



# HATE CRIMES

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## **Hate crimes**

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# WHAT ARE HATE CRIMES?

In recent years, Latvia has seen an increasing number of manifestations of intolerance against people due to their race, ethnic origin, or sexual orientation. These can be insulting, abusive comments, or even violent attacks against people, desecration of Jewish cemeteries or memorials (painting them with swastikas or other Nazi symbols), throwing excrement at homosexuals, etc.

These manifestations of hatred may have different names – racist, anti-Semitic, homophobic crimes; however, they are all characterised by a bias against or hatred towards individuals or groups because of their ethnic origin, race, religion, sexual orientation, language, disability or other features. For this reason they are called hate crimes. Sometimes the perpetrator may mistakenly perceive a person as belonging to one of the aforementioned groups and attack him/her. These cases, too, are hate crimes.

Hate crimes may have long term traumatic consequences, especially if the person has suffered from them repeatedly. Hate crimes may manifest themselves in different ways:

- racial abuse (threats, insults) which may be both verbal and written
- property damage (broken windows, punctured tyres, etc.)
- desecration of cemeteries
- circulating racist or other hate material (leaflets, books, etc.)
- offensive graffiti
- physical violence

The Latvian Criminal Law envisages criminal liability for hate crimes (incitement to national, ethnic, racial, religious hatred (Sections 78, 150, 151). The Law also provides that racial motive is deemed an aggravating circumstance in any offence (Section 48). The Criminal Law does not provide for special offences against a person because of his/her sexual orientation, and in such cases general provisions of the Criminal Law are applied.

## HOW TO REPORT HATE CRIMES?

If an attack or property damage or another unlawful act has occurred, **call the general emergency services by dialling 112** (from a regular or mobile telephone) or **02** (from a regular telephone), or **go to the nearest State Police precinct.**

### **At the scene of the act**

If a crime or another offence has occurred, it is the duty of the Police to respond to the call. When the Police arrive at the scene of the act, they carry out the necessary investigation, including examining the site and interviewing witnesses. Until the arrival of the Police, preserve the conditions of the site and do not change anything.

**Remember these facts: \*when? where? \*who? \*what?\***

Carefully note any indication of the use of violence. Keep damaged, torn or dirtied clothing and any other items which may serve as evidence.

If graffiti offensive to ethnic, religious or other groups are found, photograph these. Do not attempt to remove these before the arrival of the Police.

### **At the Police precinct**

You may go to a Police precinct. To feel safer, go with another person, who can give you support. At the Police precinct you may give a written report of the incident, or do so verbally in Latvian or another language. A statement will be taken based on the information you provide. If you do not speak Latvian, you may use a language which you know. You have this right throughout all stages of criminal proceedings. If necessary, an interpreter must be provided free of charge.

#### **The statement must include:**

- Your name, surname, address and telephone
- When and at what time it happened
- Site of the crime (as specifically as possible: street, house, etc.)
- Who committed the crime: name, individual features
- What happened
- If you have suffered a bodily injury, and if you visited a doctor
- In your opinion, what was the motive of the crime
- Were there any witnesses

You may also mail your statement to the nearest State Police precinct. Although the statement may be written in any language, it is advisable to do so in Latvian, Russian, English or another widely used language, so that the Police may begin investigation as soon as possible.

If the statement contains information indicating a possible crime, it will serve as a reason to begin the criminal process.

If you have sustained an injury as a result of the criminal act, remember to visit either your family doctor or the admission section of a hospital, to note the sustained injury in medical documents. If you go to "Emergency Assistance" (at the Admission section) it is also the duty of the medical personnel to report criminal injuries to the police, so that the Police may then begin the criminal process.

Once the criminal process has begun, you will probably be required to undergo a medical examination to determine the severity of the injury and loss of employability. Only the Police may order forensic medical expertise.

## WHO IS THE VICTIM?

The victim in criminal proceedings may be a physical or legal person who has suffered harm as a result of a criminal act, i.e. moral or physical suffering or material loss. **A person is recognised as a victim by decision of the Police or the Prosecutor's Office.** You may request that a Police officer or Prosecutor explains your rights and obligations.

# CRIMINAL PROCEEDINGS

The pre-trial criminal procedure is made up of an investigation and criminal prosecution. If criminal proceedings have been initiated, you will be required to appear before an investigator at a given time to be questioned. You will be notified of this by summons or by telephone. During the questioning a Police officer will ask you to provide more detailed information of what happened and this will be recorded in a statement which you will be asked to sign. Before signing, read it carefully, point out any mistakes, make additions if necessary. For example, **if you believe that the crime was racially motivated, insist that this is written in the statement.**

Once the decision has been made to start a criminal process, the Police will carry out certain procedural activities until such time as it is determined who is to be charged with criminal liability and the file is forwarded to the prosecutor to begin criminal prosecution.

