



**G R E T A**  
GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS

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Report concerning the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Latvia

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## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA's country-by-country monitoring deals with all parties to the Convention on an equal footing. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to all parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental. By the beginning of 2014, most of the parties had been or were being evaluated for the first time, whilst the number of parties to the Convention continues to grow.

GRETA decided to launch the second evaluation round of the Convention on 15 May 2014. Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA has decided to examine during this new evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of an obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to provide, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual final comments made by the national authorities, are made public and sent to the Committee of the Parties to the Convention.

## I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Latvia took place in 2011-2012. Following the receipt of the Latvian reply to GRETA's first questionnaire on 31 August 2011, an evaluation visit was organised on 14-17 February 2012. The draft report on Latvia was examined at GRETA's 14th meeting (25-29 June 2012) and the final report was adopted at GRETA's 15th meeting (26-30 November 2012). Following the receipt of the comments of the Latvian authorities, GRETA's final report was published on 31 January 2013.<sup>1</sup>

2. In its first report, GRETA noted the steps taken by the Latvian authorities to develop the legal and institutions framework for combating trafficking in human beings (THB), including the appointment of a National Co-ordinator and the setting up of a specialised police anti-trafficking unit. GRETA considered that the authorities should step up action to combat trafficking for the purpose of labour exploitation and pay increased attention to prevention and protection measures addressing the particular vulnerability of children to trafficking. Further, GRETA urged the Latvian authorities to review the identification procedure and to ensure that identification is not dependent on the presence of elements to initiate a criminal case. GRETA stressed that all victims of THB should be provided with effective access to assistance for the duration necessary to achieve their rehabilitation, regardless of their participation in criminal proceedings. Another recommendation concerned measures to improve access of victims of human trafficking to compensation. GRETA also urged the Latvian authorities to ensure that the recovery and reflection period provided for in the Convention is fully reflected in Latvian law and applied in practice. Moreover, GRETA urged the authorities to ensure that THB cases are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions.

3. On the basis of GRETA's report, on 15 February 2013 the Committee of the Parties to the Convention adopted a recommendation addressed to the Latvian authorities, requesting them to report back on the measures taken to comply with this recommendation by 15 February 2015.<sup>2</sup> The report submitted by the Latvian authorities was considered at the 16th meeting of the Committee of the Parties (15 June 2015). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.<sup>3</sup>

4. On 8 June 2015, GRETA launched the second round of evaluation of the Convention in respect of Latvia by sending the questionnaire for this round to the Latvian authorities. The deadline for submitting the reply to the questionnaire was 9 November 2015. Latvia submitted its reply on 11 November 2015.<sup>4</sup>

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<sup>1</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, first evaluation round:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631cbc>

<sup>2</sup> Recommendation CP(2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, adopted at the 10th meeting of the Committee of the Parties on 15 February 2013:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631c8c>

<sup>3</sup> Report submitted by the Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631cc5>

<sup>4</sup> Reply from Latvia to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, second evaluation round: <http://rm.coe.int/CoERMPublicCommonSearchServices/sso/SSODisplayDCTMContent?documentId=0900001680641d8a&ticket=ST-19948-AIBRGKMXb025DZWbOn1y-cas>

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Latvian authorities, the above-mentioned report submitted by them to the Committee of the Parties, and information received from civil society. An evaluation visit to Latvia took place on 25-29 January 2016 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of the adopted measures. The visit was carried out by a delegation composed of:

- Ms Kateryna Levchenko, member of GRETA;
- Ms Alexandra Malangone, member of GRETA;
- Mr David Dolidze, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation met officials from relevant ministries and public agencies, in particular the Ministry of the Interior, the Anti-Trafficking Police Unit, the State Border Guard, the Ministry of Justice, the Office of Citizenship and Migration Affairs, the State Labour Inspectorate, the Prosecutor General's Office, the Ministry of Welfare, the Ministry of Foreign Affairs, the Ministry of Culture, the Ministry of Health and the Ministry of Economics. Discussions were also held with judges and representatives of the Office of the Ombudsman.

7. In addition to holding meetings in Riga, the delegation travelled to Liepaja where it met representatives of the local authorities and law enforcement bodies involved in combating trafficking, as well as visiting a temporary accommodation facility for irregular migrants administered by the State Border Guard.

8. In the course of the visit, the GRETA delegation also visited the crisis centre for women and children "Māras centrs" in Riga, which can accommodate women and child victims of trafficking.

9. Separate meetings were held with representatives of non-governmental organisations (NGOs), academics and the Office of the Nordic Council of Ministers in Riga.

10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

11. GRETA wishes to place on record the co-operation provided by the Latvian authorities and in particular by the contact person appointed by the authorities to liaise with GRETA, Ms Lāsma Stabiņa, National Anti-Trafficking Co-ordinator and Senior Desk Officer at the Sectoral Policy Department of the Ministry of the Interior.

12. The draft version of the present report was approved by GRETA at its 26th meeting (4-8 July 2016) and was submitted to the Latvian authorities for comments on 1 September 2016. The authorities' comments were received on 31 October 2016 and were taken into account by GRETA when adopting the final report at its 27th meeting (28 November - 2 December 2016). The report covers the situation up to 2 December 2016; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages ...-...).

## II. Main developments in the implementation of the Convention by Latvia

### 1. Emerging trends in trafficking in human beings

13. Latvia continues to be primarily a country of origin of victims of trafficking in human beings (THB). According to data provided by the Latvian authorities, 25 victims of THB were identified in 2012, 22 in 2013, 34 in 2014, 12 in 2015 and 17 in 2016. All but one of the identified victims were Latvian nationals. The majority of the identified victims were adult women. There were 15 men among the identified victims. A total of eight children (seven girls and one boy) were identified as victims of THB during the reporting period. The girls were trafficked internally (i.e. within Latvia) for the purpose of sexual exploitation. The boy was a Lithuanian citizen trafficked to Latvia for the purpose of forced criminality. The main countries of destination were Ireland, the United Kingdom, Sweden, Cyprus, Germany, Greece, the United States of America and Brazil.

14. According to information provided by the authorities, the majority of the victims of THB identified in 2012-2016 were young women (usually from disadvantaged socio-economic backgrounds, with mental disability or orphans) who were involved in marriages of convenience ("sham marriages"), using fraud or their social vulnerability, with third-country nationals residing in other EU countries. The second most frequent form of exploitation of the identified victims was forced labour (25 persons, including four Latvian men exploited within the country), followed by sexual exploitation (20 persons).

### 2. Developments in the legal framework

15. Since GRETA's first evaluation report, the Criminal Law (CL)<sup>5</sup> of Latvia has been amended with a view to bringing the criminalisation of trafficking in human beings in compliance with the Council of Europe Anti-Trafficking Convention and Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims. Thus Section 154<sup>2</sup> of the CL ("human trafficking") was amended in 2014 to include compulsion to commit criminal activities among the forms of exploitation and the abuse of a position of vulnerability among the means for the commission of THB, as well as an explanation of the term "vulnerability".

16. Another legal development is the introduction of a provision in the CL making it possible to release from criminal liability a person who has committed a criminal offence while being trafficked. Further, following GRETA's recommendation to consider criminalising the use of services of a person with the knowledge that the person is a victim of trafficking and in order to transpose Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, on 15 May 2014 the Parliament of Latvia adopted amendments to Section 164 of the CL ("involvement of a person in prostitution and use of prostitution services"), criminalising the use of prostitution services from a person which the knowledge that this person a victim of human trafficking. Further, a new paragraph 3<sup>1</sup> was added to Section 164 of the CL criminalising the use of prostitution services from a minor.

17. With a view to implementing another recommendation made in GRETA's first evaluation report, namely to ensure that Section 154<sup>2</sup>, paragraph 2, of the CL applies to all persons under 18 years of age, an amendment to Section 3 of the Law on the Protection of the Rights of the Child was adopted by the Latvian Parliament on 26 November 2015 and entered into force on 29 December 2015, provide that persons under 18 years of age are considered as children in the context of the administrative violations and criminal justice system, even if they are treated as adults under Section 220 of the Civil Law.<sup>6</sup>

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<sup>5</sup> In Latvia, "Criminal Law" and "Criminal Procedure Law" refer to the Criminal Code and Criminal Procedure Code.

<sup>6</sup> Section 220 of the Civil Law concerns granting of majority to a minor by the Orphan's Court, in exceptional circumstances, but not earlier than he/she has attained the age of 16, when the minor's guardians and closest kin attest that the minor's behaviour is irreproachable and he/she is able to act independently.

18. The above-mentioned developments are discussed in greater detail in later parts of this report (see in particular paragraphs 160, 163 and 168).

### 3. Developments in the institutional framework

19. The Ministry of the Interior continues to be the leading co-ordination body on anti-trafficking issues in Latvia. The Deputy State Secretary, who is also Director of Sectoral Policy Department of the Ministry of the Interior, is the Chair of the Inter-Institutional Working Group established to co-ordinate national anti-trafficking policy. In June 2014, the State Secretary of the Minister of the Interior tasked Ms **Lāsma Stabiņa**, Senior Desk Officer at the Sectoral Policy Department of the Ministry of the Interior, to exercise the tasks of National Anti-Trafficking Co-ordinator. In July 2016 these tasks were renewed and defined as follows: collection and analysis of information, to be used in policy planning documents, on legal acts and regulations and progress of the overall situation in the fights against THB; proposals for improving national anti-trafficking police; monitoring and analysing legislative changes; ensuring the functioning of the national anti-trafficking co-ordination mechanism and co-ordinating the implementation of its decisions; representing the Ministry of the Interior and Latvia at relevant meetings at national and international level.

20. The Ministry of the Interior organises the work of the Inter-Institutional Working Group on Combating Trafficking (hereafter "the Working Group"). Under its current composition, renewed by the Prime Minister on 25 August 2014, the Working Group consists of representatives of the Ministry of the Interior (the Police, the State Border Guard, the Office of Citizenship and Migration Affairs and the Information Centre), the Ministry of Foreign Affairs, the Ministry of Welfare, the Ministry of Justice, the Ministry of Culture, the Ministry of Health, the Ministry of Education and Sciences, the Ministry of Economics, the General Prosecutor's Office, the State Labour Inspectorate, the State Employment Agency, the Department of Welfare of Riga City Council, the Municipal Police of Riga, the Ombudsman's Office, the Association of Municipalities of Latvia, the NGOs "Shelter Safe House", "Resource Centre for Women Marta", "For Vidzeme Free of Human Trafficking", "SOS Children's Villages Latvia" and the International Organization for Migration (IOM) office in Riga. Since 12 June 2015, the NGOs "Co-operation Network of Latvian Women" and "Children's Forum of Latvia" also participate in the meetings of the Working Group.

21. The main task of the Working Group is to co-ordinate the activities of public bodies and NGOs with a view to implementing the national anti-trafficking action plan and ensuring the exchange of information and co-ordinated action in providing assistance to victims of trafficking. According to the authorities, the Working Group meets from three to four times a year. In 2015-2016, a total of six meetings were organised at which participants, *inter alia*, exchanged information on results, challenges and future plans in the implementation of anti-trafficking measures, and discussed amendments to the legislation and regulations relevant to THB.

22. In their comments on the draft GRETA report, the Latvian authorities have indicated that they continue examining the possibility of designating a National Rapporteur to provide independent monitoring of the anti-trafficking activities of State institutions. In this context, GRETA notes that Article 29 of the Convention makes a clear distinction between National Co-ordination and National Rapporteur. In GRETA's view, the key features of National Rapporteurs' mechanisms in the sense of Article 29, paragraph 4, of the Convention<sup>7</sup> should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. A structural separation between monitoring and executive functions enables an objective evaluation of the implementation of anti-human trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations.<sup>8</sup> GRETA invites the Latvian authorities to designate as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions (see also paragraph 24 concerning the periodic evaluation of anti-trafficking policies by the Ombudsperson).

#### 4. National Action Plan

23. A new policy planning document in the field of action against THB entitled "Guidelines for the Prevention of Trafficking in Human Beings 2014-2020" (hereafter "Anti-trafficking Guidelines") was approved by the Latvian Government on 21 January 2014. It serves as a national action plan and provides an overview of trends in Latvia as regards THB. The organisation of activities is envisaged in the areas of information and awareness-raising, research, identification and assistance of victims, state compensation, return of victims, residence of foreign victims of THB, legal framework for combating THB, law enforcement and prosecution, co-operation and co-ordination of anti-trafficking measures. The financing of most of these activities is to be covered by the state budget. The ministries and institutions responsible for the implementation of the Guidelines have estimated the additional annual costs which would be necessary to cover the activities for which they are responsible. However, no additional funding has been allocated and the Cabinet of Ministers has decided that the activities envisaged in the Guidelines should be paid for by the existing budgets of the ministries and other public bodies concerned.

24. The Ministry of the Interior is expected to submit to the Cabinet of Ministers an interim report on the implementation of the Guidelines by 30 June 2017 and a final report by 30 June 2021. In accordance with the Guidelines (task No. 19), at the beginning of 2016 the Ombudsman's Office initiated an evaluation of the institutional framework and mechanism for identification, assistance, repatriation and return of victims of trafficking. It sent a questionnaire to 119 municipal social services, 119 Orphan's Courts and 28 regional offices of the State Employment Agency with questions aimed at assessing awareness of THB issues, causes, training opportunities, availability of information, inter-institutional co-operation and understanding of the role of institutions in the mechanism of protection of victims' rights. At the same time officials of the Ombudsman's Office held meetings with NGO representatives and asked them for written information on possible problems concerning social rehabilitation services and inter-institutional co-operation. GRETA welcomes the involvement of the Ombudsman's Office in the evaluation of particular aspects of anti-trafficking policy and practice and would like to be kept informed of the results of the evaluation.

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<sup>7</sup> "Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements."

<sup>8</sup> In this context, see also the Summary report on the Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms organised by the UN Special Rapporteur on trafficking in persons, especially in women and children, in Berlin, 23-24 May 2013.

## 5. Training of relevant professionals

25. In its first report, GRETA considered that all relevant professionals should be trained periodically, throughout their careers, on preventing and combating THB, and in identifying, assisting and protecting victims. Such training should be designed taking full account of gender and child-specific aspects.

26. The State Police College has provided training to 88 police officers in 2012, 61 in 2013 and 11 in 2014 under the programme entitled "Preventing, combating and investigating cases of trafficking in human beings/procuring". No police officers received such training in 2015 and 2016. GRETA understands that there is a considerable turnover of police staff at local level.

27. The training programme "Prevention and combating of trafficking in human beings: training programme for trainers" was launched by the State Border The programme covers the methodology for detection and identification of victims of THB and perpetrators, interviewing techniques and methods for acquiring information. These trainers provide training of border guards performing direct border control at border crossings and second line border guards who interview persons. In total 690 officials of territorial offices of the State Border Guard have been trained. A further 15 officials were expected to be trained as trainers in November 2016.

28. Further, officials of the Office of Citizenship and Migration Affairs and the State Border Guard have attended training on issues related to the identification of particularly vulnerable persons among asylum seekers, which were organised by representatives of UNHCR and asylum experts from other EU Member States. Officials examining asylum claims and, as of 2016, conducting personal interviews, have attended training organised by the European Asylum Support Office (EASO) on techniques of interviewing vulnerable persons and on techniques on interviewing children, which covered issues relating to THB. In June 2016, 40 employees of the central and regional units of the Office of Citizenship and Migration Affairs received training on improving identification of victims of THB and providing efficient inter-institutional co-operation and referral of victims for assistance. The training was led by a lawyer from the NGO "Shelter Sage House".

