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**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  
(Reply submitted on 11 November 2015)**

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The Latvian authorities have agreed to the publication of this reply.

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# **GRETA**

Group of Experts on Action  
against Trafficking in Human Beings

GRETA(2014)13

## **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**

Adopted by the Group of Experts on Action against  
Trafficking in Human Beings (GRETA) on 6 May 2014

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, 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 based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. 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. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second 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 this new 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. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

*Latvia in general is a country of origin of victims of trafficking in human beings. Latvian man and women have been subjected to trafficking for labour exploitation and women trafficked for sham marriages in Ireland, the UK, Sweden, Cyprus, Germany, Greece, the USA and Brazil.*

*The great majority of the victims identified in 2010-2013 were women who had been subjected to sexual exploitation, but in recent years trafficking for labour exploitation and forced/sham marriages with third-country nationals, mostly from Bangladesh, India, and Pakistan is a major problem for Latvia. Ireland remains one of the most common destinations for sham marriages. Since 2004, more than one thousand women from Latvia have wed into sham marriages in Ireland, the United Kingdom and Cyprus. Despite the government and NGO efforts to inform people about the risks of human trafficking and regular nationwide awareness raising campaigns, the number of victims of sham marriages remains alarmingly high. Typical victims profile to this sort of trafficking are 23 to 28 year-old females living in urban conditions that have or are expecting children. Many of these women are based on fake/forced associations and are left vulnerable to domestic servitude and sexual exploitation.*

*Comparing to previous years a number of male victims of trafficking accepting assistance has increased significantly. If only one male victim applied for the assistance in 2001, eight male victims received rehabilitation services in 2014. According to the experts, a considerable number of people who have been lured into the trap of human trafficking have received employment offers via internet, particularly on social networking sites, such as draugiem.lv or facebook.com. In most cases potential victims of trafficking are unable to fully assess and/or understand the situation they are about to enter or have entered let alone the consequences of their decision.*

*In 2015 the State Police identified an internal THB case.*

*Forms of exploitation: sexual exploitation, labour exploitation, sham marriages resulting in sexual exploitation, labour exploitation and domestic servitude. New trend of trafficking in human beings has emerged in the beginning of 2014. Three persons who were exploited as drug mules for drug trafficking in Brazil and Columbia have applied for state funded social rehabilitation services for victims of trafficking. According to the provisions provided by national legal acts they received status of victims of trafficking and relevant assistance was provided.*

*The State Border Guards reports that Latvia might be used as a country of transit for trafficking in human beings considering those illegal immigrants who possibly are vulnerable group. Traffickers take them across Latvia, then trafficking in human beings in other Member States of the European Union becomes reality. Number of such cases are not possible to detect.*

*Due for activities of law enforcement agencies number of initiated criminal proceedings for trafficking in human beings /Criminal Law Article 154.1/ increases (2008 – 3, 2009 – 1, 2010 – 2, 2011 – 1 case, 2012 – 3, 2013 – 5 cases, 2014 – 1, 2015 (9 months) – 3). The main trend remains – persons are knowingly deceived about the true purpose of employment/work conditions abroad and in reality are trafficked for the purpose of sham marriages, sexual exploitation and labour exploitation.*

*Number of initiated criminal proceedings for sending a person for sexual exploitation /Criminal Law 165.1/ decreases (2008 – 18, 2009 – 8, 2010 – 9, 2011 – 10, 2012 – 13, 2013 – 8, 2014 – 6, 2015 (9 months) – 3). The State Police has concluded that this preventive Article does not affect criminal society anymore as it was observed in the years 2000-2008. Additionally, it must be also taken into account that Latvia is one of the EU countries where the overall level of reporting to the authorities in case of any incidents is relatively low. The Supreme Court of the Republic of Latvia defines*

*sending of a person for sexual exploitation with person's consent as a kind of trafficking in persons, but it does not contain elements provided by the Palermo Protocol. So far perpetrators were punished for intent to send a person for sexual exploitation even if there was no real victim.*

*In the most cases recruiters are coincidental persons who have not been involved in recruitment before or who have been requested to assist and look for persons in Latvia who would like to prostitute legally in brothels abroad. Usually recruitment is organized through internet and social networks, among street and flat prostitutes or among friends and acquaintances. Recruiters provide airplane or bus ticket to travel to destination country or offer to convey a person themselves by private means of transportation. Recruited women were usually informed that they would go abroad for prostitution. In the most cases these recruited women were specially trained police officers women undercover and within undercover operations the suspects were detained for the commitment of the criminal offence – sending a person for sexual exploitation.*

*Number of initiated criminal proceedings for pimping /Criminal Law Article 165 Living of the Avails of Prostitution/ remains at the same level (2008 – 1, 2009 – 3, 2010 – 3, 2011 – 6, 2012 – 14, 2013 – 12, 2014 – 10, 2015 (9 months) – 6). Combating of organized pimping remains as one of the main priorities of the State Police because human trafficking has a strong link with organized pimping.*

*The tendency since 2011 shows that the citizens of Latvia are involved in marriages in convenience using fraud or their social vulnerability. Usually Latvian citizens who wanted to conclude a sham marriage were under 20 years, with mental disability, low level of education, from low income or socially unfavourable large families, or who were under guardianship or have lived in social care institutions in Latvia until 18 years, or orphans. In some cases the victims were women with an underaged children or without a parental authority or the children whose relatives have been emigrated.*

*The main groups at risk of becoming victims of human trafficking are young women, single mothers, unemployed persons, persons from large families, persons from low income families, persons from orphanages and social care institutions, persons with low level of education and persons with credit commitments.*

*The investigation of human trafficking cases becomes more complicated as the human trafficking cases comprise of combined forms of exploitation. In 2014 one human trafficking case was initiated by the State Police where several forms of exploitation were identified – sexual exploitation, the compulsion of a person to provide services (sham marriages) and forced labour.*

- **any changes in your country's laws and regulations relevant to action against THB;**

*Latvia was one of the first six countries who announced about the transposition of the Directive 2001/36/EU.*

*The implementation of anti-trafficking legislation – UN Conventions, Convention of the Council of Europe and the EU Directive – in Latvia is considered efficient, no problems so far are identified by policy planners and practitioners in Latvia and international monitoring mechanisms. In practice there is still a room for improvements to provide efficient implementation of requirements and provisions set by the anti-trafficking legislation to prevent and combat trafficking in human beings and provide comprehensive assistance and protection for victims of trafficking.*

*Transposing the requirements of the 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, and replacing Council Framework Decision 2004/68/JHA the amendments in the Criminal Law were elaborated in Section 164 "Involvement of a Person in Prostitution and use of Prostitution Services":*

*"(2) For a person who commits compelling to engage in prostitution or involvement of a person in prostitution, using their trust in bad faith, or by deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or **for use of prostitution services of a person knowing that he/she is victim of human trafficking,***