The prosecutor begins criminal prosecution by making a decision to charge the person with criminal liability (indictment). If the prosecutor considers the evidence in the case sufficient to bring the action in Court, he/she makes a decision to forward the case for trial.

If your case has come to the Court, you will receive a summons indicating the time and place of the trial. At the trial you will be required to repeat the information of what happened that you gave to the Police. Considering that a significant amount of time may pass between the committing of the crime and the trial, it is advisable to note in detail all information immediately after the incident. Depending

on the gravity of the crime, the Court may punish the guilty person with a prison sentence, community work, or a fine. If the guilt of the person is not proved, the person may be acquitted or if no criminal element is found in the case, the case may be closed.

*In June 2006 in Riga two young men attacked a citizen of Rwanda, a member of the organisation "Afrolat". The attackers called out various racist slogans and called him names because of his skin colour and hit him with a bottle to the head and pushed him down. The attackers attempted to flee the scene, but the victim together with a student of the Police Academy who witnessed the incident, helped the Police to catch the perpetrators. In January 2007 the Riga Regional Court ruled the two guilty of a racist attack and sentenced them to six and eight months in prison respectively.*

## **LEGAL ASSISTANCE FOR THE VICTIM**

The victim is entitled to a lawyer to receive legal assistance. Legal consultations (for example, how to write a statement to the Police, application for compensation, etc.) may be also provided by non-governmental organisations.

**Indigent or needy persons** or persons unable to obtain legal protection partially or fully due to special circumstances, property standing and income level, are entitled to legal aid provided by the state. In any given case, a person may receive:

- Legal consultations – up to 3 hours;
- Assistance in preparing procedural documents – up to 3 documents;
- Representation in Court – up to 40 hours.

In order to receive state legal aid, a victim must apply to the Administration of Legal Aid (ALA). The victim must complete the application form for legal aid and submit various other documents. ALA will assess the victim's application and appoint a lawyer to provide legal assistance in specific cases.

## **A VICTIM'S RIGHT TO MATERIAL AND MORAL COMPENSATION**

### **State compensation to victims of violent crimes**

If the crime was committed against the victim's life, health or sexual inviolability and the victim's health has suffered **serious or medium bodily injuries or death has occurred**, the victim or a close relative is entitled to receive state compensation. A victim has this right notwithstanding whether or not guilty person has been determined and whether he/she may be charged with criminal liability accor-

ding to the Criminal Law. The maximum amount of state compensation that can be paid to a victim is 10 minimum monthly salaries.

If the victim has already received compensation for damages from the perpetrator or his/her accomplice and this is verified by a document verifying payment, the state compensation is reduced by the amount of compensation already received. **A victim is entitled to receive compensation within one year of the time when he/she was recognised a victim.**

## **OTHER WAYS TO APPLY FOR COMPENSATION**

### **Criminal Procedure**

During criminal proceedings you may submit a request for compensation for damages inflicted. You may submit it at any stage of criminal proceedings until the beginning of court investigation.

You can submit the request to the police, prosecutor or judge for the amount of **moral, physical and material losses** inflicted upon you. You will have to **substantiate the amount of compensation you have demanded.** In cases of material losses you will have to submit all documents verifying costs you have incurred as a result of crime (glazing of broken windows, repairing clothes, painting over graffiti-

ti, etc.). The request may be submitted in writing or expressed orally. The request may also be submitted even if the perpetrator has not been determined. In this case the victim is exempt from paying the state fee. To file a request you are advised to consult a lawyer.

### **Civil procedure**

If it is thought that the compensation has not covered all damages, you may request the difference under the civil procedure however, in this case the guilty person must have been determined. When determining the amount of payment, the compensation received under the criminal procedure is taken into account. In this case the victim is exempt from paying the state fee.

## **OTHER OPPORTUNITIES FOR ASSISTANCE**

### **For children**

Children who have become victims of a crime, exploitation, sexual abuse, violence or any other illegal, cruel or demeaning act, are entitled to social rehabilitation. Any necessary assistance is provided from the national budget.

According to Cabinet of Ministers Regulations a child who has suffered violence will be given **emer-**

**gency medical assistance and minimum health care services** free of charge. A child is also entitled to **social rehabilitation services** – up to ten 45-minute consultations at his/her place of residence or a social rehabilitation course of up to 30 days at a rehabilitation facility. Whether or not a child needs assistance at a rehabilitation institution is determined by a psychologist or social worker.

### **Medical assistance**

In case of emergency, for medical assistance call:

- **03** from a regular telephone or
- **112** from a mobile telephone.

There is no national victim support service in Latvia providing social rehabilitation for adult victims of violence or other crimes. Assistance for victims of violence is provided by individual NGOs.