29. Continuous training for judges and court employees is provided by the Latvian Judicial Training Centre (LJTC). Judges choose which training courses to attend from the annual training programme approved by the Court Administration and the Ministry of Justice. Every year the LJTC training programme includes a course on issues related to THB. On 27 November 2013, training was provided to 28 judges and assistants of judges on the implementation of Directive 2011/36/EU. On 18 June 2014, a training course was given on the topic "Current problems of trafficking in human beings" for 16 candidate judges. On 16 and 17 October 2014, anti-trafficking training was attended by 12 judges, 15 prosecutors, 20 police officers, five NGO representatives and five representatives of relevant ministries. In 2015, in the framework of the project "Inter-disciplinary training for legal system participants and representatives of the legal profession regarding the origin of financial and economic crimes and legal practice", the LJTC held a series of workshops entitled "Organised crime", which included a session on court practice in cases of THB. This workshop brought together 35 judges and 41 assistants to judges. Further, on 10 and 11 September 2015, the LJTC contributed to the workshop entitled "Countering trafficking in human beings: Towards a more comprehensive approach", organised by the Academy of European Law (ERA), in which two judges, five prosecutors, two police officers, a representative of the Ministry of the Interior and a representative of an NGO participated from Latvia.

30. In addition, on 22 September 2015 anti-trafficking training was organised by the Ministry of the Interior, the Court Administration, the General Prosecutor's Office, the NGO "Shelter Safe House" and the Embassy of the USA in Riga, with the participation of 60 professionals, including judges, assistants of judges, prosecutors, police officers and representatives of relevant ministries and NGOs.

31. Two training programmes approved by the Minister of Welfare include the topics "The concept of human trafficking (forced labour, forced sexual services, marriages of convenience)", "Human trafficking recognition and identification", "Factors contributing to human trafficking" and "Social rehabilitation services and other forms of assistance to victims of THB." In 2014, the Ministry of Welfare provided training on children's rights to 681 specialists from different fields. A further 225 specialists were trained on child protection legislation, including on issues related to THB. In 2013, the State Inspectorate for the Protection of Children's Rights, in co-operation with the NGO "Shelter Safe House", carried out training on prevention of THB and assistance to victims for representatives of child protection authorities, and Orphan's Courts and officials responsible for operating the telephone Helpline for Children.

32. From 29 September to 2 October 2015, the State Labour Inspectorate provided training to 15 new labour inspectors from regional offices. Among issues covered by the training was THB for the purpose of labour exploitation and forced labour, detection of victims and referring them to assistance. The "Guidelines to Prevent Abusive Recruitment, Exploitative Employment and Trafficking of Migrant Workers"<sup>9</sup> developed by the Council of the Baltic Sea States (CBSS) were translated into Latvian and distributed to labour inspectors participating in this training.

33. On 26-27 September 2013, a training course entitled "Recognition, investigation and prevention of human trafficking as an effective tool for combating this phenomena" was organised in Riga by the Ministry of Justice, in co-operation with the Ministry of the Interior and the NGO "Shelter Safe House", and with EU funding. This training brought together 155 participants from Latvia, including judges, prosecutors, investigators, lawyers, representatives from relevant ministries and NGOs working in the field of THB.

34. Further, a training session was organised on 28-30 April 2014 in the framework of the EU co-funded project "A safety compass: signposting ways to escape trafficking". It involved 219 participants including employees of emergency hotlines of the State Fire-fighting and Rescue Service, the State Police, officials from the Consular Department of the Ministry of Foreign Affairs, officials of the State Inspectorate for Protection of Children's Rights and representatives of relevant NGOs.

35. On 14 April 2014, the National Centre for Education together with the State Police held training on the topic of THB for Heads of Methodical Unions of Social Sciences. The participants were provided with information about the problem of THB in Latvia, its root causes and other factors enabling THB, how to reduce risks of falling victim to trafficking, whom to approach for help, contact information, and co-operation with other countries and NGOs.

36. Once a year, the Consular Department of the Ministry of Foreign Affairs organises pre-deployment training for consular officials on different topics, including THB.

37. Since 2010 the Riga Municipality has been implementing a project entitled "Preventive measures for the elimination of human trafficking". Under this project, training on trafficking-related issues is provided to social workers, social pedagogues and municipal police officers.<sup>10</sup> Further, the Department of Welfare of Riga City Council provides funding for training of local government officials (some €3500 per year) and has developed a leaflet on prevention of THB for social workers.

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<sup>9</sup> <http://www.cbss.org/wp-content/uploads/2012/11/ADSTRINGO-Guidelines-In-Brief.pdf>

<sup>10</sup> The training was attended as follows: in 2012 - 25 social workers, 50 school social pedagogues, 20 municipal police officers; in 2013 - 20 municipal police officers and 61 social service workers, social pedagogues, representatives of social care institutions, and co-operation partners of the Department of Welfare of Riga City Council; in 2014 - 20 municipal police officers and 95 social workers, specialists of social work and school social pedagogues; in 2015 - 20 municipal police officers and 85 social workers, specialists of social work and school social pedagogues.

38. While welcoming the training provided to a range of professionals on different aspects of preventing, combating and investigating THB, GRETA considers that the Latvian authorities should continue their efforts in this area, taking into account new trends and legislative developments, with a view to ensuring that all relevant staff, including health care professionals, are periodically trained. The training should aim to strengthen the prevention of THB, to facilitate the identification of victims, to improve their protection and access to compensation, and to increase the rate of successful prosecutions in THB cases.

## 6. Data collection and research

39. In its first evaluation report, GRETA considered that the Latvian authorities should continue their efforts to develop and maintain a comprehensive and coherent information system on trafficking in human beings by compiling reliable statistical data from all main actors, including information collected by NGOs.

40. There continues to be a multiple system for collecting data related to THB in Latvia. There are two main information systems in Latvia: the Criminal Procedure Information System and the Court Information System. The Criminal Procedure Information System contains data related to initiated criminal proceedings, detected criminal offences, persons directing the proceedings, persons who have the right to assistance by a defence counsel and victims. The data is entered in the system by the investigative and prosecuting authorities. The system contains, *inter alia*, information on all procedural decisions taken in criminal proceedings (except decisions taken in relation to special procedural protection and special investigative action), on detected criminal offences, circumstances in which the offence was committed, and any compensation claimed and received by the victim. The Court information system contains information on convictions and sanctions imposed.

41. In 2014, when announcing a new public tender for the provision of social rehabilitation services funded by the state, the Ministry of Welfare developed requirements for NGOs selected to provide services to victims of THB, which include the collection of data by means of templates approved by the Ministry. According to the contracts concluded by the Ministry with NGOs, service providers have to submit annual reports about victims of trafficking in human beings who are beneficiaries of state-funded social rehabilitation services, the provision of such services, support services during the criminal proceedings, victims of THB who did not participate in criminal proceedings, and consultations received by members of families of child victims of THB.

42. One of the objectives of the Anti-trafficking Guidelines for 2014-2020 is streamlining the collection and analysis of trafficking-related data by developing comprehensive guidelines for data collection. This objective is to be completed by 30 June 2017. GRETA was informed of plans to bring together all institutions involved in data collection or registration in the national information systems, with a view to developing an efficient information exchange and a data collection co-ordination mechanism of data collection, as well as setting indicators and criteria for data collection. GRETA would like to be kept informed of developments in this respect.

43. GRETA urges the Latvian authorities to set up and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

44. Several research projects relevant to action against THB were completed in the period 2013-2015. In October 2013, a study entitled "Identification of victims of trafficking in human beings in international protection and forced return procedures in Latvia"<sup>11</sup> was published by the Latvian Contact Point (within the Office of Citizenship and Migration Affairs) of the European Migration Network. The aim of the study was to examine whether victims of THB were identified in Latvia during procedures for international protection and in forced return procedures (see paragraph 108).

45. Within the EU co-funded project "Interdisciplinary training for judiciary and other legal professions in the area of financial and economic crimes and related topics", an academic research project carried out in 2014 analysed court judgments under Section 154<sup>1</sup> and Section 165<sup>1</sup> of the CL.<sup>12</sup> The outcome of this research was compared with the results of the 2006 study "Judicial practice in cases of human trafficking and sending of persons for sexual exploitation" conducted by the Supreme Court. The authors concluded that most of the shortcomings related to the qualification of human trafficking offences had been eliminated.

46. Further, in 2014, in the framework of the EU-funded project "Safety compass: signposting ways to escape trafficking", the NGO "Resource Centre for Women Marta" carried out a research entitled "Recruitment for human trafficking and online image of women (case studies of Latvia, Estonia and the UK)"<sup>13</sup>. The research examined the methods for recruiting women into prostitution, including through the Internet, as well as possibilities for exiting prostitution. Within this project, in 2015 the NGO "Resource Centre for Women Marta" contributed to the report entitled "National Referral Mechanisms in Estonia, Latvia and the UK – a mapping report"<sup>14</sup> which describes the legal background and practical operation of the NRMs in the three countries, outlines the roles of different frontline professionals in the identification of victims of THB and explains the shortcomings in the functioning of the three NRMs.

47. On 1 January 2015 the Ministry of the Interior launched the EU-funded project "HESTIA – Preventing human trafficking and sham marriages: A multidisciplinary solution".<sup>15</sup> The project partners are public bodies and NGOs from six EU countries (Latvia, Lithuania, Estonia, Finland, the Slovak Republic and Ireland). Within this project, research has been carried out on the links between sham marriages and human trafficking, as well as vulnerabilities, factors, methods and channels facilitating sham marriages. The research report "Exploitative Sham Marriages: Exploring the Links between Human Trafficking and Sham Marriages in Estonia, Ireland, Latvia, Lithuania and Slovakia" adopted the new term "exploitative sham marriages" in relation to marriages concluded between EU nationals and third country nationals in order for the latter to obtain a residence permit in the EU and including elements of exploitation of the former. According to the research report, the phenomenon of exploitative sham marriages is to a large extent gender-based, most of the potential victims being women from EU countries who are in financial difficulties, have a history of social exclusion, a low level of education, lack language skills, have been diagnosed with mental disabilities, or come from a dysfunctional family background.

48. GRETA welcomes the research undertaken in Latvia on different aspects of THB and considers that the Latvian authorities should continue to support and carry out research on THB. Areas where research could be carried out include trafficking in children, internal trafficking within Latvia, and trafficking of foreign nationals to Latvia.

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<sup>11</sup> The study is available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/15a.latvia\\_national\\_report\\_trafficking\\_study\\_final\\_en\\_version\\_december2013.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/15a.latvia_national_report_trafficking_study_final_en_version_december2013.pdf)

<sup>12</sup> Professor Valentija Liholaja, Head of Criminal Sciences of the Legal Faculty of the University of Latvia.

<sup>13</sup> The report is available at: [http://www.marta.lv/docs/1283/2015/Marta\\_ENG\\_print.pdf](http://www.marta.lv/docs/1283/2015/Marta_ENG_print.pdf)

<sup>14</sup> The report is available at: [http://www.marta.lv/docs/1283/2016/NRM\\_mapping\\_report\\_S\\_FETY\\_COMPASS\\_FINAL.pdf](http://www.marta.lv/docs/1283/2016/NRM_mapping_report_S_FETY_COMPASS_FINAL.pdf)

<sup>15</sup> More information about the project HESTIA is available at: <http://trafficking.lv/en/preventing-human-trafficking-and-sham-marriages-a-multidisciplinary-solution-hestia>

### III. Article-by-article findings

#### 1. Prevention of trafficking in human beings

##### a. Measures to raise awareness of THB (Article 5)

49. In its first evaluation report, GRETA considered that the Latvian authorities should step up their efforts to inform the general public about THB and its various forms, target vulnerable groups such as children and young persons, and carry out targeted awareness-raising in economically disadvantaged areas.

50. Awareness-raising events are organised annually on the occasion of the EU Anti-Trafficking Day, 18 October. By way of example, from 18 September to 18 October 2014, the NGO "Shelter Safe House" implemented the project entitled "Multidisciplinary initiatives to prevent trafficking in human beings" with the aim of raising awareness of human trafficking and providing information to different groups. The target groups were young people and people with disabilities. Further, on 17 October 2014, a public discussion on recruitment for the purpose of trafficking was organised by the NGO "Resource Centre for Women Marta", with the participation of representatives of the Police, the Labour Inspectorate and users of the social network [www.draugiem.lv](http://www.draugiem.lv).

51. On 27-28 November 2014, the Ministry of the Interior, with the support of the Nordic Council of Ministers, organised a forum on the social consequences of THB within the project "Nordic – Baltic – North-West Russian Border Regional Co-operation Part II: Combating Trafficking in Human Beings for Forced Labour, Children and Sexual Exploitation". A total of 56 participants from Latvia<sup>16</sup>, Estonia, Lithuania, Finland, Norway, Sweden, Denmark, Iceland and the Russian Federation took part in this event.

52. From 13 to 19 October 2014 the Office of the Ombudsman of Latvia conducted a public awareness campaign entitled "Crumpet" ("Gards kumosīņš") to warn about the dangers of THB and raise awareness about available assistance, support and protection. The main target group of this campaign were young people. The campaign included a video clip which was placed on the web sites [www.draugiem.lv](http://www.draugiem.lv), [www.ask.fm](http://www.ask.fm) and [www.kasjauns.lv](http://www.kasjauns.lv), as well as on the web pages of the State Employment Agency, Ministry of Foreign Affairs, the Ministry of the Interior, the Office of Citizenship and Migration Affairs and the State Police.

53. In addition, in 2013 the NGO "Shelter Safe House" carried out an awareness-raising campaign using an information-trailer as an interactive mobile tool. The interior of the info-trailer – a small van – was turned into a setting depicting living conditions of persons trafficked for various forms of exploitation, while the outside displayed images and symbols associated with the most common forms of THB in Latvia – labour exploitation, sham marriage and sexual exploitation. The info-trailer visited 100 schools around Latvia, reaching out to some 4500 pupils, informing them about THB.

54. On 19 October 2015 the NGO "Shelter Safe House" gave a public lecture on preventing and combating THB, which was attended by representatives of public and municipal bodies, as well as the media. Further, on 26 October 2015 the NGO "Resource Centre for Women "Marta"", in co-operation with the Latvian Parliament and the Ministry of the Interior, organised an international conference entitled "Safety compass – signposting ways to escape trafficking". The conference served as a partnership-building platform for different actors involved in combating THB by bringing together decision-makers, representatives of state institutions and NGOs, and encouraging closer collaboration and strengthening of partnerships between source and destination countries.

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<sup>16</sup> Latvian participants included eight representatives of relevant ministries, four police officers, three border guards, and three representatives of NGOs.