*the applicable punishment is deprivation of liberty for a term up to five years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property and with or without probationary supervision for a term up to three years.”*

*Besides a new Paragraph (3<sup>1</sup>) of this Section was elaborated providing criminal liability for use of prostitution of a minor person. The applicable punishment is deprivation of liberty for a term up to five years or temporary deprivation of liberty, or community service, or a fine.*

*These amendments were adopted by the Parliament on 15 May 2014 and they entered into force on 14 June 2014.*

*In 2014 the Section 154<sup>2</sup> “Meaning of Human Trafficking” was supplemented. The Ministry of Justice elaborated amendments to the definition of trafficking in human beings supplementing it with an additional mean – abuse of state of vulnerability and the Paragraph four which explains the meaning of vulnerability.*

*Section 154.<sup>2</sup> Meaning of Human Trafficking*

*(1) Human trafficking is the recruitment, transportation, transfer, concealment, accommodation 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 or 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, accommodation or reception of a minor for the purpose of exploitation shall be recognised as human trafficking also in such cases, if it is not connected with the utilisation of any of the means referred to in the 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 exploitation, 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), and the holding a person in servitude or also 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.*

*[25 April 2002; 13 December 2012; 25 September 2014]*

*Recommendation CP(2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia adopted by Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings at the 10th meeting of the Committee of the Parties on 15 February 2013: GRETA urges the Latvian authorities to ensure that Article 154<sup>2</sup>, paragraph 2, applies to all children, i.e. persons under 18 years of age as defined in Article 4(d) of the Anti-Trafficking Convention, regardless of the Latvian legislation on the age of majority.*

*The Civil Law Section 220 provides that in exceptional circumstances and for especially good cause, when the guardians and closest kin of a minor attest that the behaviour of the minor is irreproachable, and he or she are able to independently protect and defend his or her rights and perform his or her duties, the minor may be declared as being of age of majority even before he or she have attained the age of eighteen, but not earlier than before he or she fully attain the age of sixteen.*

*Considering this exception the Ministry of Justice has elaborated necessary amendments to the Protection of the Rights of the Child Law to provide that persons who have not attained 18 years of age but who are considered as adults according to the Section 220 of the Civil Law are considered as children in accordance to the criminal legal system.*

*The Ministry of Justice has elaborated amendments in the Section 3 of the Protection of the Rights of the Child Law amending this section with a new paragraph 1<sup>1</sup> “In accordance to the administrative violation system and the criminal legal system a child is a person who has not attained 18 years of age” (unofficial translation). These amendments were supported by the Parliament on the first reading on 17 September 2015.*

- **the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of**

**a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;**

*The anti-trafficking coordination mechanism in general remains the same: National Anti-Trafficking Coordinator (Ministry of the Interior) who coordinates implementation of national anti-trafficking policy and organizes work of inter-institutional working group (inter-institutional working group is represented by Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Welfare, Ministry of Justice, Ministry of Culture, Ministry of Health, Ministry of Education and Sciences, Ministry of Economics, the State Police, the General Prosecutor's Office, the State Border Guard, the Office of Citizenship and Migration Affairs, Information Centre of the Ministry of the Interior, State Labour Inspectorate, State Employment Agency, Department of Welfare of Riga City Council, Municipal Police of Riga, the Ombudsman's Office, Society "Shelter "Safe House"", Society "Resource Center for Women "Marta"", Society "For free Vidzeme from Trafficking in Human Beings" (Vidzeme is one of five regions of Latvia), Social Charity Organization "SOS Children's Villages Latvia", International Organization for Migration Riga Office, NGO "Cooperation Network of Latvian Women NGOs", NGO "Children's Forum of Latvia" and Association of Municipalities in Latvia.*

*National Anti-Trafficking Coordinator in close cooperation with members of inter-institutional working group provides monitoring of trends, analysis of situation in the region, challenges, needs of counter-trafficking actions, plans and organizes training and informative activities. This national anti-trafficking coordination mechanism complies with requirements and fulfils tasks set by international legal acts regarding establishment of a position of National Rapporteur. National Coordination Mechanism is capable to assess challenges, problems and gaps and to provide proposals for solutions. As the National Coordination Mechanism includes both public and non-governmental sector detailed calculation of necessary budget for implementation of counter-trafficking actions is provided which is considered as an advantage of such mechanism. Represented institutions apply for funding in their respective institutions or funding offered by financial support programmes, for example, Project Support Fund of the Council of the Baltic Sea States, targeted THB calls announced by the European Commission, small grants offered by the Embassy of the United States of America.*

*The National Coalition of NGOs is led by the society "Shelter "Safe "House"" and it brings together like-minded NGOs from Latvia to prevent trafficking in human beings is established and the Coalition of NGOs is represented in the working group. In December 2013, 6 organizations joined together forming the NGO Coalition Platform for prevention of human trafficking, aimed to develop inter-institutional cooperation for prevention of human trafficking through ensuring preventive measures for risk groups more frequently exposed to human trafficking, paying special attention to regions. "Shelter "Safe House"", "Latvian Association of SOS Children`s Villages", structural unit of "Social Service Agency" Family Crisis Centre "Mīlgrāvis", "Samaritan Association of Latvia", Crisis Centre for Children and Women "Māras centrs", "Crisis Centre of Talsi Region", "Baltic Regional Fund". In August 2014, these organisations were joined by the society "For Vidzeme Free of Human Trafficking" registered in Madona region, and in October – by the society "National Council of Irish Latvians". On 7 August 2015 four new organisations have joined the NGO Coalition for prevention of human trafficking – "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). At this moment in total 12 NGOs are represented at the Coalition of NGOs. As indicated a Chair of society "Shelter "Safe House"": for identification of human trafficking as a social problem and providing assistance to victims of human trafficking special knowledge is required, regular acquisition of which ensures accessibility of qualitative service. Therefore, it is significant to continue acquiring knowledge on the issue of human trafficking in order to ensure professional assistance to victims of this offence all around Latvia. Society "Shelter "Safe House"" organizes training for members of the NGOs Coalition Platform.*

- **an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).**



The new anti-trafficking policy planning document was approved by the Government on 21 January 2014. The National Strategy for the Prevention of Trafficking in Human Beings 2014 – 2020 (official translation is “Guidelines for the Prevention of Trafficking in Human Beings 2014 – 2020”) is structured as comprehensive informative material about the overall situation in the country in the field of prevention and combating of human trafficking – general information, trends, education, information, researches, identification of victims of human trafficking, support and assistance, legal protection, legal aid, state compensation, return of victims from foreign countries, residence of victims of human trafficking who are third countries nationals, helplines, non-punishment principle, legal framework for combating of human trafficking, law enforcement agencies, prosecution, justice, cooperation and coordination. It includes also policy results, action results and indicators of effectiveness for measurement of the implemented actions, plan of tasks and measures, as well as information about impact on state budget.