### **Psychological assistance**

#### **The crisis and consultation centre “Skalbes”**

The crisis and consultation centre “Skalbes” is an NGO providing consultations of a psychologist, psychotherapist, lawyer and psychiatrist to residents of Riga, especially in crisis situations. You may register for consultations by calling 67222922 or calling at the centre in person. Each day two hours are reserved for visitors in crisis situations, when a consultation is available without prior registration. Residents of Riga may be referred for consultations at the crisis and consultation centre “Skalbes” by the appropriate local government social service.

**Residents of Riga may receive 6 free of charge psychologist's consultations:** 1) in crisis situations (i.e. following sustained violence, an accident, injury, illness or sudden death of next-of-kin or other sudden shock – on average for up to six months after the incident); 2) low income residents of Riga (if household income per family member is less than the subsistence minimum determined by the state), including the indigent and disabled; 3) minors in crisis situations (including parents' divorce) – without a time limit.

## **USEFUL TELEPHONE NUMBERS AND ADDRESSES:**

### **State institutions:**

- Fire and Rescue Service- 112
- State Police – 02
- Emergency Medical Service-03
- State Police Riga Regional Administration anonymous hot-line (automatic answering service) 67086677
- State Legal Aid Agency; free line 80001801. Working hours 9.00 – 17.00. 214 Brivibas gatve, Riga, LV 1039. E-mail: [jpa@jpa.gov.lv](mailto:jpa@jpa.gov.lv). [www.jpa.gov.lv](http://www.jpa.gov.lv)

- **Tourist hotline:** (+ 371) 22033000
- **Sworn advocates in Latvia:** <http://www.advokatura.lv/?open=advokati&lang=lat>
- **List of providers of legal aid**  
(Sworn advocates and assistant sworn advocates who have signed a legal aid contract)  
[http://www.jpa.gov.lv/lat/informacija\\_juridiskas\\_palidzibas\\_sniedziji/advokatu\\_saraksts/](http://www.jpa.gov.lv/lat/informacija_juridiskas_palidzibas_sniedziji/advokatu_saraksts/)
- **State legal aid for indigent and needy persons:**  
[http://www.jpa.gov.lv/lat/aktualitates/pazinojumi\\_presei/?doc=248](http://www.jpa.gov.lv/lat/aktualitates/pazinojumi_presei/?doc=248) (in Latvian/Russian)
- **Booklet “State Compensation for Victims”**  
[http://www.jpa.gov.lv/lat/aktualitates/pazinojumi\\_presei/?doc=157](http://www.jpa.gov.lv/lat/aktualitates/pazinojumi_presei/?doc=157) (in Latvian/Russian)
- **State forensic medical expertise centre** (City of Riga, Riga region)  
Department for examination of victims and suspects (out-patients. Admission by Police referral only)  
80 Maskavas iela, Riga. 9.00 to 15.30  
Telephone 67223357.
- **In other regions apply to Forensic medical expertise centres**  
<http://www.vtmec.gov.lv/?mn=1610>
- **Ombudsman’s Office (Tiesībsargs)**  
Baznīcas iela 25, Rīga, LV 1010  
Telephone: 67686768  
fax: 67244074  
e-mail: [tiesibsargs@tiesibsargs.lv](mailto:tiesibsargs@tiesibsargs.lv)

## **Non-governmental organisations**

### **• Latvian Centre for Human Rights**

The LHRC home page has a form for reporting hate crimes. <http://www.humanrights.org.lv/html/areas/tolerance/29523.html>

13 Alberta iela, 7th flr., Riga LV 1010. Telephone: 67039290

E-mail: [office@humanrights.org.lv](mailto:office@humanrights.org.lv); <http://www.humanrights.org.lv>

### **• Organisation “Afrolatviskā asociācija” (AfroLatvian Association)**

43/45 Lacplesa iela, Apt.11, Riga LV 1011, Latvia

E-mail: [africalv@hotmail.com](mailto:africalv@hotmail.com)

<http://www.afrolat.lv/>

### **• Alliance of Lesbians, Gays, Bisexuals and Transgendered People and their Friends "Mozaika"**

19/21 Gertrudes iela Apt.5, Riga LV1011. Telephone (+371) 26672358

E-mail: [office@mozaika.lv](mailto:office@mozaika.lv); <http://www.mozaika.lv>

### **• Crisis and consultations centre “Skalbes” (for residents of Riga)**

Free line 80009000; 4 Kungu iela, Riga

E-mail: [skalbes@skalbes.lv](mailto:skalbes@skalbes.lv); <http://www.skalbes.lv>

### **• Council of Latvian Jewish Communities and Congregations**

Skolas iela 6, Riga, LV 1010

Telephone: 67285601



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