55. From November 2014 to 31 December 2015, the Ministry of the Interior and the Council of the Baltic Sea States Secretariat Task force against Trafficking in Human Beings (CBSS TF-THB) implemented jointly the project entitled "Strengthening the role of municipalities in the work against trafficking in human beings in the Baltic Sea Region" (STROM). Work is on-going under this project to develop specific guidelines for municipalities on how to deal with cases of THB and how to develop local referral mechanisms. A conference entitled "Local action against human trafficking" was held in Riga on 19-20 May 2015, which provided a platform for exchanging expertise on how to deal with cases of THB at municipal level and tools to do so efficiently.<sup>17</sup>

56. The Ministry of Foreign Affairs participated in the organisation an awareness-raising campaign entitled "Travel safely". A mobile application for smartphone users was developed for this campaign, providing information on consular support abroad, safe travel and possible risks, such as false offers of employment and sham marriages.

57. Every year the Riga Municipality updates and publishes an informative booklet "Prevention of human trafficking". The booklet is distributed in social assistance institutions, schools, universities and Latvian diplomatic missions. The main purpose of the booklet is to inform about the risks of human trafficking and the ways to seek assistance. In 2015, the Riga City Council distributed the booklet in 10 800 copies in Latvian and 3 600 in Russian.

58. As noted in paragraph 14, the majority of identified victims of THB in Latvia in recent years have been Latvian women lured into concluding sham marriages with third-country nationals in other EU member states. The risk groups are young women originating from socially disadvantaged families, orphanages and social care institutions, including persons with mental disabilities. Under the previously mentioned project HESTIA (see paragraph 47), awareness-raising events took place in Ireland, the Slovak Republic, Estonia and Lithuania in October 2016. At an event held in Riga on 21 October 2016, the project's research report was presented. Further, an international conference entitled "Exploitative Sham Marriages: Exploring the Links between Human Trafficking and Sham Marriages" was held in Riga on 14-15 November 2016. Further, some 186 practitioners from 58 municipalities in Latvia were trained in pilot training applying the methodology and materials developed within the HESTIA Project.

59. While welcoming the efforts to raise awareness of THB, GRETA invites the Latvian authorities to continue implementing measures to raise awareness of THB as a form of prevention, taking into account the gender dimension of human trafficking, and by designing future actions in the light of impact assessment of previous measures and focusing on the needs identified. Specific awareness-raising measures should be taken to address the phenomenon of exploitative sham marriages.

b. Measures to prevent THB for the purpose of labour exploitation (Article 5)

60. Latvia participated in the project ADSTRINGO, co-ordinated by the Council of the Baltic Sea States. This project focused on trafficking for forced labour and labour exploitation in nine countries in the Baltic Sea region with the aim of preventing trafficking for forced labour through enhanced national and regional partnerships. As a result of this project, a set of guidelines for employers, recruitment agencies and other actors was developed for the prevention of trafficking for the purpose of forced labour.<sup>18</sup>

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<sup>17</sup> In total, 77 participants took part in the conference, including national regional expert teams of the CBSS member states (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland, the Russian Federation and Sweden) and a representative from a municipality (or a comparable local authority) from each of the other EU Member States (Belgium, Greece, Hungary, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovak Republic, Slovenia).

<sup>18</sup> [https://ec.europa.eu/anti-trafficking/eu-projects/adstringo-addressing-trafficking-labour-exploitation-through-improved-partnerships\\_en](https://ec.europa.eu/anti-trafficking/eu-projects/adstringo-addressing-trafficking-labour-exploitation-through-improved-partnerships_en)

61. In order to prevent illegal employment of foreigners and THB for the purpose of labour exploitation, the Labour Law was amended in 2014 (entry into force: 1 January 2015), obliging employers and temporary employment agencies to specify the registration number of the employers or their name and registration number in job announcements, and requiring employers to provide foreign employees who do not speak Latvian with information on their work contract in a language they understand. Further, pursuant to the provisions of the Labour Law, an employer who recruits a third-country national must inform the State Labour Inspectorate in advance of such a recruitment and must transmit information about the name of the employee, the date when the employment starts, the intended duration of the contract, the location of the work, as well as provide a certificate that the employee is legally employed.

62. The immigration units of the State Border Guard carry out inspections, sometimes in cooperation with the Office of Citizenship and Migration Affairs, the State Police and the State Labour Inspectorate, of work place which employ third-country nationals. On 27 June 2014, the State Border Guard signed an agreement with the Enterprise Register of Latvia to access information about companies employing third-country nationals.

63. The State Labour Inspectorate carries out inspections of all economic sectors in order to check the respect of labour conditions, occupational safety and health standards. Inspections may be carried out without prior notice. GRETA was informed that there are currently 120 labour inspectors in Latvia who have to implement the annual plan of 10 000 inspections. In case of a registered employment of domestic workers, labour inspectors are entitled to inspect private homes, jointly with the municipal police. If a company or an individual employer has six or more employees without contracts, inspectors may decide to suspend the activity of the company. According to the authorities, all labour inspectors have been trained on the CBSS "Guidelines to prevent abusive recruitment, exploitative employment and trafficking of migrant workers" (see paragraph 32).

64. According to representatives of public bodies and NGOs, a considerable number of Latvian citizens have fallen victims to human trafficking for the purpose for labour exploitation as a result of employment offers on the Internet (Latvian and/or international social networks).

65. GRETA considers that the Latvian authorities should strengthen their efforts to prevent trafficking for the purpose of labour exploitation, in particular by:

- further sensitising the general public and relevant officials, in particular labour inspectors, officers of the State Border Guard, police officers, prosecutors and judges, about THB for the purpose of labour exploitation and the rights of victims;
- strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;
- developing measures to prevent of recruitment of victims of THB via the Internet;
- strengthening the capacity and mandate of labour inspectors to detect possible victims of THB and refer them for identification and assistance.

c. Measures to prevent trafficking in children (Article 5)

66. Following amendments adopted in June 2013, the Law on the Protection of the Rights of the Child stipulates that staff of public and municipal institutions working with children should follow training in the field of protection of the rights of the child. According to Regulation No. 173 of the Cabinet of Ministers, adopted in April 2014, relevant professionals must attend specialised training of not less than 40 hours per year.<sup>19</sup> GRETA welcomes the ratification by Latvia on 18 August 2014 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("Lanzarote Convention").

67. Issues related to THB are part of the general school curriculum under the subject "Social sciences". The National Centre for Education has developed training materials for teachers and school children on issues related to health and human safety, aimed at enhancing their capacity to recognise dangerous situations and take safe decisions.<sup>20</sup> GRETA notes, however, that these training materials do not cover issues related to THB.

68. In 2014-2015, guidelines and educational materials for professionals working with children were developed under the project "PROTECT: Children on the move",<sup>21</sup> implemented by the CBSS in co-operation with the State Border Guard of Latvia, the Stockholm Social Emergency Centre and the Lithuanian State Child Protection and Adoption Service. In 2016, the CBSS, in co-operation with the Nordic Council of Ministers, organised training on the basis of the guidelines and other materials developed under this project. Three training sessions took place in Riga, Tallinn and Helsinki, bringing together over 100 participants from the police, social services, social workers, lawyers from immigration offices, service providers, judges, victim support and conciliation services, prosecutors, children's rights protection services, line ministries, border guards, and staff educational institutions and crisis centres.

69. In 2013 the State Labour Inspectorate participated in 20 informative events at schools and organised three workshops on issues related to labour protection and labour rights. In 2014, five informative events and three meetings with college students took place.

70. Within the previously-mentioned campaign "Travel safely" (see paragraph 56), awareness-raising activities were organised for high schools pupils (9 to 12 grade) in 15 schools. This initiative was co-financed by the European Commission and the activities were implemented through social networks, the Internet, radio and national television, as well as in streets of different towns.

71. Certain general measures addressed at the protection of children are also relevant to preventing child trafficking. By way of example, the Ministry of the Interior has set up the "Information system for the support of minors", which is a database with statistical information collected from different authorities<sup>22</sup> concerning children in vulnerable situations, such as children in out-of-family care, children who do not attend school, child victims of violence and children in street situations.<sup>23</sup>

72. The Ministry of Welfare supervises the telephone Helpline for Children 116 111, operated by the State Inspectorate on the Protection of Children and accessible round the clock as of March 2015. The hotline received some 60 000 calls in 2014 and 57 000 calls in 2015. Many of the calls were made by child specialists who wanted to obtain information on how to protect the best interests of the child when dealing with specific cases.

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<sup>19</sup> Entitled "Regulations on the procedure for acquiring expertise in child protection laws, the content and scope of knowledge".

<sup>20</sup> More information is available at: [http://visc.gov.lv/vispizglitiba/saturs/dokumenti/metmat/vesels\\_un\\_dross/index.html](http://visc.gov.lv/vispizglitiba/saturs/dokumenti/metmat/vesels_un_dross/index.html) and here: [http://visc.gov.lv/vispizglitiba/saturs/dokumenti/metmat/vesels\\_un\\_dross.pdf](http://visc.gov.lv/vispizglitiba/saturs/dokumenti/metmat/vesels_un_dross.pdf)

<sup>21</sup> More information on this project is available at: <http://www.childcentre.info/protect-children-on-the-move/>.

<sup>22</sup> The Ministry of Education and Science, the Ministry of Welfare, the Ministry of Environmental Protection and Regional Development, the Ministry of Justice, the Ministry of Health, the State Inspectorate for Protection of Children's Rights and local governments.

<sup>23</sup> For more details, see the reply of the Latvian authorities to GRETA's second questionnaire, pp. 19-20.

73. In its first evaluation report, GRETA urged the Latvian authorities to ensure the registration of all children at birth as a prevention measure against trafficking.<sup>24</sup> The Latvian authorities have referred to the Law on Registration of Civil Status Documents, which regulates the registration of documents relating to birth, marriage and death. Further, Cabinet of Ministers' Regulation No. 761 of 3 September 2013 defines specific requirements for the registration of children at birth.<sup>25</sup> Pursuant to this Regulation, the parents of a new-born child are under an obligation to inform the General Registry about the birth of a child within a month. They may authorise another person to do so on their behalf. If the parents of a child are deceased or the birth of a child may not be notified due to other reasons, a medical practitioner or another person who was present at the birth has the duty to notify the General Registry about the birth. If no person notifies the birth of a child and this fact becomes known to a local government official, the latter is obliged to notify the General Registry in writing. The authorities have indicated that socially and economically disadvantaged families with children are monitored by the social services and Orphan's Courts, including with a view to ensuring the mandatory registration of all children at birth.

74. GRETA considers that the Latvian authorities should strengthen their efforts to prevent trafficking in children, in particular by including the subject of THB in school curricula and developing measures to prevent recruitment through the Internet and social networks.

d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)

75. In its first evaluation report, GRETA considered that the authorities should strengthen the aspect of prevention of THB through social and economic empowerment measures for groups vulnerable to THB. Such measures should be based on the identified root causes of THB (such as difficult economic and social conditions, absence of employment opportunities, inadequate education, etc.) and should aim at decreasing and ultimately eliminate these causes.

76. To reduce poverty and economic inequality, the Latvian authorities are taking measures to stimulate employment, alleviate taxes for the poorest groups of the population and improve the social security system. As of 2013, specific social and economic measures have been implemented for families with children and persons with disabilities with the aim of increasing support services, including financial support, for these groups. By way of example, the financial support for parents of young children has been increased, financial support for unemployed parents has doubled, the duration of the unemployment benefit was increased to nine months, and children from 5 to 18 years and adults with disabilities are now eligible to receive assistant services from the municipalities of up to 40 hours per week. Measures were also taken to enhance the personal income tax relief for dependants and to review the ceiling of social contributions.

77. The Latvian authorities have referred to the "State Programme for Improvement of the Situation of the Child and the Family", adopted by the Minister of Welfare, which envisages targeted measures to protect the rights of the child. The funding allocated amounted to €227 584 in 2013, €262 517 in 2014, €298 028 in 2015 and €263 028 in 2016. A variety of activities have been implemented under this programme, including psychological support to families with children in crisis, training for staff working with children, a violence prevention programme for children and social rehabilitation services for perpetrators of violence.

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<sup>24</sup> See paragraphs 95 and 103 of the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631cbc>

<sup>25</sup> Entitled "Regulation on the Registers of Civil Status".

78. Measures to prevent and combat domestic violence and gender-based violence have also been taken. Amendments have been made in the CL to address domestic violence, making sexual offences against family members an aggravating circumstance. Through amendments to the Civil Law in 2014, new means of protection for victims of domestic violence were introduced, such as the possibility for victims to request protection from court.<sup>26</sup> GRETA notes that on 18 May 2016 Latvia signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention"). In 2015 a new social service was introduced for women victims of violence, consisting of up to 20 individual consultations provided by a psychologist, a lawyer and a social worker, or as a social recovery course in a specialised institution (up to 30 days, which may be prolonged up to 60 days).

79. The Ministry of Culture has provided support for the integration of third-country nationals through 17 projects implemented in 2012-2013 (with an overall funding of €2 008 201), 19 projects in 2013-2014 (with an overall funding of €1 736 982), and 19 projects in 2014-2015 (with an overall funding of €2 363 198). The task of the National Integration Centre was to provide access to information to third-country nationals and enhance their communication with local institutions and society, including by teaching them Latvian. The most frequent beneficiaries were Russian, Ukrainian, Belarusian and Chinese nationals. Since 2016 these services are provided by Information Centre for Immigrants and include interpretation services. On 2 December 2015 the Cabinet of Ministers approved an Action Plan on Relocation, Resettlement and Reception in Latvia of Persons in Need of International Protection. From the end of 2015 training courses for asylum seekers have been organised to provide them with information on day-to-day life in Latvia and their rights and responsibilities. These measures aim to reduce the isolation of third-country nationals and therefore could be seen as a way of preventing human trafficking.

80. To promote informed migration, the NGO "Shelter Safe House" has made available on the Internet<sup>27</sup> information about support structures for immigrants arriving in Latvia and life in Latvia including residence, employment, entrepreneurship, health care, education, social security, housing, civil and political participation and the rights of immigrants in Latvia. This NGO is implementing projects concerning assistance to third-country nationals and persons in need of international protection.

81. GRETA notes that the above-mentioned activities have the potential of addressing the root causes of THB and preventing the trafficking of persons from vulnerable groups. GRETA considers that the Latvian authorities should continue implementing social, economic and other measures for groups vulnerable to THB due to their disadvantaged socio-economic situation. Further efforts should be made to promote gender equality, combat gender-based violence and stereotypes, and support specific policies for the empowerment of women as a means of combating the root causes of THB for different purposes of exploitation.

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<sup>26</sup> For more details, see the reply of the Latvian authorities to GRETA's second questionnaire, page 21.

<sup>27</sup> <http://www.patverums-dm.lv/en/information-for-immigrants>

e. Measures to prevent trafficking for the purpose of organ removal (Article 5)

82. GRETA notes that while trafficking in human beings for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs<sup>28</sup> are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true. Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of trafficking in human beings.

83. Trafficking in human beings for the purpose of organ removal is criminalised in Section 154<sup>2</sup>, paragraph 3, of the CL.

84. The use of tissues, cells and organs of a living or a deceased person for scientific research and study purposes, transplantation, manufacture of medicines and bio-prosthesis is regulated by the Law "On the Protection of the Body of Deceased Human Beings and the Use of Human Tissues and Organs in Medicine", adopted on 15 December 1992 (latest amendments in 2012).