This document is not just a working document for policy makers and competent institutions, but it is a document which helps to raise awareness and understanding of each society member about the phenomenon of human trafficking, about current situation in the country, risks and threats to become a victim of human trafficking, what kind of assistance, support and protection is provided to a victim of human trafficking.

The policy planning document contains two main policy goals:

1. To promote awareness of society and understanding about trafficking in human beings and to provide assistance and support for the victims of human trafficking.
2. To achieve the reduction of latency of trafficking in human beings, to develop capacity of law enforcement agencies and relevant stakeholders to combat trafficking in human beings.

The main directions of the policy planning document:

1. Prevention of trafficking in human beings.
2. Combating of trafficking in human beings.
3. Coordination of cooperation and information collection.

Basic principles of the policy:

Intersectoral principle – prevention of trafficking in human beings is based on four internationally acknowledged basic principles of the policy for action against trafficking in human beings: prevention, protection (of victims), criminal investigation, prosecution and trial (prosecution), co-operation of competent authorities and organisations at national and international level (partnership).

Principle of human rights – everyone has the right to liberty and security of person, protection of honour and respect, to freely choose their employment and workplace according to their abilities and qualifications.

Principle of observing the rights and interests of children – all institutions act and treat a child according to the best interests of the child and, upon examining any issue, it must be evaluated from the perspective of the rights and interests of the child, and decisions that are in contradiction with this principle are inadmissible.

Principle of participation – all sectors, institutions and organisations must be involved and co-responsible, within the scope of their competence, in prevention of trafficking in human beings.

Principle of efficient policy planning – upon existence of a wide range of policy initiatives, there is a risk that initiatives may overlap and duplicate, therefore, the intent of such policy planning document is to create a cohesive framework for the current and planned activities.

The policy planning document includes tasks and measures aimed at ensuring sustainable, planned and coordinated implementation of national policy for human trafficking prevention – to prevent and combat trafficking in human beings, to protect and assist victims of human trafficking, with full respect for their human rights, and to promote cross-sectoral cooperation in order to achieve this goal.

The policy planning document is based on provisions, requirements, actions and recommendations given by:

1. *EU Strategy Towards Eradication of Trafficking in Human Beings 2012-2016.*
2. *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.*
3. *GRETA (Group of Experts on Action against Trafficking in Human Beings) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia (GRETA(2012)15).*
4. *Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Cephias Lumina (A/HRC/23/37/Add. 1), approved by United Nations General Assembly on the Human Rights Council's twenty-third session on January 2013).*
5. *Decision adopted by the Human Rights Council 18/107 Outcome of the Universal Periodic Review: Latvia (adopted on 18 October 2011).*
6. *Annual Trafficking in Persons Reports (the Department of State, the U.S.).*

*The policy planning document was elaborated in close cooperation with relevant NGOs who have this very specific expertise on trafficking issues since 2000. All the activities provided by the Strategy are being implemented in close cooperation with NGOs and other partners of civil society.*

*Considering that the new policy planning document was approved by the Government a new inter-institutional working group was established by a Prime Minister on 25 August 2014. The inter-institution working groups consists of:*

*line ministries:*

- *Ministry of the Interior,*
- *Ministry of Foreign Affairs,*
- *Ministry of Welfare,*
- *Ministry of Justice,*
- *Ministry of Culture,*
- *Ministry of Health,*
- *Ministry of Education and Sciences,*
- *Ministry of Economics,*

*law enforcement agencies:*

- *The State Police,*
- *The General Prosecutor's Office,*
- *The State Border Guard,*

*institutions:*

- *The Office of Citizenship and Migration Affairs,*
- *Information Centre of the Ministry of the Interior,*
- *State Labour Inspectorate,*
- *State Employment Agency,*
- *Department of Welfare of Riga City Council,*
- *Municipal Police of Riga,*
- *The Ombudsman's Office;*

*NGOs and IO:*

- *Society "Shelter "Safe House",*
- *Society "Resource Center for Women "Marta",*
- *Society "For free Vidzeme from Trafficking in Human Beings" (Vidzeme is one of five regions of Latvia),*
- *Social Charity Organization "SOS Children's Villages Latvia",*
- *International Organization for Migration Riga Office,*

*civil partner:*

- *Association of Municipalities in Latvia.*

*Two NGOs – Cooperation Network of Latvian Women NGOs and Children's Forum of Latvia – participate at meetings of inter-institutional working group since 12 June 2015 and have expressed their willingness to join the inter-institutional working group permanently. The amendments will be elaborated by the end of 2015 and submitted to the Prime Minister for approval.*

The main task of the inter-institutional working group is to coordinate the activities of governmental agencies, municipal institutions and non-governmental organizations within the implementation of the National Strategy for the Prevention of Trafficking in Human Beings 2014 – 2020 and to ensure the efficient exchange of information and coordinated actions related to the prevention and combating the human trafficking and providing the support of social services for the victims of human trafficking.

The Ombudsman of the Republic of Latvia Mr Juris Jansons has acknowledged that inter-institutional working group should be considered as an instrument in the framework of which both public institutions and non-governmental institutions involved in activities addressed to prevent and combat trafficking in human beings and provide assistance and protection to victims of trafficking can discuss on current problems in this field, exchange information and find the best solutions for acknowledged problems and challenges.

The largest part of the measures provided for in the Guidelines is planned to be ensured within the scope of the funds from the State budget assigned to the respective institutions. The institutions involved in implementation of the Guidelines have identified the necessity for additional budget funds in the following amount: in 2015 – EUR 44 759; in 2016 – EUR 13,455; in 2017 – EUR 12 032; in 2018 – EUR 12 886; in 2019 – EUR 64 536; in 2020 – EUR 12,032. Additional funding was planned for training of practitioners, organisation of a high-level conference and researches.

The issue on the additional financing necessary to the Ministry of the Interior and the Ministry of Welfare from 2015 in order to implement the tasks and measures included in the Guidelines was examined at the Cabinet of Ministers during the process of preparing draft law on medium-term budget framework and draft law on the State budget for the subsequent economic years together with proposals of all ministries and other central State institutions for new policy initiatives and requests for additional financing according to the possibilities of the State budget. Additional funding was not allocated for implementation of a policy initiative “Counter-trafficking actions” and a decision was taken that tasks and measure provided by “Guidelines for the Prevention of Trafficking in Human Beings 2014 – 2020” should be implemented within the scope of the funds from the State budget assigned to the respective institutions. Implementing the tasks provided by anti-trafficking policy which acquired additional funding training for experts and practitioners were organized.

It is difficult to calculate funding allocated for anti-trafficking measures and activities. Informative and educational activities are financed both by public and municipal institutions and NGOs, as well as using co-financing within anti-trafficking projects provided by the European Commission. The State funding for providing social rehabilitation services for victims of human trafficking is substantially increased during the last years (2009 – 39`061 euros, 2010 – 48`565 euros, 2011 – 41`250 euros, 2012 – 87`794 euros, 2013 – 93`384 euros, 2014 – 159`378 euros, 2015 – 162`562 euros).

