have not had a particularly essential effect on ending criminal procedures in relation to Section 379.1.2 of the KPL.
11. Legal aid must be seen as the most essential guarantee for victims in relation to criminal procedure. Attorneys, prosecutors and judges all admit that the greatest benefit from the participation of an attorney in protecting the interests of a victim in criminal procedure relates to the amount of information that the victim has about his or her status, rights and obligations. In practice, respondents support the view that there are cases in which victims must receive legal aid on a mandatory basis.
12. When it comes to the most important issues of defending a victim, those defined in the survey indicate increasing the amount of state compensation, improving the effectiveness of the collection of compensation from guilty parties, facilitating the availability of legal aid, greater support for victims outside of criminal procedure as such, and ensuring the protection of victims and their interests.

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[7] The list of organisations can be found at *http://www.vp.gov.lv/?id=377&said=506&topid=0* [last viewed 26.06.2013].
[8] See *http://www.centrsdardedze.lv/lat/berns_kriminalprocesa* [last viewed 26.06.2013].
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