85. The removal of tissues and organs from a living donor is only possible upon his/her informed written consent, which is revocable at any time until the act of removal. Only tissues with a restoring capacity may be taken from a living donor, except for the removal of one kidney for the purpose of transplantation. Any selection, sending and use of tissues, organs and cells in a commercial transaction are prohibited. In case a person has not recorded in the Population Register a prohibition of the posthumous use of his/her body, tissues, organs and cells after death, the spouse, parents, adult children, brothers or sisters may inform the medical institution regarding the will expressed by the person during his/her life. If these persons do not notify the medical institution of the prohibition expressed by the deceased person, the removal of tissues and organs of a deceased person for transplantation may be permitted.

86. On 29 January 2013, the Cabinet of Ministers adopted Regulation No. 70 on the use of human organs from living and deceased persons which designated the State Agency of Medicines as the competent authority to assess the conformity of procurement organisations and transplantation centres with the requirements regarding the removal and transplantation of human organs. The State Agency of Medicines establishes a list of procurement organisations and transplantation centres which have been authorised to perform removals and transplantations of organs. Procurement organisations and transplantation centres maintain a database of living donors and recipients.

87. The Latvian Transplant Centre regularly organises workshops and lectures on organ trafficking issues, including on routes of organ trafficking and global preventive measures. These workshops and lectures were attended by seven doctors, three nurses and three co-ordinators involved in the removal and transplantation of organs. Further, four regional transplantation co-ordinators were trained in 2016. There is at least one workshop on illegal trafficking in organs every six months and the topic is also included in the plan of weekly meetings of the Latvian Transplant Centre. Considering that further education for medical staff is not centralised and is provided by professional associations, the Ministry of Health has no information about education and training on THB for all medical staff in Latvia.

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<sup>28</sup> Opened for signature in Santiago de Compostela on 25 March 2015.

88. The Minister of Justice has established an inter-institutional working group with the purpose of reviewing the legal framework in the light of the provisions of the Council of Europe Convention against Trafficking in Human Organs. At the time of adopting this report, a draft informative report and accompanying documentation concerning signature of this Convention were being considered. GRETA encourages the Latvian authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs.

89. GRETA was informed that there have been no known cases of THB for the purpose of organ removal in Latvia or involving Latvian nationals abroad.

90. GRETA considers that the Latvian authorities should continue providing training to health professionals dealing with transplantation of organs and other medical professionals to ensure that they are informed about the risks of THB for the purpose of the removal of organs and are able to detect possible victims.

f. Measures to discourage demand (Article 6)

91. According to the Latvian authorities, the awareness-raising campaigns referred to in paragraphs 50-57 include components aiming at discouraging demand and raising awareness of target groups regarding demand as a factor contributing to human trafficking.

92. GRETA considers that the Latvian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector, in line with the United Nations Guiding Principles on Business and Human Rights.

g. Border measures (Article 7)

93. In its first report, GRETA considered that further efforts should be made to improve detection of THB cases in the context of border control and to provide frontline staff of the State Border Guard with systematic training on identification and referral of potential victims of THB.

94. In the zones close to internal borders of the Schengen area, the State Border Guard carries out immigration control on the basis of random checks, stemming from risk analysis and operative information. Should a suspicion arise during these checks that a person might be a victim of THB, the State Border Guard informs the State Police, which is responsible for taking further measures to identify a person as a victim of THB and refer him/her for protection and assistance.

95. State Border Guard officials use in their daily work a handbook to combat human trafficking elaborated by Frontex. This handbook contains information and methodology on how to identify victims of THB during border control and interview techniques. Identification and detention of perpetrators is carried out on the basis of operative information received from the Ministry of the Interior and the EU information database. First-line information from victims and perpetrators gathered by officials of the State Border Guard is collected by the National Contact Point and shared with National Contact Points of other EU Member States. Particular attention is paid to identifying trafficked children and the handbook used by border guards contains specific methods of work with children.

96. State Border Guard officials indicated that Latvia is likely to be used as a country of transit for victims of THB and irregular migrants may be vulnerable to exploitation while transiting Latvia. However, no foreign victims of THB have been identified in Latvia in the context of border controls.

97. GRETA invites the Latvian authorities to pursue their efforts to prevent human trafficking through border measures and co-operation with neighbouring states.

## 2. Measures to protect and promote the rights of victims, guaranteeing gender equality

### a. Identification of victims of THB (Article 10)

98. In its first report, GRETA urged the Latvian authorities to review the victim identification procedure and in particular to set up a formalised NRM for the identification of victims of THB and to ensure that all actors involved in it are adequately trained to apply it. GRETA also asked the authorities to pursue a proactive approach to the identification of victims of THB and to provide frontline staff with operational indicators, guidance and toolkits for the identification of victims. Further, GRETA stressed that the authorities must ensure that the identification of victims of trafficking, whether by the police or by the multi-disciplinary commission of specialists, is not solely aimed at enabling criminal investigation, but primarily at referring victims to appropriate assistance and protection.

99. As described in the first evaluation report, the identification of victims of THB in Latvia is carried out in accordance with Cabinet Regulation No. 889 of 31 October 2006 on "The procedures by which victims of THB receive social rehabilitation services and the criteria for recognising a person as a victim of THB". This Regulation was amended on 11 December 2012 and the amendments entered into force on 1 January 2013. Following the amendments, victims of THB can receive assistance beyond the six months during which social rehabilitation services are provided if they take part in ongoing criminal proceedings (including psycho-social assistance, legal assistance and interpretation), not exceeding 150 hours per year. Further, the amendments clarify the procedures for identification and for granting and receiving support

100. Regulation No. 889 prescribed the criteria for the recognition of a person as a victim of THB by the multi-disciplinary commission of specialists and the procedures for receiving social rehabilitation services funded by the State budget. The National Assistance System for victims of THB, which was set up pursuant to Regulation No. 889, consists of the following three stages:

- Detection of possible victims of THB by police officers, border guards, consular officials, social service providers, labour inspectors, hotline operators, Latvian or foreign NGOs. There is no formally approved list of "first responders" and in many cases victims themselves or their relatives or friends contact the social services and ask for assistance.
- Formal identification as a victim of THB, which takes place either by a decision of an investigator or a prosecutor as part of criminal proceedings or by an assessment report of the multi-disciplinary commission of specialists, which comprises representatives of specialised NGO selected on the basis of a public tender ("mandated NGO") as well an official from the Police, if there is no criminal investigation or the victim does not wish to participate in criminal proceedings. Following formal identification, victims are eligible to receive assistance (see paragraphs 115-117).
- Reintegration and social inclusion.

101. The Latvian authorities have indicated that the second stage of the National Assistance System has been formalised, including through the amendments to Regulation No. 889. Identification as a victim of THB by the State Police is determined by the presence of sufficient grounds for initiating a criminal case into a THB offence. In the absence of a criminal investigation, the multi-disciplinary commission of experts (consisting of a lawyer, a psychologist, a social worker and a representative of the Police) has to convene within three days and assess if there are sufficient indicators for considering a person to be a victim of THB, on the basis of the criteria contained in an annexe to Regulation No. 889. All members of the commission except for the representative of the Police are appointed by the mandated NGO. The head of the commission, who is a representative of the mandated NGO, may invite professionals from other areas to attend the meeting of the commission and examine available information concerning the person. The possible victim of THB is not obliged to attend the meeting of the commission, but should be available to answer any questions by telephone, Skype or other means. The commission takes decisions by a majority of votes. The commission's decisions concerning the recognition of a person as a victim of THB are transmitted to the Social Integration State Agency, supervised by the Ministry of Welfare, which should, within three days, issue an administrative act regarding the provision of assistance. According to the authorities, the Social Integration State Agency has not refused assistance to any victims of THB identified by the commission.

102. GRETA was informed that in 2013, three victims of THB were identified by the State Police, the identification of eight victims was initiated by Latvian embassies abroad, four victims were detected by the social services and seven victims were identified by the mandated NGO. In 2014, seven victims were identified by the State Police, the identification of five victims was initiated by Latvian embassies, one victim was detected by the social services, 14 were identified by the mandated NGO and the identification of four victims was initiated by another specialised NGO. In 2015, four victims of THB were identified by the State Police and seven victims were identified by the multi-disciplinary commission. In 2016, four victims of TJHB were identified by the police and 13 by the commission.

103. The State Police, the Ministry of Welfare, the NGO "Shelter Safe House" and the NGO "Resource Centre for Women Marta" have agreed to update the criteria for identifying a person as a victim of THB with a view to reflecting current trends of THB in Latvia. In their comments on the draft GRETA report, the Latvian authorities have indicated that an inter-institutional working group chaired by the Ministry of Welfare is in the process of elaborating amendments to Regulation No. 889, and it is planned, in particular, that a representative of the State Police will not be a member of the multi-disciplinary commission. The proposed amendments are expected to be submitted to the Government in the first half of 2017. GRETA would like to be kept informed of the adoption of amendments to Regulation No. 889.

104. Several guidelines are available to frontline professionals who may come across victims of THB. The State Police have been provided with "Methodological guidelines to identify cases related to prostitution, pimping and human trafficking" and "Recommendations for police officials to investigate cases of human trafficking and pimping". In 2013 the Ministry of the Interior disseminated to law enforcement staff "Guidelines on identification of victims" and "The EU rights of victims of trafficking", which were elaborated by the European Commission. The State Border Guard use the handbook and indicators of THB elaborated by Frontex (see paragraph 95). Consular and diplomatic officials use the "Handbook for diplomatic and consular personnel on how to assist and protect victims of human trafficking", drawn up by the CBSS TF-THB. Guidelines for the identification of human trafficking for the purpose of labour exploitation are also available to labour inspectors, border guards, police officers and NGOs.

105. Reference has been made in paragraph 63 to inspections by the State Labour Inspectorate. Representatives of the State Border Guard informed GRETA that during inspections in the context of combating illegal migration and employment, 171 foreigners were detained for irregular presence in Latvia in 2013, 139 in 2014 and 463 in 2015. No victims of THB were identified among these persons. The authorities indicated that 388 Vietnamese nationals were subject to non-voluntary return procedures in 2014-2015. GRETA notes that according to the report entitled "National Referral Mechanisms in Estonia, Latvia and the UK – a mapping report" (see paragraph 46), while Vietnamese irregular migrants detected in Latvia may have been victims of THB, the common attitude of border guards was to view them as perpetrators of illegal migration rather than as victims of trafficking.<sup>29</sup>

106. The formal identification of irregular migrants as victims of human trafficking is limited to the State Police and depends on the initiation of a criminal investigation. No third-country nationals have been referred to the multi-disciplinary commission for the purpose of identification.<sup>30</sup>

107. Irregular migrants, including children, are placed in temporary detention pending deportation (as regards children, see paragraph 131). The initial detention is 10 days and may be prolonged up to six months or, if no personal documents are available, up to a year. Representatives of the State Border Guard stated that the limited time between detention and the enforcement of deportation decisions does not enable the identification of possible victims of THB. The authorities have affirmed that in case of a suspicion that a person may be a victim of THB, the deportation procedure would be suspended until the identification is completed. However, according to the study referred to in paragraph 44, when persons undergoing forced return procedure provide additional information on the basis of which the relevant authorities may assess whether the person is a victim of THB, this does not constitute grounds for suspension of the forced return procedure.<sup>31</sup> GRETA was informed that ensuring interpretation to asylum seekers and detained irregular migrants was often difficult due to the lack of certified interpreters.

108. According to the study referred to in paragraph 44, since the majority of asylum seekers submit the application for international protection on the state border, the detection of victims of THB is carried out according to the methodology for the State Border Guard officials who perform direct border control at the border crossing points and interviewing of persons during the detailed border control.<sup>32</sup> The criteria set out in Regulation No. 889 are used. Identification of a person as a victim of THB may be initiated at different stages of the asylum procedure: during the first interview, during subsequent interviews or during the stay at the asylum seeker's reception centre. To identify special needs of asylum seekers, employees of the Office of Citizenship and Migration Affairs working on asylum issues use the practical tool developed by the EASO<sup>33</sup>. The asylum seeker may be undergoing both procedures – international protection and identification as a victim trafficking in human beings – at the same time until the decision is passed within one or the other procedure. According to the Latvian authorities, if an asylum seeker is identified as a victim of THB and issues with a residence permit on this basis, it is not foreseen in law that the application for granting international protection would be suspended. No victims of trafficking have so far been identified among asylum seekers in Latvia.

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<sup>29</sup> [http://www.marta.lv/docs/1283/2016/NRM\\_mapping\\_report\\_S\\_FETY\\_COMPASS\\_FINAL.pdf](http://www.marta.lv/docs/1283/2016/NRM_mapping_report_S_FETY_COMPASS_FINAL.pdf)

<sup>30</sup> Only one foreign citizen has so far been identified as a victim of THB by the commission of specialists (a Lithuanian boy), in 2015.

<sup>31</sup> "Identification of victims of trafficking in human beings in international protection and forced return procedures in Latvia", p. 4. [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/15a.latvia\\_national\\_report\\_trafficking\\_study\\_final\\_en\\_version\\_december2013.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/15a.latvia_national_report_trafficking_study_final_en_version_december2013.pdf)

<sup>32</sup> Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/15a.latvia\\_national\\_report\\_trafficking\\_study\\_final\\_en\\_version\\_december2013.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/15a.latvia_national_report_trafficking_study_final_en_version_december2013.pdf)

<sup>33</sup> Available at: <https://ipsn.easo.europa.eu>

109. The new Asylum Law adopted in December 2015 (in force since 19 January 2016) defines a list of persons, including victims of THB, who are considered to have special procedural or reception needs. Since 2016, officials processing asylum applications and requests for international protection are required to follow a check-list for identifying persons with special needs, including victims of THB. As noted in paragraph 28, employees of the Office of Citizenship and Migration Affairs working on asylum issues receive regular training.

110. GRETA refers to the United Nations' Human Rights Committee Concluding observations on the third periodic report of Latvia, where "the Committee is [...] concerned at insufficient identification and referral mechanisms, as evidenced by the low figures on identified and possible victims of trafficking and the slow progress in implementing measures against trafficking".<sup>34</sup> Further, the Committee expressed concern about "the lack of clear legal grounds, on the basis of which asylum seekers may be placed in detention upon arrival, reports of the protracted detention of asylum seekers, including children, in facilities with poor conditions and obstacles in gaining access to asylum procedures at some border crossings".

111. GRETA notes that the current identification procedure in Latvia risks leaving out third-country nationals. The intended revision of Regulation No. 889 could be an opportunity to authorise the multi-disciplinary commission of specialists to identify possible victims of THB among third-country nationals and stateless persons even if there is no criminal investigation.

112. GRETA urges the Latvian authorities to take additional measures to improve the identification of victims of trafficking, including by:

- reviewing the procedure and indicators for the identification of victims of trafficking, including among foreign nationals, and ensuring that all frontline professionals are trained to apply this procedure and the indicators;
- increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation, by reinforcing the capacity of labour inspectors and providing the State Labour Inspectorate with the resources required, as well as with training to effectively prevent and combat THB;
- paying increased attention to detecting victims of THB among asylum seekers and persons placed in immigration detention centres;
- encouraging law enforcement officers, border guards, officials interviewing asylum seekers, staff of reception centres for asylum seekers and administrative detention centres, and labour inspectors to refer possible victims of trafficking to the multi-disciplinary commission of specialists when there are reasonable grounds to believe that a person is a victim of trafficking even if there are not sufficient grounds for initiating a prosecution.

b. Assistance measures (Article 12)

113. In the first evaluation report, GRETA urged the Latvian authorities to take further measures aimed at providing victims and potential victims of THB with adequate assistance for the duration necessary to achieve their rehabilitation, regardless of their participation in criminal proceedings. GRETA also urged the authorities to adopt minimum standards for the services provided to victims of trafficking, to ensure the provision of adequate funding, to provide assistance, including appropriate accommodation, to male victims, and to facilitate the reintegration of victims of trafficking into society by providing them with vocational training and access to the labour market.