According to the provisions set by the Cabinet Order No 29 of 21 January 2014 the Ministry of the Interior will prepare and submit to the Cabinet an interim informative report (until 30 June 2017) and final informative report (until 30 June 2021) on carrying out of the National Anti-Trafficking Strategy.

## **B. Cross-cutting questions**

**Gender equality** (Articles 1.1.b, 5.3 and 17)

**2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?**

The Ministry of Welfare is the leading institution of the State administration in the areas of labour, social security and gender equality. The core mission of the Ministry of Welfare is to stabilize the

condition of a person in the situations of social risk, to reduce the possibility that the social risk would occur by facilitating honest legal labour relationships, healthy and safe work conditions and gender equality. As result create the opportunities to everybody to secure a sufficient life quality themselves, in any given situation.<sup>1</sup>

According to the legal regulations Cabinet Regulation No 889 on "Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking", any person that's recognized as victim of THB or acquire given a witness status during criminal process can receive social rehabilitation services. On this point we can speak about gender equality, the service is equally available for any person. It is visible that in the Cabinet Regulation No 889 the gender equality issues, gender mainstreaming in the development and implementation are applied.

H.E. Mr. Raimonds Vējonis, President of the Republic of Latvia, at the Global Leaders' Meeting on Gender Equality and Women's Empowerment: A Commitment to Action New York, 27 September 2015 highlighted that Latvia's firm commitment to the Beijing Platform for Action and the International Convention on the Elimination of all Forms of Discrimination against Women. These commitments have underpinned the positive progress Latvia has made towards gender equality and the empowerment of women and girls. Latvia has achieved remarkable results in women's education and employment, and worked towards the improvement of maternal health. Active engagement of civil society has greatly contributed to the progress. Latvia will continue to develop national policy framework in order to address emerging challenges to achieving gender equality. Elimination of violence against women and girls requires intensified efforts worldwide. Latvia will continue strengthening of legal framework in this field, inter alia, by acceding to the new European Convention on Preventing and Combating Violence against Women and Domestic Violence by 2018. Availability and quality of services for women and girls surviving violence and human trafficking is essential. Already from this year, Latvia provides state-funded services for both the victims and the perpetrators of violence.

### **Non-discrimination (Article 3)**

#### **3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?**

According to the legal regulations Cabinet Regulation No 889 on "Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking", all trafficked persons have a possibility to access to the social rehabilitation services, if they are identified as victims of THB, or are given a witness status during criminal process (see Cabinet Regulation No 889 (4)<sup>2</sup>). As result all persons that are recognized as victims of human trafficking have equal rights to receive social rehabilitation services (not depending on their sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status). So according to the Law, the only measure that should be ensured to the trafficked persons who are members of ethnic minorities, is person recognition as a victim of THB or acquire given a witness status during criminal process.

#### **4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?**

See answer to the question No.3. According to the Latvian legislation, if irregular migrants or migrant workers are identified as victims of THB or are given a witness status during criminal proceeding, they can receive social rehabilitation services.

<sup>1</sup> By-law of the Ministry of Welfare, Cabinet Regulation No 49, adopted 27.01.2004. ("Official Gazette", 16 (2964), 30.01.2004.) [into force since 31.01.2004.]; <http://www.likumi.lv/doc.php?id=83758>

<sup>2</sup> Amending Cabinet Regulation No 840, adopted 11.12.2012. ("Official Gazette", 197 (4800), 14.12.2012). [into force since 01.01.2013.]; <http://likumi.lv/ta/id/253419-grozijumi-ministru-kabineta-2006-gada-31-oktobra-noteikumos-nr-889-noteikumi-par-kartibu-kada-cilveku-tirdzniecibas-upuri-sanem...>

*According to the Immigration Law a foreigner, who, whilst staying illegally in the Republic of Latvia, has been illegally employed in particularly exploitative working conditions, as well as a minor foreigner, who, whilst staying illegally in the Republic of Latvia, has been illegally employed, has the right to request a temporary residence permit, if the foreigner has turned to the court with an application regarding recovery of the unpaid work remuneration from the employer. A temporary residence permit may be requested repeatedly, if the court proceeding for the collection of the unpaid work remuneration has not been completed or the unpaid work remuneration has not been received from the employer. The first and repeat temporary residence permit shall be issued for one year. 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.*

**5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?**

*The State funded social rehabilitation services are elaborated as comprehensive as possible to meet needs and interests of all victims of trafficking in human beings (girls, boys, females, and males). The service provider develops individual rehabilitation plan which complies with needs and interests of an each victim considering her/his age, gender, consequences of exploitation, family situation, living conditions etc.*

*Mandated NGO which provided state funded social rehabilitation services for the years 2013 – 2014 does not have its own safe shelter. It has signed four cooperation agreements with organizations which can provide safe place/shelter for victims of trafficking in human beings. Male victims can be accommodated in shelters for males; children can be accommodated in premises of a specialized service provider.*

*In 2014 one victim of human trafficking was accommodated in a crises centre, one victim was accommodated in an anonymous flat.*

*At this moment none of six adult persons that were recognized as victims of human trafficking during the period from 1 of January 2015 till 31 of October 2015 had used shelter. A minor victim of trafficking in human beings is accommodated in a crisis centre specialized for children.*

**Training of relevant professionals (Articles 10 and 29)**

**6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.**

*The Latvian Judicial Training Centre (LJTC) is the only institution in Latvia to provide continuing education for judges and court employees. It does so with the aim of strengthening the lawful state and facilitating a uniform understanding of law within the joint European Union legal space. The main task of the LJTC is to provide quality continuing education and professional qualification-building measures (seminars, experience exchange trips, etc.) for professionals within the legal system, with special attention to subjects on and improvements to the quality of court judgments, as well as preparing professionals for quality work within the legal system of the European Union.*

*In February 2014, the LJTC received the LVS EN ISO 9001:2009 quality management system certificate from Bureau Veritas. The certificate is testimony to the result of the joint work of LJTC employees. It proves that we have worked effectively to develop, maintain and continually improve the quality management system and our teaching.*

*The LJTC also provides training for other legal professionals, including public prosecutors, attorneys, and the lawyers and employees of governmental bodies and municipal institutions.*

The LJTC has been an active member of the European Judicial Training Network since 2004 and operates in the programme work group, with special attention to the preparation of lectures and seminars on administrative law at an EU level.

