



REPORT

Round-table meeting on the follow-up to be given to GRETA's report and the Committee of Parties recommendations on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia

Riga, Latvia, 10 December 2014

1. Purpose and expected results of the meeting

The aim of the meeting was to hold an exchange between the Council of Europe representatives and relevant stakeholders in Latvia that are responsible for the development of strategies and implementation of measures against trafficking in human beings (THB) with a view to identifying areas where further assistance and participation of the Council Europe might be necessary in order to implement the recommendations by GRETA and the Committee of the Parties.

The first report of GRETA of 31 January 2013 and the recommendations of the Committee of the Parties formed the basis of the round-table discussion. The discussion was structured around four key areas and addressed the following issues identified in GRETA's report:

1.1 Prevention

- Step up efforts to inform the general public about various forms of THB;
- Targeted awareness-raising should be aimed at vulnerable groups (children and young persons) and disadvantaged populations;
- Particular attention should be paid to child trafficking taking place through modelling agencies which should be bound by regulations;
- Ensure that all children are registered at birth;
- Strengthen prevention of THB by social and economic empowerment measures for vulnerable groups; measures should be based on identified root causes (e.g. economic and social conditions, lack of employment opportunities or education);
- Step up efforts to discourage demand for services of persons trafficked for any form of exploitation;
- Step up efforts to address the particular vulnerability of children to THB.

1.2 Protection and promotion of rights (Identification and assistance)

Review the current victim identification mechanism to:

- Set up a formalised national referral mechanism for victim identification;
- Ensure that all actors are trained and are aware of their role;
- Pro-actively identify victims, in particular of labour exploitation;
- Provide frontline staff with operational indicators;
- Focus on identification of child trafficking;
- Ensure that identification is focused primarily at referral of victims to services rather than at criminal investigation;
- Ensure that recovery and reflection period (Art.13 CoE Convention) is fully reflected in Latvian legislation and practice;
- Raise awareness among law enforcement about the purpose and importance of the recovery and reflection period;
- Provide all victims of THB with effective access to assistance regardless of their participation in criminal proceedings;
- Adopt minimum standards for the provision of services to victims and ensure their adequate funding;
- Improve assistance to child victims of trafficking.
- Provide adequate assistance, including accommodation to trafficked men;
- Provide vocational training and access to the labour market to victims in order to facilitate re-integration and prevent re-trafficking;
- Ensure that all trafficking victims can take full advantage of the right to temporary residence permit;
- Consider granting residence permits to victims whose stay is necessary owing to personal circumstances, even if they do not co-operate with criminal proceedings;
- Ensure that victims have access to legal aid;
- Improve victims' access to compensation by informing them systematically about the avenues available for claims.

1.3 Criminalisation of THB, investigation and prosecution

- Ensure that Art.154 para 2 of the Criminal Law applies to all children (i.e. up to the age of 18);
- Consider stating explicitly the irrelevance of the consent of a victim to improve implementation of the anti-trafficking provisions;
- Consider criminalising the use of the services of a victim of THB, regardless of nationality or immigration status;
- Identify gaps in the investigation procedure related to THB cases and their presentation in court; ensure effective prosecution leading to proportionate and dissuasive sanctions;
- Improve the knowledge and sensitivity of judges, prosecutors, investigators and lawyers on victim rights, legislation and case law, including the need to apply a human-rights based approach;
- Address, in trainings, the entrenched negative attitudes and prejudice to victims of trafficking;
- Make full use of the measures available to protect victims and to prevent their intimidation of during investigation and during and after court proceedings.

1.4. Partnerships and co-operation

- Strengthen co-ordination between all actors in the field of action against THB, including at local level;
- Encourage more effective participation of all public bodies involved in anti-trafficking work nationally and locally;
- Provide the Inter-Institutional Working Group with sufficient authority to enhance the level of representation of institutions with responsibilities under the National Strategy.

2. Presentations and discussion on the major issues identified in GRETA's report

The National Co-ordinator for Combatting Trafficking in Human Beings, Mr Dimitrijs Trofimovs opened the round-table and gave an overview of the situation in Latvia. He stated that Latvia had transposed the EU Directive on Trafficking in Human Beings and that it had stepped up efforts to raise awareness about the issue. A number of anti-trafficking projects have been implemented, several of which were recognised as examples of good practice outside Latvia. The National Co-ordinator also stated that following GRETA's recommendations, Latvia has been successful in improving the balance between repressive actions against traffickers and victim identification.

The Latvian Ombudsperson was at the time of the round-table in the process of evaluating efforts taken on anti-trafficking and was organising a three-day conference.

2.1 Prevention

The definition of human trafficking was recently amended to include the concept of "vulnerability". Several studies on vulnerability and demand had been conducted. One of the studies is on recruitment via the internet.

The State Labour Inspectorate carried out a survey of risky employment places. A special website OiRA (Online Interactive Risk Assessment) was launched containing information about THB.

The Ministry of the Interior has a contact point for labour trafficking. Latvia participated in the project ADSTRINGO, co-ordinated by the Council of the Baltic Sea States, which researched trafficking for forced labour and labour exploitation in nine countries in the Baltic Sea region. 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.

The Welfare Department of the Riga City Council issued an information booklet on prevention of trafficking for social workers and regularly organises training for them.

The Riga Municipal Police controls compliance with the regulations relating to street prostitution and also focuses on massage parlours and bars. If women involved in prostitution get arrested, they are informed about the issue of trafficking and are provided with information booklets. The police also work with secondary school students and give talks about possible risks when young people are offered work abroad.