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Adopted by the United Nations' Human Rights Committee at its 110th session (10–28 March 2014).

114. As noted in GRETA's first report, provisions concerning assistance to victims of trafficking are to be found in several pieces of legislation. Following amendments to the Law on Social Services and Social Assistance, Latvian nationals and nationals of EU member states who were identified as victims of THB have the right to receive social assistance. Victims of THB who are third-country nationals have the right to receive social rehabilitation in accordance with the Law on Residence of Victims of Trafficking in Human Beings. As regards the provision of health care, it is regulated by Cabinet Regulation No. 1529 of 17 December 2013 on "Procedures for the Organisation and Financing of Health Care".

115. Cabinet Regulation No. 291 of 2 June 2003 on "Requirements for Social Service Providers" specifies the services which are to be provided to victims of trafficking. They include safe accommodation, psycho-social assistance, emergency medical treatment, support during criminal proceedings, training and education programmes facilitating reintegration into society and access to labour market, translation services, the possibility of improving life skills, and five specialist consultations for family members of a child victim of trafficking. The duration of assistance and rehabilitation services for victims of trafficking is up to 180 days (however, the provision of assistance can be extended if victim takes part in on-going criminal proceedings).

116. The procedure for accessing services is set out in the revised Regulation No. 889. Pursuant to it, assistance measures are accessible to victims of trafficking identified by the State Police in criminal proceedings as well as to victims identified by the multi-disciplinary commission without the initiation of a criminal case.

117. The task of assisting victims of trafficking is delegated to NGOs selected by the Ministry of Welfare on the basis of a public procurement procedure ("mandated NGOs"). At the time of GRETA's evaluation visit to Latvia, the mandated NGO was "Resource Centre for Women Marta", whose two-year contract with the Ministry of Welfare entered into force in June 2015, following the expiry of the contract with the NGO "Shelter Safe House" at the end of 2014.<sup>35</sup> There was thus a gap in the funding of assistance to victims of trafficking due to the delay in signing the new agreement. Under the contract, assistance and protection measures are available for women, men and children, in accordance with an individual plan drawn up on the basis of person's needs.

118. The annual budget allocated by the Ministry of Welfare for assistance to victims of THB has been increased from €87 794 in 2012 to €162 562 in 2015. GRETA was informed that this budget was calculated on the basis of an estimated 24 victims per year. When more victims are identified, the mandated NGO has to look for *ad hoc* solutions in order to cover the additional costs, which may result in shortening the duration of assistance provided to some victims.

119. In their comments on the draft GRETA report, the Latvian authorities indicated that the Ministry of Welfare had decided to continue to announce a procurement procedure "Social rehabilitation services and support in relation to the initiated criminal proceedings to victims of trafficking in human beings" in 2017-2018.

120. There are no specialised shelters for victims of trafficking in Latvia. As the NGOs mandated to provide state-funded social rehabilitation to victims of THB have no accommodation premises themselves, they conclude agreements with other NGOs specialising in providing shelter for persons in need (mostly crisis centres for women and children) or in case of need rent apartments for victims of trafficking in undisclosed locations. The procurement procedure documents define the minimum requirements that should be met when providing service in a shelter.

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<sup>35</sup> In the last eight years, these two NGOs have been the only ones participating in the public tenders concerning the provision of state-funded assistance to victims of THB.

121. In the course of the evaluation visit, the GRETA delegation visited the crisis centre for women and children "Māras centrs" in Riga which can accommodate up to 40 persons in need, including victims of domestic violence, homeless persons, abandoned or neglected children, and victims of trafficking. The services provided at the centre are funded by the Welfare Department of Riga City Council. The centre employs psychologists, social workers and child pedagogues and benefits from the assistance of volunteers. It has concluded an agreement with the NGO "Shelter Safe House" to accommodate women and children victims of THB. Since 2013, only two such victims have been accommodated at the centre. At the time of GRETA's visit, no victims of trafficking were accommodated at the centre.

122. While welcoming the increase in public funding for the provision of assistance to victims of THB, GRETA remains concerned by the lack of assistance measures adapted to the needs of male victims of THB. GRETA considers that the Latvian authorities should:

- provide adequate accommodation and assistance for male victims of THB;
- ensure that the financing envisaged for the state-funded assistance to victims of THB is sufficient to cover the needs of all victims identified and to allow the provision of assistance for the duration necessary to achieve their recovery;
- facilitate the reintegration of victims of trafficking into society, in particular through providing vocational training and facilitating access to the labour market.

c. Identification and assistance of child victims of THB (Articles 10 and 12)

123. In the first report, GRETA urged the authorities to pay particular attention to the identification of victims of trafficking among children and to improve the assistance provided to child victims of trafficking, including accommodation and medium- and long-term support programmes tailored to their needs.

124. Pursuant to Section 51, paragraph 2, of the Law on the Protection of the Rights of the Child, a child victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning act, should be provided with emergency assistance free of charge. Cabinet Regulation No. 1613 on the "Procedures for Providing the Necessary Assistance for the Child Suffered from Unlawful Activities" prescribes the procedures according to which state-funded assistance is provided to child victims of trafficking.

125. Regulation No. 889 is also applicable to the identification and referral to assistance of child victims of trafficking. The contracts concluded with mandated NGOs also include the provision of accommodation and assistance of child victims. However, the mandated NGOs have no accommodation premises and there is no specialised shelter for child victims of trafficking in Latvia. Similar to adults (see paragraph 120), child victims of trafficking are accommodated in premises run by other service providers for children in need, such as victims of domestic violence and abuse.

126. GRETA notes that the Anti-trafficking Guidelines for 2014-2020 envisage "to consider improving the assistance provided to child victims of trafficking, including accommodation and medium- and long-term support programmes tailored to their needs" (objective No. 17).

127. As indicated in paragraph 13, eight child victims of trafficking have been identified in Latvia in 2012-2016 (seven Latvian girls trafficked for the purpose of sexual exploitation within Latvia and a Lithuanian boy trafficked to Latvia for the purpose of forced criminality). GRETA refers to the Concluding observations<sup>36</sup> of the Committee on the Rights of the Child, where the Committee stated that “there is insufficient information on the scale of sexual exploitation of children, in particular child prostitution and child pornography [in Latvia] including on the Internet, but there are allegations that girls are involved in highway prostitution for long-distance drivers and that there have been cases of child prostitution in Riga”. GRETA is concerned by the possibility that children above the age of 16 involved in sexual exploitation through prostitution might not be treated as victims, but as perpetrators given that, according to Cabinet Regulation No. 32 regarding the restriction of prostitution, it is forbidden for a minor to be involved in prostitution and that the age of sexual consent is 16 years.

128. The identification of possible victims of THB among minor asylum seekers is carried out by the Office of Citizenship and Migration Affairs. As per Section 6, paragraph 6, of the new Asylum Law, an unaccompanied minor may apply for asylum or another form of international protection. During the asylum procedure, the unaccompanied minor shall be represented by the Orphan's Court or a guardian appointed by it, of the head of the child care institution where the minor is placed. Section 9, paragraph 6, of the Asylum Law, which regulates the accommodation of asylum seekers, states that an unaccompanied minor shall be placed in the accommodation centre for asylum seekers, a child care institution or with a foster family, upon decision of the Orphan's Court, in co-operation with the social services and taking into account the opinion of the Office for Citizenship and Migration. When evaluating the best interests of the child, the Orphan's Court shall take into account the possibility of family reunification, the welfare and social development of the minor, his or her origin, protection and safety considerations, especially the probability that the minor may be a victim of trafficking, and the child's best interests and opinion, according to age and maturity. No victims of trafficking have so far been identified among minor asylum seekers in Latvia.

129. Representatives of the State Inspectorate for the Protection of Children informed GRETA that the appointment of legal guardians can be a time-consuming task as the evaluation of the child's needs requires time. When discovering an unaccompanied minor, the first task of the municipality's social service and the immigration authorities, along with the Orphan's Court, is to find the child's parents and find opportunities to reunite the child with his/her family. If the parents/family cannot be located, the unaccompanied minor is provided with similar care as any other child without parental care. According to the Asylum Law, the Orphan's Court should immediately decide on appointing a guardian for the unaccompanied minor and this decision should be taken in close co-operation with the Office of Citizenship and Migration Affairs.

130. The Latvian authorities have indicated that while inspectors of the State Inspectorate for the Protection of Children have not received training specifically on the identification of child victims of trafficking, they have been trained on related topics, such as violence against children, domestic violence, and rights of children in criminal, civil and administrative proceedings. Reference has already been made in paragraph 32 to the training on THB provided to staff of the State Labour Inspectorate.

131. As noted in paragraph 107, irregular migrants, including children, are placed in detention. In GRETA's view, the current practice of placing irregular migrant children in detention exacerbates the difficulty of identification of victims of trafficking among them. The fact that such children are routinely removed from the territory of Latvia, including through forced return procedures, is clearly unfavourable to the identification of victims of trafficking.

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<sup>36</sup> [Concluding Observations on the report submitted by Latvia](#) under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted at its 2062nd meeting on 13 January 2016, and made public on 7 March 2016.

132. When there is uncertainty if a person is a child, age determination is carried out by the State Centre for Forensic Medical Examination. The age assessment consists of an x-ray and dental and anthropological examinations. The results of the age assessment may be challenged and referred to a different group of experts. While the procedure is pending, the person will be given the benefit of the doubt to be a child. The authorities have referred to the act "On the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings", adopted on 24 of January 2008 by the Parliament, which made Article 10, paragraph 3<sup>37</sup> of the Convention directly applicable. However, no age determination procedure has so far been carried out in respect of a possible victim of THB. GRETA invites the Latvian authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child.<sup>38</sup>

133. GRETA urges the Latvian authorities to take steps to improve the identification of child victims of trafficking, and in particular to:

- ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to children exploited in prostitution, unaccompanied minors and migrant children;
- provide further training to relevant professionals (police, service providers, NGOs, child protection authorities, social workers, health professionals, asylum officials) as well as guidance for the identification of child victims of THB for different forms of exploitation;
- provide adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training;
- put an end to child detention for immigration purposes and seeking alternatives to detention, in line with the best interests of the child.

d. Protection of private life (Article 11)

134. The protection of personal data and private life are regulated by the Law on Personal Data Protection, the Law on the Protection of the Rights of the Child and Cabinet Regulation No. 291 on "Requirements for Social Service Providers". The latter requires social service providers who assist victims of THB to observe the confidentiality of all information concerning victims, their personal life and identity. Further, the Law on the Protection of the Rights of the Child states that information regarding a child obtained by an employee of a child-care, educational, social or other institution, or an employee of a state or local government institution shall be confidential and information which could harm the future development or psychological balance of the child may not be divulged. According to representatives of specialised NGOs, the confidentiality of information regarding victims assisted by them is ensured by making such information anonymous during exchanges with the relevant authorities.

e. Recovery and reflection period (Article 13)

135. In the first evaluation report, GRETA urged the Latvian authorities to ensure that the recovery and reflection period provided for in Article 13 of the Convention is fully reflected in Latvian legislation and practice, and that all victims regardless of their nationality and immigration status are systematically informed of and are effectively granted such a period.

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<sup>37</sup> "When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age".

<sup>38</sup> General Comment No. 6 Treatment of unaccompanied and separated children outside their country of origin, Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.

136. Latvian legislation and practice concerning the recovery and reflection period have not changed since the first evaluation. Pursuant to Section 1, paragraph 2, of the Law on Residence of Victims of Trafficking, the reflection period is defined as the “time granted to a person who has been recognised as a victim of trafficking in human beings so that he/she would consider the possibility of providing information which would promote the disclosure or elimination of cases of trafficking in human beings, to the investigative body or body conducting criminal proceedings”. The person concerned should, within three days from being recognised as a victim of THB, request the law enforcement authorities to grant him/her a reflection period. The decision should be taken within five working days and cannot be appealed. The duration of the reflection period is 30 days during which victims are entitled to assistance and protection measures, which include safe accommodation, medical aid, psychological and legal assistance, vocational training and access to education.

137. GRETA stresses once again that, in accordance with the Convention, persons in respect of whom the competent authorities may have reasonable grounds to believe that they may be victims of THB are entitled to a recovery and reflection period. This category is broader than what is envisaged by Latvian legislation, i.e. “a person who has been recognised as a victim of trafficking in human beings”. One of the essential purposes of this period is to allow victims and possible victims of trafficking to recover and escape the influence of traffickers. As already noted in GRETA's first report, this objective does not transpire from Section 1, paragraph 2, of the Law on Residence of Victims of Trafficking. Further, the reflection period remains limited to third-country nationals. Considering that after three months EU citizens can only stay legally in other EU countries provided they meet a number of requirements (e.g. economic activity, sufficient resources, being enrolled as a student), the possibility that they would be considered as being irregular cannot be excluded and they should logically be entitled to enjoy a recovery and reflection period. GRETA stresses once again the importance of the recovery and reflection period for the recovery of victims and their effective access to the ensuing rights; as such, it should be granted to any presumed victim of trafficking in human beings. Furthermore, GRETA notes that the recovery and reflection period should not be confused with the issue of the residence permit and that it is not conditional on the victim's co-operation with the investigative or prosecution authorities.

138. No victims of THB have been granted a recovery and reflection period as no third-country nationals have been identified as victims of THB in Latvia since 2012.

139. GRETA once again urges the Latvian authorities to provide in the national legislation for a recovery and reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking, as provided for in Article 13 of the Convention, and to ensure that all possible foreign victims of trafficking, including EU and EEA citizens, are effectively offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

#### f. Residence permits (Article 14)

140. In its first evaluation report, GRETA considered that the Latvian authorities should take steps to ensure that victims of THB can take full advantage of the right to be granted a temporary residence permit. GRETA encouraged the authorities to consider granting residence permits to victims also on the grounds of the personal situation of victims, as envisaged by Article 14 of the Convention.

141. In Latvia, victims of THB may be granted residence permits if this is necessary for their participation in the investigation or criminal proceedings in human trafficking cases. Pursuant to Section 23, paragraph 6, of the Immigration Law, the person directing criminal proceedings (investigator or prosecutor) may request a temporary residence permit for a third-country national recognised as a victim of THB (and his/her accompanying children) for a period of no less than six months. The temporary residence permit may be cancelled if the investigator or prosecutor considers that the person concerned no longer needs to remain in Latvia.

142. In addition, pursuant to Section 23, paragraph 7, of the Immigration Law, a third-country national with irregular residence in Latvia who has been illegally employed in particularly exploitative working conditions<sup>39</sup> or a third-country national child who has been illegally employed in Latvia have the right to request a temporary residence permit if they have made an application for recovering unpaid wages to a court.