Training for judges and court employees is implemented by the LJTC according to the training programme approved by the Court Administration and the Ministry of Justice. Every year the training programme is developed considering available funding, the needs and interests of judges and recommendations given by the Ministry of Justice. Every year judges themselves recommend the necessary topics for the training programme. The annual training programme is developed by special working group considering each branch of rights – administrative rights, civil rights, criminal rights and international rights. A working group of training programme on criminal rights consists of six members, which means that judges of all instances, legislator and prosecutor's office are represented. Additionally to the annual training programme workshops are organized, including workshops organized with the financial support of the European Commission. Judges are offered to attend international workshops abroad. Training for judges organized by the LJTC are voluntary, they are not mandatory. The Law on Judicial Power Section 89 "Obligations of Judges" provides that a judge has the duty to continuously enhance his or her knowledge throughout his or her career as a judge. Judges choose themselves which training provided according to the annual training programme to attend. It should be taken into consideration that judges choose to attend training depending on their specialization, other aspects as well as a small number of criminal cases of trafficking in human beings comparing with criminal cases of other kinds of criminal offences. The LJTC every year includes training on issues of trafficking in human beings in the annual training programme thus providing training of judges and court employees about the topic of trafficking in human beings. According to information provided by the LJTC the following training are implemented in 2014 and 2015 and planned in 2015:

- 18 June 2014, training for candidates for the office of a judge; 90 minutes lecture on topic "Current problems of trafficking in human beings"; 16 candidates for the office of a judge attended;
- 16 – 17 October 2014, the anti-trafficking training was organized by the Ministry of the Interior, Ministry of Justice, the Latvian Judicial Training Centre, the Court Administration, the General Prosecutor's Office and the Embassy of the United State of America in Riga. The guest key lecturers from the United States of America participated – Federal Judge Honorable Virginia Mary Kendal and Federal Prosecutor Daniel H.Weiss. 12 judges, 15 prosecutors, 20 police officers, 5 representatives of NGOs and 5 representatives of line ministries attended.
- In 2015 in the framework of 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 organized series of inter-disciplinary workshops "Organized crime". One of topics in these workshops was "Court practice in cases of trafficking in human beings" provided by Dr.iur. V.Liholaja. In total six groups attended the workshops: 35 judges and 41 assistants to a judge.
- 10 – 11 September, 2015, with the support provided by the LJTC a workshop "Countering trafficking in human beings: Towards a more comprehensive approach" was organized by Academy of European Law (ERA), lecturers and participants from Latvia and foreign countries attended; from Latvia – 2 judges, 5 prosecutors, 2 police officers, 1 representative of the Ministry of the Interior and 1 – NGO.

On 27 November 2013 training for judges and assistants of judges was organized by the Latvian Judicial Training Centre on the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. 28 judges and assistants of judges were trained.

On 26-27 September, 2013 a training course "Recognition, investigation and prevention of human trafficking as effective tool for the termination of the phenomena" (Project No. JUST/2010/JPEN/AG/1546 funded within EU program "Justice") took place in Riga. The training was organized by the Ministry of Justice in cooperation with the Ministry of the Interior and the society "Shelter "Safe House"". The aim of this training course was to organize a broad and extensive training seminar for practitioners with presentations and case studies in order to practice to effectively recognize, investigate and prevent human trafficking and to create investigation as an

effective tool both in Latvia and in other EU Member States. 155 representatives from Latvia participated (judges, prosecutors, investigators, advocates, representatives from line ministries and subordinated institutions and NGOs that work with the elimination of human trafficking). There were lectures from Latvia, EU Member States and the European Commission.

The role of hotline operators to identify a victim of trafficking in human beings and refer a person to respective institution is highly considered. Training for Hotline Operators on Human Trafficking Prevention and a Role of Hotline Operators in the National Referral Mechanism in April 28 – 30, 2014 was organized in the framework of the EU co-funded project „A Safety Compass: Signposting Ways to Escape Trafficking” (HOME/2011/ISEC/AG/4000002172) 219 participants from all the territory of Latvia were participated in training. Participants were from: emergency hotline 112 administrated by the State Firefighting and Rescue Service; emergency hotline 110 administrated by the State Police; police officers on duty; consular officials from the Consular Department of the Ministry of Foreign Affairs phone number: +371 26 337711; officials of the State Inspectorate for Protection of Children's Rights: Children Hotline 116111 (supervised by the Ministry of Welfare); representatives from NGOs for children and adults. Purpose of training: To raise awareness and understanding about human trafficking phenomenon, about cooperation between relevant stakeholders and a role of hotline operators to provide identification of a victim of human trafficking and referral of a phone call to a competent institution or, if needed, urgent action to provide help for a victim.

In 14 April 2014 the National Centre for Education in cooperation with the State Police has organized training for Heads of Methodical Unions of Social Sciences in Latvia on the topic of trafficking in human beings. The training provided information about current problem of trafficking in human beings in Latvia (trafficking in women, exploitation of human beings for forced labour, sham marriages, trafficking of human organs), causes of trafficking in human beings, factors which promote trafficking in human beings, recommendations for young people to reduce risks to become victims of trafficking in human beings (precaution measures traveling abroad to work, how to act in dangerous situations, how to recognize dangerous situations, how and where to find help), competence of the Latvian State Police to combat trafficking in human beings (opportunities to approach for help, contact information, cooperation with other countries and NGOs).

The biggest municipality of Latvia – Riga Municipality since 2010 within funding granted from the Fund for provision public order in Riga implements a project “Preventive measures for the elimination of human trafficking” and publishes an informative booklet “Human trafficking prevention” in Latvian and Russian languages which is updated every year. The brochures are distributed in social assistance institutions of the Riga Municipality, in the cooperation with the Ministry of Foreign Affairs – in the Embassies of Latvia abroad and at schools during workshops on human trafficking prevention issues. Since 2010, wide training on trafficking issues are being carried out for social workers, social pedagogues and municipal police officers of Riga municipality. The Department of Welfare of Riga City Council targeted training of local government officials has set as a priority and provides funding every year (2010 - 2774.60 euros, 2011 - 2988 euros, 2012 - 3643 euros, 2013 - 3273 euros, 2014 – 3400 euros, 2015 – 3660 euros). During the five years training courses are attended by 411 Riga municipal employees (in 2010 - 60 social workers, in 2011 - 60 leaders of social institutions and social workers, in 2012 - 25 social workers, 50 school social pedagogues, 20 municipal police officers, 2013 - 20 municipal police officers, 61 - Riga social service workers, social pedagogues, representatives of social care institutions, and cooperation partners of the Department of Welfare of Riga City Council, 2014 – 20 municipal police officers, 95 social workers, specialists of social work, school social pedagogues, 2015 – 105 municipal employees (20 municipal police officers, 85 – social workers, specialists of social work, school social pedagogues). Riga City Council every year publishes an informative booklet “Prevention of Human Trafficking” in Latvian and Russian, which is distributed to professionals and students in workshops, local social services, the Latvian Embassies in the UK, Ireland and Cyprus. The informative booklet is distributed as widely as possible, not only in institutions of Riga municipality, but also in different institutions of local municipalities all over the territory of Latvia. The Riga City Council has granted funding 3573 euro during the first four years for publishing the booklet. In 2014 739 EUR were provided for publishing the booklet. The main purpose of the

informative booklet is to inform the society about the risks and threats of human trafficking, opportunities for assistance if a person has become a victim of human trafficking. In 2015 539 euros are allocated for development and printing of updated booklet (10800 copies into Latvian language, 3600 copies into Russian language).