The Ministry of Foreign Affairs summarises every four months statistics collected by consulates on victims and potential victims of THB. It also trains consular staff on the issue of human trafficking. The Ministry also participated in the organisation of an awareness-raising campaign "Travel safe". A mobile application for smartphone users was developed for this campaign providing information on consular support during travel, safe travel and possible risks (false offers of employment, THB, and sham marriages).

The NGO Marta Resource Centre for Women has implemented a state funded study on causes of vulnerability that helped change the definition of THB (see above). They are also implementing a campaign targeting men.

The NGO "Shelter Safe House" runs a hotline and works together with the state employment agencies to advertise it. The largest number of calls is typically received after school visits.

With funding from the US Embassy and Philip Morris Latvia an info-trailer to raise awareness on THB has been developed and through it a number of people reached in remote locations. The info-trailer project received the European Crime Prevention Award.

Trafficking for sham marriages was identified as an issue of particular concern. A two-year project will be implemented as of 2015 together with Estonia, Lithuania, Slovakia, Ireland and Finland with EC funding (640 000 Euros).

2.2 Protection and promotion of rights

The Ministry of the Interior gave a presentation on the operation of the National Referral Mechanism (NRM), which has been updated and consists of three stages:

1. Identification of victims by first line responders (police, NGOs, consular officials, social services, border guards, etc.); guidelines on identification have been made available;
2. Formal identification of victims by mandated NGOs or the police;
3. Support services and protection.

The Ministry of Welfare administers a contract through which NGOs are commissioned to provide assistance to victims of trafficking. Social rehabilitation services may not exceed 180 days. Additionally a victim can receive up to five consultations (1 hour each) for two years after the social rehabilitation course. Social rehabilitation is not only for those involved in criminal proceedings. When victims are returned to Latvia, the Ministry is able to cover the cost of the victim repatriation. The Ministry issued new guidelines on preventing human trafficking, focusing on work with vulnerable persons such as children, orphans, and those with mental disabilities. It is also developing a model of co-operation after rehabilitation terminates in order to assist the trafficked person's re-integration into society.

The NGO Shelter "Safe House" has held the government contract to provide victim assistance for the past seven years. The provision of the service on a continuous basis by the same organisation has led to its improvement. The NGO has co-operation agreements with the border guards and the police. Assistance is provided on an individual basis and is gender specific. 30 victims (all Latvian) were supported in 2014, some 15% of whom were men.

With regard to the recovery and reflection period, there is no experience so far as the Latvian authorities have not registered any trafficking cases of third-country nationals.

2.3 Criminalisation of THB, investigation and prosecution

The Ministry of Justice informed the participants on recent changes in the Criminal Law and the Criminal Procedure Law. The definition of trafficking has been expanded to include the concept of the vulnerability (see above). The non-punishment provision was also introduced.

The Ministry of Justice is planning to introduce amendments to the Protection of the Rights of the Child Law to clarify that a person under the age of 18 is a child, even where the age of criminal responsibility is lower.

The Ministry of Justice has requested the judicial training centre to develop training for judges on the topic of human trafficking for 2015.

A study on case law concerning human trafficking and an interdisciplinary assessment of the regulatory arrangements on prostitution were produced by the Ministry of Justice. As a result, the age of those who can be engaged in prostitution will be raised from 18 to 21 years. The requirement for those engaged in prostitution to have health cards was abolished.

When passing a sentence, Latvian judges are required to consider the harm caused by the crime. Most sentences for trafficking are rather severe, with the average prison sentence being 7-8 years. In 2014 there were some cases where taxi drivers, IT specialists, photographers and hotel administrators were prosecuted in human trafficking cases.

In the summer of 2014, the plan for combatting organised crime was approved and it includes THB as priority area. All Latvian prosecutors have a mandatory training on THB. Trafficking for the purpose of sham marriage has been identified as a new phenomenon and the Prosecutor's Office is currently working on several cases involving women trafficked to Ireland, United Kingdom and Cyprus. They were promised legal jobs but upon arrival were forced into marriages with third-country nationals.

Extraterritorial jurisdiction over human trafficking offences applies under Latvian law. A case of trafficking for labour exploitation was given as an example. The case involved nine victims and twelve offenders, some were third-country nationals who committed offences abroad, but under extraterritorial jurisdiction, they were indicted for human trafficking.

The Prosecutor's Office has developed good co-operation with the State Revenue Service for the purpose of identifying illicit financial flows.

The Office of the Prosecutor General now publishes information about human trafficking and prosecuted cases in their annual report.

The Unit for Combatting Human Trafficking of the State Police regularly participates in trainings internationally and nationally, but it was indicated that there was a real need for training of the regional and territorial police.

3. Specific areas for co-operation with the involvement of the Council of Europe identified at the round-table meeting

At the closing session of the round-table meeting, participants highlighted the need for further co-operation with the Council of Europe in the following fields:

1. Training

Several target groups were identified as in need of training:

- Judges: training is required to improve the understanding of victims' rights, the severity of the crime of trafficking and the significant impact of human trafficking on the victim.
- Law enforcement: training is required on better understanding of the process of recovery of trafficked persons and how to communicate with victims appropriately.
- Social workers: training is required to build the capacity of social workers to assist trafficked persons.

2. Risk assessment

Assistance in developing risk assessment procedures will be welcome, in particular when trafficked persons are returning back to Latvia. Good practice from other countries would be welcome on how to assess the needs and risks for victims, what considerations need to be given to arrangements prior to return, etc. The development of risk assessment procedures is envisaged under the national strategy for 2016.

3. Trafficking for the purpose of sham or forced marriages
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This topic was identified as an area of interest because of the increasing incidence of this form of trafficking. Latvia would welcome any kind of support from the Council of Europe in improving the ability to understand the issue better and developing case law on this issue.