143. Section 23, paragraph 3, point 2, of the Immigration Law provides for the possibility of issuing a temporary residence permit to a foreigner, for up to five years, in cases not explicitly provided for in the Immigration Law, if this is in accordance with the norms of international law or for reasons of humanitarian nature. The Head of the Office of Citizenship and Migration Affairs has discretion to determine on a case-by-case basis whether there are "reasons of a humanitarian nature". This concept can be applied in exceptional cases and may include, for example, situations where the person concerned has undergone serious moral trauma or physical pain. According to the Latvian authorities, if a victim of trafficking in human beings may be granted a residence permit for humanitarian reasons on the basis of this provision.

144. As no third-country nationals were identified in Latvia as victims of THB in 2012-2016, no residence permits have been issued under the above provisions.

g. Compensation and legal remedies (Article 15)

145. In its first evaluation report, GRETA considered that the Latvian authorities should take additional steps to ensure that victims of trafficking have effective access to legal aid and should improve access of victims of THB to compensation, including by systematically informing them about the various possibilities for compensation.

146. The legislation regarding access to compensation for victims of criminal offences from the perpetrators has not changed since the first evaluation round.<sup>40</sup> Access to compensation through criminal proceedings is regulated under Sections 350-353 of the CPL pursuant to which victims of criminal offences, regardless of their nationality or residence status in Latvia, have the right to request compensation for injuries, including moral injury, physical suffering and financial loss. Such compensation can be claimed from both natural and legal persons. A victim has the right to submit an application regarding compensation at any stage of the criminal proceedings before the first instance court hearing. The person who caused harm may voluntarily agree to pay compensation in the amount specified by the victim or the amount may be determined by mutual agreement which will form an integral part of the minutes of the court proceedings. The court may impose the duty to pay compensation upon an accused who has been found guilty of committing a criminal offence and a legal person who has been subject to a coercive measure for the involvement in a criminal offence. In addition, victims have the right to request compensation from the offender through civil proceedings.

147. Representatives of the prosecution indicated that among the obstacles to access compensation in criminal proceedings was the refusal of victims of THB to participate in the proceedings as victims, which disqualified them from requesting compensation, and difficulties to locate and confiscate traffickers' assets. The Court Information System does not aggregate data on victims of THB who have received compensation from the offenders in criminal or civil proceedings. GRETA was not informed of any compensation claims submitted by victims of trafficking in Latvia.

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<sup>39</sup> According to the same Section, "Particularly exploitative working conditions are such working conditions and employment requirements which cause very incommensurate differences between the working conditions and employment requirements of legally employed workers and the working conditions and employment requirements of such foreigner who is staying illegally in the Republic of Latvia, as well as differences due to gender discrimination or another type of discrimination, or differences that affect the protection of health and safety of the foreigner at work, as well as violates his or her dignity" (unofficial translation).

<sup>40</sup> In particular, Section 97 of CPL states that: "A victim, taking into account the amount of financial loss, physical suffering and moral injury caused to him or her, shall submit the amounts of such harm, and use his or her procedural rights for acquiring moral and material compensation."

148. Amendments to the Law on State Compensation to Victims which came into force on 1 January 2013 introduced an explicit reference to victims of THB among the categories of victims of crimes eligible for State compensation. As of 1 January 2014, the maximum amount of State compensation has been raised from three to five times the minimum monthly wage in Latvia. The compensation paid to victims of THB is set at the amount of 70% of this maximum. A request for State compensation should be submitted to the Legal Aid Administration (under the Ministry of Justice). According to information provided by the authorities, one victim of THB successfully claimed State compensation in 2013, two in 2014, one in 2015 and one in 2016.

149. GRETA refers to the study concerning access to legal aid and compensation for victims of criminal offences in Latvia,<sup>41</sup> which notes that since the introduction of the obligation for investigators and prosecutors to inform victims about their rights, including the right to compensation, there has been a steady increase in granted requests. Further, the study sheds light on some of the difficulties relating to access to compensation through criminal proceedings. In particular, if the offender does not fulfil the court decision to pay compensation to the victim, such decision is subject to compulsory execution. A writ of execution, however, does not necessarily result in receiving compensation, partly due to the fact that the offender's income is often below the minimum allowing the application of compulsory execution, which becomes even more the case when the offender is sentenced to a prison term.

150. Access to state-funded legal aid is provided under the State Legal Aid Law to persons who cannot afford legal aid at their own expense. To qualify for state-funded legal aid, a person should either obtain the status of a person with low-income or in need, or prove that his/her material conditions prevent him/her from protecting his/her rights (due to a natural disaster or other circumstances beyond one's control), or that he/she is on full support of the state or local government. In practice, victims of THB assisted by mandated NGOs are provided with legal assistance and court representation by these NGOs.

151. GRETA urges the Latvian authorities to adopt further measures to facilitate and guarantee access to compensation for victims of trafficking, including by:

- ensuring that victims of trafficking are systematically informed in a language they can understand of the right to seek compensation and the procedures to be followed;
- enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials, prosecutors and the judiciary;
- making full use of the legislation on the seizure and confiscation of assets to secure compensation to victims of THB.

h. Repatriation and return of victims (Article 16)

152. In the first evaluation report, GRETA considered that the authorities should review the institutional and procedural framework for the repatriation and return of victims of trafficking in order to ensure that return is conducted with due regard to the rights, safety and dignity of the person and the status of legal proceedings.

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<sup>41</sup> S. Sile, D. Ziedina, "Improving Protection of Victim's Rights in Latvia – Access to Legal Aid and Mediation as a Tool to Settle Conflict".

153. As regards the repatriation of Latvian victims of THB detected abroad, when Latvian consular or diplomatic staff abroad receive information about a possible victim of THB, they are responsible for ascertaining his/her physical security, determining the basic needs of the person, such as medical and/or psychological assistance and accommodation, and informing the person about possibilities to receive state-funded assistance in Latvia. A possible victim would be requested to complete an application form with information about his/her travel to the destination country and personal situation, including any possible facts of exploitation and trafficking. Upon the person's agreement, the relevant actors in Latvia (the State Police and/or competent NGOs) as well as the family are informed and the repatriation is initiated. At the same time, information collected about the person is sent to the multi-disciplinary commission. The Ministry of Foreign Affairs has no special budget for the repatriation of Latvian nationals, but the costs are covered by the mandated NGOs which receive funding for such purposes and co-operate closely with NGO and law enforcement authorities in destination countries

154. Pursuant to Cabinet Regulation No. 454 which regulates the forced removal of third-country nationals, children and persons who have been subjected to serious psychological, physical or sexual violence, including victims of THB, are considered as vulnerable persons. The Latvian authorities noted that as no victims of THB have been identified among third-country nationals, it is not been possible to assess the practical impact of this provision. GRETA notes that the forced removal of third-country nationals has been monitored since 2011 by the Office of the Ombudsman as per the mandate provided by Section 50<sup>7</sup> of the Immigration Law.<sup>42</sup> Following each removal procedure, the Ombudsman prepares a report on any deficiencies detected and makes recommendations for improvements. The Ombudsman's conclusions are published in annual reports.<sup>43</sup> Latvia has not ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, pursuant to which a National Preventive Mechanism has to be set up, but in 2016 a working group was established at the Cabinet of Ministers to discuss possible ratification of the Optional Protocol.

155. GRETA considers that the Latvian authorities should take additional steps to:

ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity and is preferably voluntary; this means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;

develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;

ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention, taking into account the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people.

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<sup>42</sup> For more details, see pages 51-52 of the Report on Measures taken by the Latvian authorities to comply with the Committee of the Parties Recommendation CP(2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia.

<sup>43</sup> Available at the Ombudsman's website: <http://www.tiesibsargs.lv/en/research-and-publications/gadazinojumi>

### 3. Substantive criminal law

#### a. Criminalisation of THB (Article 18)

156. As noted in paragraph 17, Section 154<sup>2</sup> of the CL, which criminalises trafficking in human beings, has been amended since GRETA's first evaluation and reads as follows:

“(1) Human trafficking is the recruitment, transportation, transfer, concealment, harbouring or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of deceit, or by taking advantage of the dependence of the person on the offender or of his/her state of vulnerability or helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent.

(2) The recruitment, transportation, transfer, concealment, harbouring or reception of a minor for the purpose of exploitation shall be recognised as human trafficking also if it is not connected with the utilisation of any of the means referred to in paragraph one of this Section.

(3) Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual abuse, the compulsion of a person to perform labour, to provide services or to commit criminal offences, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or compulsory transfer of a person into dependence upon another person), the holding a person in servitude or the illegal removal of a person's tissues or organs.

(4) Within the meaning of this Section state of vulnerability means using the circumstances when a person does not have another actual or acceptable choice, only to submit to exploitation.”<sup>44</sup>

157. GRETA welcomes the fact that the list of forms of exploitation has been expanded since the first evaluation round and now includes the forced committing of criminal offences. According to the Latvian authorities, forced begging is covered by Section 154<sup>2</sup> of the CL because it is considered as a form of forced labour or services. GRETA also welcomes the inclusion of the means “abuse of a position of vulnerability” in the national definition of THB.

158. Further, Section 154<sup>1</sup> of the CL setting out the sanctions for THB was subject to amendments in 2012-2013 (in force since 1 January 2015) and currently reads as follows:

“(1) For a person who commits human trafficking, the applicable punishment is deprivation of liberty for a term up to eight years, with or without confiscation of property.

(2) For a person who commits human trafficking against a minor, or if it has been committed by a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term of three years and up to twelve years, with or without confiscation of property and with or without probationary supervision for a term up to three years.

(3) For a person who commits human trafficking which endangering the life of a victim or causing serious consequences, or with particular cruelty or against an under-aged person, or it has been committed by an organised group, the applicable punishment is deprivation of liberty for a term of five years and up to fifteen years, with or without confiscation of property and with or without probationary supervision for a term up to three years.”<sup>45</sup>

<sup>44</sup> Unofficial translation.

<sup>45</sup> Unofficial translation.

159. As a result of the above amendments, the penalty envisaged for the basic offence of THB has been modified and now carries imprisonment for up to eight years, without indicating the minimum duration of imprisonment (which previously was three years). Further, the minimum duration of imprisonment has been decreased for the commission of THB in aggravating circumstances and is now from three to 12 years of imprisonment for the aggravating circumstances under paragraph 2 of Section 154<sup>1</sup> of the CL (previously it was from five to 12 years), and from five to 15 years under paragraph 3 of this Section (previously it was from 10 to 15 years). In their comments on the draft GRETA report, the Latvian authorities have argued that the reform of the criminal penalties implemented in 2013 changed substantially the goals of the national criminal policy and the opportunities to apply alternative punishments, such as community service and fine, were substantially increased. The authorities have put forth other arguments in favour of the reduced minimum penalties, such as previous judicial practice (regardless of the previous severe punishment provided for in the CL, taking into account various mitigating circumstances, offenders were sentenced to suspended punishment with a probationary period of three years). GRETA stresses the importance of imposing effective, proportionate and dissuasive sanctions for human trafficking offences in order to ensure an adequate criminal law response to human trafficking.

160. Sham marriage is not mentioned among the forms of exploitation listed in paragraph 3 of Section 154<sup>2</sup> of the CL. The Latvian authorities have referred to Section 285<sup>2</sup> of the CL, which criminalises fraudulent actions aimed at enabling third-country nationals to enter and legalise their residence,<sup>46</sup> as well as Section 60, paragraph 2, of the Civil Law which states that "a marriage which has been entered into fictitiously, i.e. without the intent to create a family, shall be declared annulled".

161. GRETA notes that Section 154<sup>2</sup> of the CL does not specifically state the irrelevance of the victim's consent to the intended exploitation, when any of the specified means are used, which is integral to the Convention's definition of THB. As noted in GRETA's first evaluation report, GRETA sees benefits in stating explicitly in legislation that consent is irrelevant to determining whether the crime of human trafficking has occurred. Setting out this pivotal principle in law could facilitate its use by investigators, prosecutors and judges when dealing with cases of human trafficking and to obtaining a more consistent approach. Indeed, consent is an important factor at different stages of human trafficking cases, for instance, if victims refuse to self-identify because they consider that they consented to exploitation, when taking a decision on whether to investigate and prosecute a case as THB where the victim apparently consented to the exploitation, or when deciding on the penalty for offenders where there are assertions of consent.<sup>47</sup> GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provisions.

#### b. Criminalisation of the use of services of a victim (Article 19)

162. In its first evaluation report, GRETA invited the Latvian authorities to consider criminalising the use of services of a person with the knowledge that the person is a victim of trafficking regardless of the form of exploitation and the person's nationality and immigration status.

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<sup>46</sup> Section 285<sup>2</sup> reads as follows: "(1) For a person who in bad faith provides another person with a possibility to acquire the right to stay legally in the Republic of Latvia, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation, the applicable punishment is deprivation of liberty for a term of up to three years or temporary deprivation of liberty, or community service, or a fine. (2) For a person who in bad faith provides another person with a possibility to acquire the right to stay legally in the Republic of Latvia, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation, if it has been committed for the purpose of acquiring property or if such a possibility is ensured for two or more persons, or if it has been committed by a group of persons, the applicable punishment is deprivation of liberty for a term of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property."

<sup>47</sup> See UNODC Issue Paper, The Role of Consent in the Trafficking in Persons Protocol, United Nations, Vienna, 2014. Available at: [www.unodc.org/documents/human-trafficking/2014/UNODC\\_2014\\_Issue\\_Paper\\_Consent.pdf](http://www.unodc.org/documents/human-trafficking/2014/UNODC_2014_Issue_Paper_Consent.pdf)

163. On 15 May 2014, Section 164, paragraph 2, of the CL was amended to criminalise the “use of prostitution services from a person with the knowledge that he/she is victim of human trafficking”. The penalties envisaged for this offence are imprisonment of up to five years, temporary deprivation of liberty,<sup>48</sup> community service or a fine, with or without confiscation of property. A new paragraph (3<sup>1</sup>) was added to this Section, criminalising the use of prostitution services from a minor, which carries the same penalties.

164. Further, Section 280 of the CL was amended to criminalise the employment of irregularly residing third-country nationals, including children, persons employed in particularly exploitative working conditions and victims of human trafficking, with the knowledge of their status. The penalties envisaged are temporary deprivation of liberty, community service or a fine.

165. GRETA welcomes the criminalisation of the use of services of victims of trafficking in human beings, with the knowledge that the person is a victim, and invites the Latvian authorities to ensure the effective application of the legal provisions in practice.

#### c. Corporate liability (Article 22)

166. The provisions relating to the liability of legal persons for criminal offences were amended on 14 March 2013. Sections 70<sup>1</sup> to 70<sup>8</sup> were added to the CL, introducing the possibility to apply coercive measures to legal persons for the commission of criminal offences established under the CL. The coercive measures include liquidation of the legal entity, restriction of rights, confiscation of property or a monetary fine. The new provisions set out the factors to be taken into account when determining the penalty, such as the nature of the offence and the harm caused; the action of the legal person; measures taken by the legal person to prevent the commission of the offence; the size, type of activities and financial circumstances of the legal person; measures taken by the legal person to compensate for the loss caused or prevent the damage to victims; and whether the legal person has reached a settlement with the victim.

167. No legal persons have been prosecuted or sanctioned for THB offences so far in Latvia. In their comments on the draft GRETA report, the Latvian authorities have indicated that no particular difficulties have been identified when it comes to engaging the liability of legal persons for their involvement in THB offences.