To draw attention to the problem of human trafficking and educate different groups in society, the society "Shelter" Safe House "" traditionally organized preventive measures against trafficking in human beings, which ran from 18 September, 2014 till the EU Anti-Trafficking Day – 18 October, 2014.

During Anti-Trafficking month the society "Shelter "Safe House"" started the implementation of the activities of the project "Multidisciplinary initiatives to prevent human beings". The aim of this project was to use innovative services to expand the support system for the victims of human trafficking, raise awareness of social workers and employees of the organizations of the national NGO coalition, as well as to create interactive preventive measures for education of children and young people. The target group of the project were the victims of human trafficking, young people – as one of the major risk groups, people with disabilities, relatives, friends and acquaintances of the victims and potential victims, NGOs representing the rights and interests of the aforementioned groups, the members, staff and volunteers.

With the help of the socially responsible company "Philip Morris International" the project "Sold Freedom 3" was initiated, which was a sequential continuation of the information campaigns of the previous years. This month, the Informative trailer for prevention of human trafficking continued its operation within the framework of this project. In order to raise the awareness about human trafficking and the role of the institutions involved, the division of areas of responsibility, a two-day training seminars was organized for NGOs working with young people and/or women.

On 17 October, 2014 the public discussion on recruitment for the purpose of trafficking in human beings was organized by the society "Resource Centre for Women "Marta"". The representatives of the State Police, Ministry of the Interior, State Labour Inspectorate and leaders of social network [www.draugiem.lv](http://www.draugiem.lv) participated at the round table.

On 27 – 28 November 2014 the Ministry of the Interior with the support of the Nordic Council of Ministers organized the knowledge forum on social consequences of trafficking in human beings within the project "Nordic – Baltic – North-West Russian Border Regional Cooperation Part II: Combating Trafficking in Human Beings for Forced Labour, Children and Sexual Exploitation". In total 56 participants from Latvia, Estonia, Lithuania, Finland, Norway, Sweden, Denmark, Iceland and the Russian Federation participated. From Latvia: 8 representatives from line ministries, 2 – police officers, 3 – border guards, 2 – municipal police of Riga, 3 – NGOs.

The STROM Project "Strengthening the Role of Municipalities in the Work against Trafficking in Human Beings in the Baltic Sea Region" a transnational project that aims to strengthen the capacity and role of municipalities in the chain of assistance to victims of human trafficking in the Baltic Sea Region. The project is coordinated jointly by the Ministry of Interior of the Republic of Latvia and the Council of the Baltic Sea States Secretariat Task force against Trafficking in Human Beings (CBSS TF-THB). The STROM project commenced in November 2014 and will run till 31 December 2015. The project is funded by the CBSS Project Support Facility (PSF), the Swedish Institute and the Ministry of Interior of the Republic of Latvia. In order to assess the current role and responsibilities of municipalities in the chain of assistance to victims of all forms of human trafficking and develop effective anti – trafficking policies at the local level, a baseline assessment was carried out in the Baltic Sea Region. External researchers are working on development specific guidelines for municipalities on how to deal successfully with cases of trafficking in human beings, and how to develop local referral mechanisms. The guidelines will be available in all national languages of the Council of the Baltic Sea States. The conference "Local Action against Human Trafficking" project STROM "Strengthening the Role of Municipalities in the Work against Trafficking in Human Beings in the Baltic Sea Region" – CBSSPSF/SC 042014/1 was organized in Riga on 19 – 20 May 2015 by the Ministry of the Interior of Latvia and the CBSS TF-THB. This conference aimed to provide a platform for sharing knowledge and expertise on how to deal with cases of human trafficking at the municipal level. Specific objectives: To identify common



challenges and proven practices to counteract trafficking in human beings at the local level in the Baltic Sea Region and beyond. To provide local stakeholders with expert knowledge and tools needed to deal efficiently with human trafficking cases. To expand national and regional cooperation networks by strengthening the role of municipalities and local stakeholders in the chain of assistance to victims. In addition, the Netherlands used this conference as a platform to collect input from municipalities as part of the project "TeamWork! Strengthening multidisciplinary cooperation against trafficking for labour exploitation" to compile a manual on multidisciplinary cooperation against trafficking in human beings for labour exploitation. In total 77 participants took part in the conference. 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, Luxemburg, Malta, the Netherlands, Portugal, Romania, Slovak Republic, Slovenia) participated.

On 22 September 2015 the anti-trafficking training was organized by the Ministry of the Interior, the Court Administration, the General Prosecutor's Office, the society "Shelter "Safe House"" and the Embassy of the United State of America in Riga. The guest key lecturer from the United State of America participated – Federal Judge honourable Virginia Mary Kendall. In total 60 practitioners participated: judges, assistants of judges, prosecutors, police officers and representatives of NGOs and line ministries.

On 29 September – 2 October 2015 the State Labour Inspectorate provided training for new labour inspectors. In total 15 labour inspectors from all regional offices of the State Labour Inspectorate participated. Among other issues which are important and necessary for relevant implementation of tasks of labour inspectors topic on trafficking in human beings and particularly on trafficking in human beings with the purpose of labour exploitation and forced labour was included in the programme. Practical recommendations were provided how to recognize and identify potential cases of exploitation and victims of trafficking in human beings, how to treat such cases and refer to competent institutions and provide sufficient inter-institutional cooperation. Labour inspectors got "Guidelines to Prevent Abusive Recruitment, Exploitative Employment and Trafficking of Migrant Workers" – in Brief which has been designed to be easy to use, refer to and function as a quick overview and checklist on how to best prevent exploitation of migrant workers. It is targeting States, Businesses – especially Recruitment Agencies and Employers - trade unions and NGOs. <http://www.cbss.org/guidelines-prevent-abusive-recruitment-exploitative-employment-trafficking-migrant-workers-brief/> Guidelines are translated into Latvian language.

The officials of the State Border Guard regularly participates at workshops and conferences organized by international law enforcement agencies and non-governmental organizations about issues related to trafficking in human beings, rights of victims of trafficking in human beings, observation of their best interests, specific features in practical work with unaccompanied minors, protection of the rights and the best interests of the child.

Qualification Improvement Programme "Prevention and Combating of Trafficking in Human Beings" of the State Border Guard College Intended for the officials of the State Border Guard who will host training in the area of prevention and combating of trafficking in human beings for the border guards who perform the direct border control and interviewing of persons. The aim of the programme is to improve the knowledge and increase professional qualification of the officials of the State Border Guard in prevention and combating of trafficking in human beings. The training programme includes the methodology for detection and identification of the victims (potential victims) of trafficking in human beings, organisers and/or supporters of trafficking in human beings, as well as rules of interviewing and information acquisition methods. The programme includes special methods for working with minors. Within the scope of the above mentioned programme 18 officials of the State

Border Guard were trained in May 2013. It is planned that the trained tutors will organise training of the staff of the territorial offices of the State Border Guard in relation to prevention and combating of trafficking in human beings.