#### d. Non-punishment of victims of THB (Article 26)

168. Following amendments of the CL which entered into force on 1 April 2013, Section 58 has been supplemented by a new paragraph 6 which states that “a person may be released from criminal liability if he/she has committed a criminal offence during a period when he/she was subjected to human trafficking and was forced to commit it”. Further, the CPL was amended on 20 December 2012 to include a new paragraph 5 in Section 379, which in conjunction with paragraph 1 of the same Section states that “an investigator with a consent of a supervising public prosecutor, public prosecutor or a court may terminate criminal proceedings... if the person committed the criminal offence during the time period when he/she was subject to human trafficking and was forced to commit the offence”. GRETA notes the amendments introduced to the CL with the view to allowing not to punish victims of THB for the offences they were forced to commit, but is concerned that Section 58, paragraph 6, of the CL gives a rather narrow interpretation of the non-punishment clause.

<sup>48</sup> Temporary deprivation of liberty is a short-term deprivation of liberty for up to three months envisaged for certain offences under Section 38, paragraph 2<sup>1</sup>, of the CL.

169. During GRETA's evaluation visit, concerns were raised by representatives of civil society as to the practical application of the non-punishment provision. GRETA was informed of the case of a 14-year Lithuanian old boy who was arrested in Latvia for robbery. He was identified by the multi-disciplinary commission as a victim of trafficking for the purpose of forced criminality, but was not recognised as a victim of trafficking by the police, which led to his detention. No investigation into THB was initiated against any persons who were possibly exploiting the boy in criminal activities. In relation to this case, representatives of the police and prosecution stated that all actions relating to the recruitment and trafficking of the boy in question had taken place in another country and only the robbery was committed in Latvia.

170. Representatives of the prosecution and the judiciary informed GRETA that the identification of a person as a victim of THB by the multi-disciplinary commission, without him/her being recognised as a victim in criminal proceedings, cannot influence the standing of that person in a criminal case against him/her as identification by the multi-disciplinary commission has only the purpose of providing access to social rehabilitation services. In such cases, the fact of being identified as a victim of trafficking outside the criminal law can only be taken into account when determining punishment under mitigating circumstances, envisaged by Section 47, paragraph 2, of the CPL. GRETA is concerned by the fact that the identification of the child as a victim of THB by the multi-disciplinary commission which performs formal identification of victims of THB under the NRM was not sufficient for applying the non-punishment provision in respect of this victim. This practice does not comply with the spirit of Article 26 of the Convention.

171. GRETA refers to the Concluding Observations of the Committee on the Rights of the Child, according to which children above the age of 16 years who have been sexually exploited might not be treated as victims but as perpetrators.<sup>49</sup> The authorities have indicated that because the age of sexual consent in Latvia is 16 years, children above this age involved in prostitution may be treated as perpetrators. However, according to the authorities, there have been no cases of administrative sanctions imposed on children involved in prostitution. While there is no legal provision allowing not to punish victims of THB for administrative offences they were forced to commit while being subjected to trafficking, the authorities have stressed that in case of forced prostitution, children would be treated as victims and administrative fines would not be imposed on them. At the time of concluding this report the Ministry of the Interior, in co-operation with relevant line ministries and NGOs, was drafting a new Law on the Restriction of Prostitution, which will provide for the possibility of not imposing administrative fines on persons younger than 25 years of age involved in prostitution.

172. GRETA urges the Latvian authorities to:

- extend the scope of the non-punishment provision to cover all offences that victims of THB were compelled to commit, including administrative and immigration-related offences;
- ensure that investigators and prosecutors exercise fully their discretion not to prosecute trafficked persons for trafficking-related offences they were compelled to commit;

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<sup>49</sup> See paragraph 21 (d) of the [Concluding Observations on the report submitted by Latvia](#) under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted at the 2062nd meeting on 13 January 2016, and made public on 7 March 2016.

- strengthen their efforts to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, including by promoting the existing guidance, and developing such guidance where there is none, amongst police staff, legal professionals, prosecutors and judges. Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Coordination Team.<sup>50</sup>

#### 4. Investigation, prosecution and procedural law

##### a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

173. A new Criminal Intelligence Management Department, with a staff of 30 officers, became operational on 1 October 2014. Within this department, the investigation of THB offences is entrusted to the specialised Unit for Fight against Trafficking in Human Beings ("Police Anti-Trafficking Unit"), which consists of 20 officers, including investigators, intelligence officers and analysts.

174. The Police Anti-Trafficking Unit is involved in preventing the recruitment of victims of THB through the Internet and investigates THB offences committed in this manner. The hosts of web pages in Latvia must act in conformity with the Law on the Restriction of Pornography, which enables blocking of illicit content relating to child pornography. The NGO "Safe Net" provides assistance when it is necessary to block content of a website with servers outside Latvia.

175. As noted in paragraph 178 of GRETA's first evaluation report, the range of special investigation techniques are defined in Section 215 of the CPL and include, *inter alia*, the control of correspondence, other means of communication and data in an automated data processing system, audio and video surveillance of a site, and surveillance and tracking of a person. Sections 217-227 of the CPL define the special investigation techniques, the duration of their use and the manner in which they may be performed. A decision on the use of special investigative techniques should be taken within seven days from the day a request for such an authorisation was submitted. In case the need for the use of such techniques is urgent, an authorisation may be given by the prosecutor, but must be approved by the judge within 24 hours.

176. As noted in GRETA's first report, Section 165<sup>1</sup> of the CL entitled "Sending a person for sexual exploitation"<sup>51</sup> is considered by the Latvian authorities as being relevant for combating THB. No use of means is required to establish this offence. GRETA has already noted in the first evaluation report that this does not correspond to the definition of trafficking in human beings contained in Article 4 of the Convention. Where an adult has full control of his/her actions, is not subjected to any of the means listed in Article 4 of the Convention, is in a position to refuse the services provided by those facilitating his/her engagement in sexual services and has full opportunity to make use of the earnings from this activity, the act under Article 165<sup>1</sup> of the CL would not constitute trafficking in human beings within the meaning of the Convention. The reliance on Article 165<sup>1</sup> to prosecute traffickers and secure convictions may have negative implications for the number of prosecutions and convictions under Article 154<sup>1</sup> and may also fuel the existing prejudice towards victims of THB who are often considered as "prostitutes".

<sup>50</sup> <http://www.osce.org/secretariat/101002>

<sup>51</sup> Section 165<sup>1</sup> of the CL criminalises "sending of a person with his or her consent for sexual exploitation, that is, for any act which facilitates legal or illegal movement, transit or residence of a person for such purpose within the territory of one country or several countries".

177. The Latvian authorities have reported that in 2014, the Police dismantled 13 criminal groups operating in the area of human trafficking by sending persons abroad for the purpose of sexual exploitation and living on the avails of prostitution. In 2015, the Police dismantled 11 such criminal groups. Law enforcement bodies initiated criminal proceedings for THB offences under Section 154<sup>1</sup> of the CL in three cases in 2012, five cases in 2013, one case in 2014, and three cases in the first six months of 2015. The number of persons prosecuted under Section 154<sup>1</sup> of the CL was one in 2012, one in 2013, none in 2014 and five in the first six months of 2015. On the other hand, the number of persons prosecuted under Section 165<sup>1</sup> of the CL was considerably higher (11 in 2012, four in 2013, 11 in 2014 and three in the first six months of 2015).

178. According to information provided by the Latvian authorities, 19 persons were convicted for THB offences in 2012, 13 in 2013 and 14 in 2014. At the time of finalising this report, GRETA has not received information about the number of persons convicted for THB in 2015 and 2016.

179. The authorities informed GRETA that there have been no prosecutions and convictions for THB with the involvement of public officials in the exercise of their functions.

180. In the course of the evaluation visit, GRETA was informed that the police aim to identify criminal assets at the earliest stages of the criminal investigation, including movable and immovable properties in Latvia, which could be subject to seizure and subsequent confiscation by courts. However, GRETA was informed by representatives of law enforcement and the prosecution about difficulties in conducting financial investigations in relation to THB offences and the lack of practical experience in this respect.

181. GRETA considers that the Latvian authorities should take further measures to ensure that THB cases are investigated proactively, prosecuted successfully and result in effective, proportionate and dissuasive convictions, including by:

- further developing the specialisation of investigators, prosecutors and judges;
- providing further training to police officers and prosecutors to investigate and prosecute cases of THB for the purpose of labour exploitation, including through co-operation with other relevant actors and countries;
- strengthening the capacity to locate, seize and confiscate assets of the traffickers by carrying out proactive investigations, including financial investigations related to trafficking offences.

b. Protection of witnesses and victims (Articles 28 and 30)

182. In its first evaluation report, GRETA considered that the Latvian authorities should make full use of the available measures to protect victims and to prevent intimidation during the investigation and during and after the court proceedings.

183. As noted in GRETA's first report, the Law on the Special Protection of Persons provides for a series of protection measures for participants in criminal proceedings, such as victims, witnesses and members of their families (e.g. relocation to confidential premises, change of identity, change of permanent residence and employment, relocation to another country). The use of these measures is regulated by Chapter 17 of the CPL. They are granted by the Prosecutor General's Office and are implemented by a special police unit. Court proceedings with the participation of a person under special procedural protection are conducted *in camera*. A protected person may also participate in a court session through a video link.

184. On 18 February 2016 amendments to the CPL introduced the status of “victim with special protection” (*īpaši aizsargājams cietušais*) in Article 96<sup>1</sup> of the CPL, which includes victims of THB. Such victims have the right to be accompanied by a trustee when participating in procedural activities, to be heard without being physically present, in particular through the use of communication technology, to be questioned in a separate room, by a person of the same sex as the victim, and to request and to receive information on detained or sentenced perpetrators who caused damage to the victim. These provisions also apply to children.

185. According to information provided by the Latvian authorities, one victim of THB has been provided with special procedural protection since 2012.

186. Following the adoption of amendments to Section 153<sup>52</sup> of the CPL, which entered into force on 1 April 2013, children under 14 years of age who are identified as victims of THB may be interrogated directly (i.e. without the use of video link or other technical means) only upon permission of the investigating judge, or if the interrogation is to take place in court, upon the decision of the court. GRETA notes that according to the study published by the European Commission in 2014, no guiding documents are available to the police and courts that information should be provided to children in a child friendly manner and in a language they can understand.<sup>53</sup>

187. GRETA considers that the Latvian authorities should:

- make full use of the measures available to protect victims and witnesses of THB and take additional measures to ensure that they are adequately protected from potential retaliation or intimidation in the course of judicial proceedings;
- ensure the police officers, prosecutors, judges, social service staff and persons acting as legal guardians of children are made aware of the particular vulnerability of child victims of trafficking. In this context, GRETA also refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.<sup>54</sup>

#### c. Jurisdiction (Article 31)

188. Pursuant to Section 4 of the CL, Latvian nationals, non-citizens and foreigners residing in Latvia shall be held liable under the Latvian CL for an offence committed on the territory of another state or outside the territory of any state, irrespective of whether the offence in question is punishable under the legislation of the state on the territory of which it has been committed. Section 4, paragraph 3, of the CL provides that foreigners without permanent residence in Latvia who have committed serious or especially serious crimes on the territory of another state directed against Latvia or against the interests of its inhabitants, shall be held liable in accordance with the Latvian CL, irrespective of the laws of the state in which the offence has been committed, if they have not been held criminally liable in the other state. Further, Section 4, paragraph 4, of the CL establishes the principle of universal jurisdiction, which provides that foreigners without permanent residence in Latvia who have committed a criminal offence on the territory of another state or outside the territory of any state in the cases provided for in international agreements binding upon Latvia, irrespective of the laws of the state in which the offence has been committed, shall be held liable in accordance with the Latvian CL, if they have not been held criminally liable for such offence or brought before court in the territory of another state.

<sup>52</sup> Entitled “Interrogation of a Minor Person with the Intermediation of a Psychologist”.

<sup>53</sup> National Report prepared by Ms Laura Celmale and Ms Linda De Keyser entitled “Study on children’s involvement in judicial proceedings – Contextual overview for the criminal justice phase – Latvia, June 2013” for the European Commission – Directorate-General for Justice, and was published in 2014.

<sup>54</sup> Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers’ Deputies.

189. GRETA notes that Latvia submitted a reservation at the time of depositing the instrument of ratification of the Convention on 6 March 2008 according to which it does not exercise jurisdiction over human trafficking offences committed: i) by one of its nationals or by a stateless person who has his or her habitual residence in its territory, if the offence is punishable under criminal law where it was committed, or if the offence is committed outside the territorial jurisdiction of any State; or ii) when the offence is committed against one of its nationals. As a result of Section 4 of the CL being amended on 21 May 2009 (see paragraph 188), the reservation made to Article 31, paragraph 1(d) of the Convention is no longer applicable. However, in GRETA's view, the remaining reservation to Article 31, paragraph 1(e) of the Convention may prevent Latvia from establishing its jurisdiction over trafficking offences committed against its nationals abroad by foreign nationals or stateless persons not having permanent residence in Latvia, which at present is among the frequent forms of trafficking observed in Latvia. Failure to establish jurisdiction renders ineffective the criminal law response which the competent authorities give to cases of transnational trafficking. GRETA invites the Latvian authorities to consider revoking this reservation.

## 5. International co-operation and co-operation with civil society

### a. International co-operation (Article 32)

190. In addition to the bilateral agreements relevant to combating THB to which Latvia is Party already mentioned in GRETA's first evaluation report,<sup>55</sup> new co-operation agreements on combating different forms of organised crime, including THB, were concluded on 14 May 2013 with Turkmenistan and on 10 June 2014 with Tajikistan.

191. In the area of police co-operation, the exchange of information is carried out through Interpol and Europol headquarters and national offices, as well as through Latvian police attachés abroad. As of 9 November 2015, a new liaison officer was appointed at the Embassy of Latvia in the UK.

192. The Latvian authorities have referred to a case of successful co-operation with the UK police in a case which started in 2013 with the recruitment of a Latvian woman to work in the UK in a mushroom farm. Once she reached the UK, her documents were taken away, she was locked up and was only permitted to speak with her mother by telephone under surveillance. In 2014 she was sold for the purpose of concluding a sham marriage. Shortly after that she managed to call her mother in Latvia explaining the situation and indicating the location of where she believed she was held. The mother informed the Latvian police which contacted UK law enforcement bodies. This enabled the Greater Manchester Police to arrest three persons in the UK, while the Police Anti-Trafficking Unit in Latvia obtained information on two recruiters who were Latvian nationals.

193. Further, in 2014 Police Anti-Trafficking Unit identified recruiters of Latvian women for sham marriages in Ireland, the UK and Cyprus, involving criminals operating in Sweden. The Anti-Trafficking Unit approached Eurojust with a request to establish a Joint Investigation Team. A meeting took place upon the initiative of the UK authorities, with the participation of Swedish and Latvian law enforcement bodies, where parties shared information and decided not to establish a JIT, but to run parallel investigation. The Anti-Trafficking Unit in Latvia arrested members of the organised criminal group, of whom eight were Latvians and two were Pakistani nationals. All seven victims in this case were women with mental disabilities.

194. No Joint Investigation Teams have been set up so far between Latvia and other states for investigation of transnational cases of THB.

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<sup>55</sup> At bilateral level, Latvia has concluded agreements on legal assistance and combating organised crime with Albania, Austria, Azerbaijan, Belarus, Belgium, Croatia, Cyprus, the Czech Republic, Georgia, Estonia, Finland, Hungary, Lithuania, Malta, the Republic of Moldova, the Russian Federation, the Slovak Republic, Slovenia, Spain, Switzerland, Turkey, Ukraine, as well as with China, Israel, Kazakhstan, Kyrgyzstan, Uzbekistan and USA.

195. Pursuant to a Memorandum signed by the immigration authorities of Estonia, Latvia and Lithuania, Immigration Liaison Officers representing the three countries were appointed in Belarus and Georgia with the aim of strengthening the control of EU's external borders and promoting cross-border co-operation between law enforcement authorities of the EU Member States and third countries. Further, on 16 November 2012, the Memorandum of Understanding on operation of the Liaison Officer Point in the Russian Federation was signed by the State Border Guard of Latvia, the State Border Guard Service of Lithuania and the Police and Border Guard Board of Estonia, which led to appointing a Liaison Officer Point in the Latvian Embassy in Moscow.

196. Latvia regularly participates in anti-trafficking co-operation activities and projects carried out under the aegis of international and regional intergovernmental organisations, in particular the EU and the Council of the Baltic Sea States (see, for example, paragraphs 32-34 and 45-47 and 58).

197. GRETA commends the efforts in the area on international co-operation made by Latvia and invites the Latvian authorities to continue these efforts, in particular by strengthening law enforcement co-operation and mutual legal assistance and developing co-operation in the non-criminal field in the areas of prevention and promoting legal migration.

#### b. Co-operation with civil society (Article 35)

198. As noted in paragraph 20, a number of specialised NGOs participate in the Inter-Institutional Working Group on Combating Trafficking. NGO representatives met by GRETA during the second evaluation visit consider that co-operation with the public authorities, including law enforcement bodies, is constructive. NGOs are involved in a range of anti-trafficking activities, such as awareness raising (see paragraphs 50, 53 and 54), training (see paragraphs 28 and 30) and research (see paragraph 46). A coalition of NGOs to prevent and combat THB in Latvia was set up on 6 December 2013 and currently consists of 13 national NGOs.<sup>56</sup>

199. NGOs selected through a public tender are given the task of running the multi-disciplinary commission of specialists which identifies victims of THB outside criminal proceedings (see paragraph 97). Further, the task of providing assistance to victims of THB is delegated to NGOs selected through a public procurement procedure (see paragraph 117).

200. GRETA welcomes the co-operation established between the Latvian authorities and NGOs in the field of action against THB and invites the Latvian authorities to continue their efforts to maintain strategic partnerships with civil society, as well as to develop co-operation with trade unions and the private sector. In this respect, GRETA refers to the UN Guiding Principles on Business and Human Rights, endorsed by the UN Human Rights Council in its resolution 17/4 of 16 June 2011.

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<sup>56</sup> "Shelter Safe House", "Latvian Association of SOS Children`s Villages", Family Crisis Centre "Mīlgrāvis", "Samaritan Association of Latvia", Crisis Centre for Women and Children "Māras centrs", "Crisis Centre of Talsi Region", "Baltic Regional Fund", "For Vidzeme Free of Human Trafficking", "National Council of Irish Latvians", "Crisis Centre for Families and Children Paspārne" (Ventspils), foundation "Centre Valdardze" (Valmiera), Family Support Centre-Shelter of Daugavpils City Council (Daugavpils) and "Salvation Army" (Riga).

## IV. Conclusions

201. Since the adoption of GRETA's first report on Latvia in January 2013, progress has been made in a number of areas related to combating trafficking in human beings.

202. The Latvian authorities have further developed the legal framework for combating trafficking in human beings, taking into consideration GRETA's previous recommendations. As a result of amendments to the Criminal Law, the definition of trafficking in human beings has been expanded to include compulsion to commit criminal activities among the forms of exploitation and the abuse of a position of vulnerability among the means for committing human trafficking. Another legal development is the introduction of a provision in the Criminal Law making it possible to release from criminal liability a person who commits a criminal offence while being trafficked. Further, the use of prostitution services from a person with the knowledge that this person is a victim of human trafficking has been criminalised.

203. Considerable efforts have been made to provide training to relevant professionals and to expand the categories of staff targeted. The training is often carried out in co-operation with NGOs and international organisations and, whenever possible, a multi-stakeholder approach is promoted.

204. Further, a number of research projects have been conducted in co-operation with foreign partners, providing evidence on new trends in human trafficking and informing anti-trafficking policy. The involvement of the Ombudsman's Office in the evaluation of particular aspects of anti-trafficking policy and practice is a welcome development.

205. GRETA commends the steps taken since the first evaluation visit to raise public awareness of human trafficking for different forms of exploitation, paying particular attention to children and young people.

206. The Latvian authorities have also adopted a number of policy documents and practical measures in the areas of preventing violence against women and children, socio-economic support for disadvantaged parts of the population and support for the integration of third-country nationals, which have the potential of preventing human trafficking by tackling the root causes of this phenomenon.

207. Progress has been made in the area of providing assistance to victims of trafficking, thanks to increased public funding and amendments to the procedures for providing social rehabilitation services. Another positive development is the inclusion in the new Asylum Law of a list of persons, including victims of trafficking, who are considered to have special procedural or reception needs.

208. The Latvian authorities have developed strong partnerships with NGOs, which are involved in identifying victims of trafficking and providing them with assistance, as well as in the work of the Inter-Institutional Working Group on Combating Trafficking and the implementation of activities in the areas of awareness raising, training and research.

209. Further, GRETA commends the efforts made by Latvia in the area of international co-operation, both when it comes to co-operation in the investigation of human trafficking cases and participation in projects aimed at exploring new trends in human trafficking, improving prevention and strengthening the protection of victims.

210. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the Latvian authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in brackets.

### Issues for immediate action

- GRETA urges the Latvian authorities to set up and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 43).
- GRETA urges the Latvian authorities to take additional measures to improve the identification of victims of trafficking, including by:
  - reviewing the procedure and indicators for the identification of victims of trafficking, including among foreign nationals, and ensuring that all frontline professionals are trained to apply this procedure and the indicators;
  - increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation, by reinforcing the capacity of labour inspectors and providing the State Labour Inspectorate with the resources required, as well as with training to effectively prevent and combat THB;
  - paying increased attention to detecting victims of THB among asylum seekers and persons placed in immigration detention centres;
  - encouraging law enforcement officers, border guards, officials interviewing asylum seekers, staff of reception centres for asylum seekers and administrative detention centres, and labour inspectors to refer possible victims of trafficking to the multi-disciplinary commission of specialists when there are reasonable grounds to believe that a person is a victim of trafficking even if there are not sufficient grounds for initiating a prosecution (paragraph 112).
- GRETA urges the Latvian authorities to take steps to improve the identification of child victims of trafficking, and in particular to:
  - ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to children exploited in prostitution, unaccompanied minors and migrant children;
  - provide further training to relevant professionals (police, service providers, NGOs, child protection authorities, social workers, health professionals, asylum officials) as well as guidance for the identification of child victims of THB for different forms of exploitation;
  - provide adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training;
  - put an end to child detention for immigration purposes and seeking alternatives to detention, in line with the best interests of the child (paragraph 133).

- GRETA once again urges the Latvian authorities to provide in the national legislation for a recovery and reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking, as provided for in Article 13 of the Convention, and to ensure that all possible foreign victims of trafficking, including EU and EEA citizens, are effectively offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 139).
- GRETA urges the Latvian authorities to adopt further measures to facilitate and guarantee access to compensation for victims of trafficking, including by:
  - ensuring that victims of trafficking are systematically informed in a language they can understand of the right to seek compensation and the procedures to be followed;
  - enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials, prosecutors and the judiciary;
  - making full use of the legislation on the seizure and confiscation of assets to secure compensation to victims of THB (paragraph 151).
- GRETA urges the Latvian authorities to:
  - extend the scope of the non-punishment provision to cover all offences that victims of THB were compelled to commit, including administrative and immigration-related offences;
  - ensure that investigators and prosecutors exercise fully their discretion not to prosecute trafficked persons for trafficking-related offences they were compelled to commit;
  - strengthen their efforts to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, including by promoting the existing guidance, and developing such guidance where there is none, amongst police staff, legal professionals, prosecutors and judges (paragraph 172).

#### Further conclusions:

- GRETA invites the Latvian authorities to designate as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions (paragraph 22).
- GRETA considers that the Latvian authorities should continue their efforts in this area, taking into account new trends and legislative developments, with a view to ensuring that all relevant staff, including health care professionals, are periodically trained. The training should aim to strengthen the prevention of THB, to facilitate the identification of victims, to improve their protection and access to compensation, and to increase the rate of successful prosecutions in THB cases (paragraph 38).
- GRETA considers that the Latvian authorities should continue to support and carry out research on THB. Areas where research could be carried out include trafficking in children, internal trafficking within Latvia, and trafficking of foreign nationals to Latvia (paragraph 48).

- GRETA invites the Latvian authorities to continue implementing measures to raise awareness of THB as a form of prevention, taking into account the gender dimension of human trafficking, and by designing future actions in the light of impact assessment of previous measures and focusing on the needs identified. Specific awareness-raising measures should be taken to address the phenomenon of exploitative sham marriages (paragraph 59).
- GRETA considers that the Latvian authorities should strengthen their efforts to prevent trafficking for the purpose of labour exploitation, in particular by:
  - further sensitising the general public and relevant officials, in particular labour inspectors, officers of the State Border Guard, police officers, prosecutors and judges, about THB for the purpose of labour exploitation and the rights of victims;
  - strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;
  - developing measures to prevent of recruitment of victims of THB via the Internet;
  - strengthening the capacity and mandate of labour inspectors to detect possible victims of THB and refer them for identification and assistance (paragraph 65).
- GRETA considers that the Latvian authorities should strengthen their efforts to prevent trafficking in children, in particular by including the subject of THB in school curricula and developing measures to prevent recruitment through the Internet and social networks (paragraph 74).
- GRETA considers that the Latvian authorities should continue implementing social, economic and other measures for groups vulnerable to THB due to their disadvantaged socio-economic situation. Further efforts should be made to promote gender equality, combat gender-based violence and stereotypes, and support specific policies for the empowerment of women as a means of combating the root causes of THB for different purposes of exploitation (paragraph 81).
- GRETA encourages the Latvian authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs (paragraph 88).
- GRETA considers that the Latvian authorities should continue providing training to health professionals dealing with transplantation of organs and other medical professionals to ensure that they are informed about the risks of THB for the purpose of the removal of organs and are able to detect possible victims (paragraph 90).
- GRETA considers that the Latvian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector, in line with the United Nations Guiding Principles on Business and Human Rights (paragraph 92).
- GRETA invites the Latvian authorities to pursue their efforts to prevent human trafficking through border measures and co-operation with neighbouring states (paragraph 97).
- GRETA considers that the Latvian authorities should:
  - provide adequate accommodation and assistance for male victims of THB;
  - ensure that the financing envisaged for the state-funded assistance to victims of THB is sufficient to cover the needs of all victims identified and to allow the provision of assistance for the duration necessary to achieve their recovery;
  - facilitate the reintegration of victims of trafficking into society, in particular through providing vocational training and facilitating access to the labour market (paragraph 122).

- GRETA invites the Latvian authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child (paragraph 132).
- GRETA considers that the Latvian authorities should take additional steps to:
  - ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity and is preferably voluntary; this means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;
  - develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;
  - ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention, taking into account the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people (paragraph 155).
- GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provisions (paragraph 161).
- GRETA considers that the Latvian authorities should take further measures to ensure that THB cases are investigated proactively, prosecuted successfully and result in effective, proportionate and dissuasive convictions, including by:
  - further developing the specialisation of investigators, prosecutors and judges;
  - providing further training to police officers and prosecutors to investigate and prosecute cases of THB for the purpose of labour exploitation, including through co-operation with other relevant actors and countries;
  - strengthening the capacity to locate, seize and confiscate assets of the traffickers by carrying out proactive investigations, including financial investigations related to trafficking offences (paragraph 181).
- GRETA considers that the Latvian authorities should:
  - make full use of the measures available to protect victims and witnesses of THB and take additional measures to ensure that they are adequately protected from potential retaliation or intimidation in the course of judicial proceedings;
  - ensure the police officers, prosecutors, judges, social service staff and persons acting as legal guardians of children are made aware of the particular vulnerability of child victims of trafficking (paragraph 187).
- GRETA invites the Latvian authorities to consider revoking the reservation to Article 31, paragraph 1(e) of the Convention (paragraph 189).
- GRETA commends the efforts in the area on international co-operation made by Latvia and invites the Latvian authorities to continue these efforts, in particular by strengthening law enforcement co-operation and mutual legal assistance and developing co-operation in the non-criminal field in the areas of prevention and promoting legal migration (paragraph 197).
- GRETA welcomes the co-operation established between the Latvian authorities and NGOs in the field of action against THB and invites the Latvian authorities to continue their efforts to maintain strategic partnerships with civil society, as well as to develop co-operation with trade unions and the private sector (paragraph 200).

## Appendix

List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations

### Public bodies

- Ministry of the Interior, including:
  - State Police
  - Riga Municipal Police
  - State Border Guard
  - Office of Citizenship and Migration Affairs
- Ministry of Welfare, including:
  - State Labour Inspectorate
  - State Employment Agency
  - Children Rights Protection Inspectorate
- Ministry of Justice, including:
  - Legal Aid Administration
  - Court Administration
  - Latvian Judicial Training Centre
- Ministry of Foreign Affairs
- Ministry of Economics
- Ministry of Health
- Ministry of Culture
- General Prosecutor's Office
- Judges of the following courts:
  - Kurzeme District Court
  - Latgale District Court
  - Liepāja Orphan's Court
- Ombudsman's Office
- Riga City Council
- Liepāja City Council

### Civil society

- For Vidzeme Free of Human Trafficking
- Freedom 61
- Resource Centre for Women Marta
- Salvation Army
- Shelter Safe House
- Professor Valentija Liholaja, Chair of the Criminal Law, Faculty of Law, University of Latvia

## Government's Comments

The following comments do not form part of GRETA's analysis concerning the situation in Latvia

GRETA engaged in a dialogue with the Latvian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Latvian authorities on 19 January 2017 and invited them to submit any final comments. The comments of the Latvian authorities, submitted on 20 February 2017, are reproduced hereafter.



Iekšlietu ministrija

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Riga

20. 02. 2017 No 1-36/478

Re: 19.01.2017, DG-II/PN/DD/mc

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The Ministry of the Interior of the Republic of Latvia presents its compliments to the Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings.

The Ministry of the Interior of the Republic of Latvia as a responsible coordination body on prevention of trafficking in human beings issues on national level expresses its gratitude and appreciation to GRETA and the Secretariat for work done to provide evaluation of anti-trafficking efforts implemented by Latvian institutions and development of the comprehensive second evaluation round Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia. The report was considered by competent line ministries, public and law enforcement institutions involved in the implementation of the national anti-trafficking policy. Latvia acknowledges that the report highlights issues and areas which require more efforts and improvements to strengthen targeted actions and measures addressing trafficking in human beings and providing efficient protection of and support to victims of trafficking in human beings.

Please be informed that additional final comments will be not submitted.

Sincerely Yours,

State Secretary

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17-02-2017

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17.02.17.