*Professional Improvement Education Programme at the State Police College* The programme "Investigation of the Cases of Trafficking in Human Beings/Procuring" was developed in 2010. The aim of the programme is to create understanding in the employees of the police regarding the correct conduct when receiving information regarding alleged organised prostitution, procuring, trafficking in

*human beings (in all forms thereof) in order to facilitate the understanding among the police employees regarding these criminal offences, that will result in improved investigation performance in the cases of committing of such criminal offences. The programme is implemented in the regional training classes of the State Police College.*

*Officials of the Office of Citizenship and Migration Affairs and the State Border Guard have attended training and workshops on issues related to identification of particularly vulnerable persons within asylum procedure (training were organized and conducted by representatives of UNHCR, asylum experts from other EU Member States, as well as psychologist). With support of the European Asylum Fund officials responsible for consideration of asylum cases of the Office of Citizenship and Migration Affairs attended specialized training courses "Interviewing techniques" and "Interviewing of vulnerable persons" organized by European Asylum Support Bureau (these training addressed also issues on trafficking in human beings). A specialized plan of training is developed for each official responsible for consideration of asylum cases of the Office of Citizenship and Migration Affairs considering his/her tasks and responsibilities.*

*According to the Cabinet Regulation No 268 of 24 March 2009 „Regulations Regarding Medical practitioners and Students who acquire the first or the second level of a professional higher medical education programme and the competence of the person in the amount of theoretical and practical knowledge”, all doctors are trained in the legal bases of the professional activity as a part of the residency's study programme.*

*Marking the EU Anti-Trafficking Day in 2015 there were national anti-trafficking activities organized: On 19 October the society "Shelter "Safe House"" organized a master-class on the topic of trafficking in human beings. Representatives from public and municipal institutions and mass media participated. It was an interactive activity on anti-trafficking containing following activities:*

- Topicality of the issue of trafficking in human beings. The role and significance of prevention.*
- The activities of youth educators – anti-trafficking simulation games and classes at schools, their role to reduce trafficking in human beings.*
- Conclusions of research work about efficiency of anti-trafficking classes at schools.*
- Interactive class – a master class on trafficking in human beings (model of teaching pupils).*

*During this event the society "Shelter "SAFE House"" received ISO 9001 certificate issued by „Bureau Veritas Latvia”.*

*On 26 October (at Latvian Parliament) the society "Resource Centre for Women "Marta"" in cooperation with the Parliament and support provided by the Ministry of the Interior organized an international conference "Safety Compass – Signposting Ways to Escape Trafficking". The international conference acted as a working and partnership building platform for different actors committed to reduce human trafficking in the European Union. By bringing together (political) decision-makers, representatives from state institutions and non-governmental organizations across EU, this event aimed to encourage closer cross-institutional collaboration and strengthen partnerships between source and destination countries that lead to more efficient and effective measures to fight human trafficking. The main outcomes and successes of the project "Safety Compass - Signposting Ways to Escape Trafficking!" will be shared with conference participants, including among others, research on the recruitment mechanisms for trafficking in human beings in Latvia and Estonia, recommendations for developing functioning exit programs for victims and practices for international referral mechanisms. The conference was a part of European Commission financed project within the scope of Prevention of and Fight against Crime Programme European Commission - Directorate-General Home Affairs.*

Marking the EU Anti-Trafficking Day a set of interviews with experts dealing with issues of trafficking in human beings is published on the Internet site [www.apollo.lv](http://www.apollo.lv) starting with 24th of September 2015:

- Ms Lāsma Stabiņa, National Anti-Trafficking Coordinator “People become victims of human trafficking because a lack of knowledge of language and their rights”, September 24, 2015 (<http://apollo.tvnet.lv/zinas/eksperte-par-cilvektirdzniecibas-upuriem-klust-valodas-un-savu-tiesibu-nezinasanas-del/705923>);
- Ms Lāsma Stabiņa, National Anti-Trafficking Coordinator “Sham Marriages take turns in Europe; refugees can become victims of trafficking in human beings”, September 28, 2015 ([http://apollo.tvnet.lv/zinas/fiktivas-laulibas-eiropa-uznem-apgriezienus-ari-begli-var-klut-par-cilvektirdzniecibas-upuriem/705925?utm\\_source=apollo&utm\\_medium=article&utm\\_campaign=superrelated](http://apollo.tvnet.lv/zinas/fiktivas-laulibas-eiropa-uznem-apgriezienus-ari-begli-var-klut-par-cilvektirdzniecibas-upuriem/705925?utm_source=apollo&utm_medium=article&utm_campaign=superrelated));
- Ms Irena Dawid-Olczyk, President of “La Strada Foundation against Trafficking in Persons and Slavery” “Trafficking in Human Beings – a problem with a sharp tendency”, October 1, 2015 ([http://apollo.tvnet.lv/zinas/cilvektirdznieciba-problema-ar-skaudru-tendenci/705897?utm\\_source=apollo&utm\\_medium=article&utm\\_campaign=superrelated](http://apollo.tvnet.lv/zinas/cilvektirdznieciba-problema-ar-skaudru-tendenci/705897?utm_source=apollo&utm_medium=article&utm_campaign=superrelated));
- Ms Gita Miruškina, Lawyer of NGO “Shelter “Safe House””, TIP Hero 2015 “Latvian women want to save the world or the phenomenon of sham marriages” October 5, 2015 ([http://apollo.tvnet.lv/zinas/latvietes-grib-izglabt-pasauli-jeb-fiktivo-laulibu-fenomenu/706144?utm\\_source=apollo&utm\\_medium=article&utm\\_campaign=superrelated](http://apollo.tvnet.lv/zinas/latvietes-grib-izglabt-pasauli-jeb-fiktivo-laulibu-fenomenu/706144?utm_source=apollo&utm_medium=article&utm_campaign=superrelated));
- Mr Reinis Grāvītis, Coordinator of volunteers and an educator of youth, NGO “Shelter “Safe House”” “Young people is a main target group of potential victims of trafficking in human beings”, October 8, 2015 ([http://apollo.tvnet.lv/zinas/jauniesi-ir-vieni-no-galvenajiem-potencialajiem-cilvektirdzniecibas-upuriem/706238?utm\\_source=apollo&utm\\_medium=article&utm\\_campaign=category](http://apollo.tvnet.lv/zinas/jauniesi-ir-vieni-no-galvenajiem-potencialajiem-cilvektirdzniecibas-upuriem/706238?utm_source=apollo&utm_medium=article&utm_campaign=category));
- Ms Anita Ūdre, Social Worker of NGO “Shelter “Safe House”” “Sham Marriage with Pakistani man: eight years of psychological terror and violence”, October 16, 2015 (<http://apollo.tvnet.lv/zinas/fiktivas-laulibas-ar-pakistani-astoni-gadi-psihologiska-terora-un-vardarbibas/708407>);

### **Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)**

**7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.**

*There is no specific plan of action addressing trafficking in children. Latvian Government has approved several policy planning documents which cover this issue from various perspectives. The new anti-trafficking policy planning document was approved by the Government on 21 January 2014. The Guidelines for the Prevention of Trafficking in Human Beings 2014 – 2020 is structured as comprehensive informative material about the overall situation in the country in the field of prevention and combating of human trafficking. It includes also policy results, action results and indicators of effectiveness for measurement of the implemented actions, plan of tasks and measures, as well as information about impact on state budget.*

*Considering the requirements stated by Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning the Parliament of Latvia on 22 May 2014 approved the mid-term policy planning document “National Strategy of the Development of Education 2014 – 2020”. The policy planning document envisages the development of competences related to the social sciences. It is planned that learning materials on human safety issues will be elaborated to be used in education process in primary, secondary and professional education establishments promoting the integrated learning of issues related to health and sport, gender equality, preparation for family life and learning of issues about morality. In the content of learning materials (educational movies, methodical materials for teachers, interactive games, simulations of situations with descriptions, working sheets) it is*

*planned to include topics on addictions, prostitution, acknowledgement and prevention of risks of trafficking in human beings and sham marriages.*

*The goal of the “National Strategy for the Children Crime Prevention and the Children Protection from Criminal Offences 2013 – 2019” is to reduce children crime, prevent factors which promote criminal behavior, to improve children safety protecting them from threats related to their health and life. The Strategy includes informative and educational activities for children related to human trafficking issues, personal safety, and safety on the Internet.*

*The Minister of Welfare on 2 January 2013 adopted a short term policy planning document “State Programme for Improvement of Situation of the Child and the Family 2013”. The Minister of Welfare on 10 January 2014 adopted a short term policy planning document “State Programme for Improvement of Situation of the Child and the Family 2014”. The main goal of these State Programmes is to facilitate the situation of the child and the family as well as provision of targeted measures to protect the rights of the child. The Programme includes the following measures:*

*The Programmes among other measures include the following specific measures:*

- *Support measures for children living in out of family care institutions in municipalities;*
- *Provision of informative and educational support to improve the situation of the child and the family;*
- *Support measures to reduce violence;*
- *Training for staff of out of family care institutions and boarding schools to assess risks of sexual violence;*
- *Awareness raising activities implemented by the Children Hotline 116111;*
- *Implementation of prevention programme addressing violence against children – Džimba safety programme.*

*Since 31 October 2006 National Assistance System for Victims of Trafficking in Human Beings has been established in Latvia. Cabinet “Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings” exactly prescribes the procedures, by which a person who has been recognised a victim of the trafficking in human beings (hereinafter – person) shall receive social rehabilitation services for the State budget funds (hereinafter – services), and the criteria for the recognition of a person as a victim of the trafficking in human beings. According to this legal regulation only victims formally recognized by the State Police or a mandated NGO are eligible to apply for services. Social Integration State Agency supervised by the Ministry of Welfare takes a decision regarding the provision of services or the refusal to provide services.*

## **8. What practical measures are taken to reduce children’s vulnerability to trafficking and create a protective environment<sup>3</sup> for them, including through:**

*With financial support of the Prevention of and Fight against Crime Programme of the European Union the Information System for the Support of Minors was developed by the Information Centre of the Ministry of the Interior. The main goal of the project “Development of the Information System for the Support of Minors” was to facilitate the protection of the children’s rights. Project duration December 2009 – April 2012.*

*The Ministry of the Interior, the Ministry of Education and Science, the Ministry of Welfare, the Ministry of Environmental Protection and Regional Development, the Ministry of Justice, the*

<sup>3</sup> The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children’s rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children’s rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children’s life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

*Ministry of Health, the State Inspectorate for Protection of Children's Rights and local governments shall, within the scope of their competence, provide statistical information regarding protection of the rights of the child in the State, regarding parents whose care or custody rights shall be discontinued or removed, and regarding families, who together with children have been evicted from their dwellings, regarding child adoption, the placing of children in out-of-family care, the application of compulsory measures of an instructional or medical nature to children, children being held to criminal liability, regarding children who have reached the mandatory education age and who are not attending educational institutions, and regarding children who have become victims of violence and street-children, as well as shall submit an appropriate summary report to the Central Statistics Bureau. The Central Statistics Bureau shall annually compile the information referred to and submit it to the Ministry of Welfare and the Ombudsman Bureau.*

*The Cabinet Regulation No 157 of 25 March 2014 "Regulation on Information System for the Support of Minors" prescribes the procedures how information is submitted to and received from the Information System for the Support of Minors, as well as an amount of information and the order of processing of information.*

*The Cabinet Regulation was developed according to the Protection of the Rights of the Child Law Section 67.<sup>2</sup> "Information System for the Support of Minors" which provides that the Information System for the Support of Minors is a part of the State information system "Integrated Information System of the Interior", in which the information necessary for the protection of the rights of the child is included, integrating information of State and local government institutions, as well as of medical practitioners regarding minors who need support and cases when preventive measures should be taken for the protection of the rights of children. The purpose of the information system for the support of minors is to promote the protection of the rights and interests of children, ensuring processing of the necessary information and promoting inter-institutional co-operation in the following issues: defence of the rights and interests of a minor; supervision of ensuring the rights and interests of a minor; preventive work; provision of social assistance and social services; prevention and resolving of criminal offences and other violations of the law; searching for a minor; ensuring execution of administrative punishments, criminal punishments, means of security and compulsory measures of correctional nature; implementation of settlements and preparation of evaluation reports on a probation client.*

*The following institutions and persons have the right to process the information included in the information system for the support of minors, including personal data, for carrying out the functions laid down for such institutions and persons in the laws and regulations governing their activities: the State Police; the Orphan's court; the municipality police; the local government social service office; the State Probation Service; the Latvian Prison Administration; a social correction educational institution; the Ombudsman; the Ministry of Welfare; medical practitioners; the Social Integration State Agency; the State Inspectorate for Protection of Children's Rights; the State Border Guard; the Office of Citizenship and Migration Affairs; the State Social Insurance Agency; other State and local government institutions, the laws and regulations governing activities of which prescribe that the functions of such institutions are related to the protection of the rights of children or execution of a criminal punishment or administrative punishment in relation to minors.*

*Information characterising the child regarding his or her interests and habits, place of residence and living environment may be included in the information system for the support of minors. Information which has not been obtained within the scope of administrative proceedings or criminal proceedings and has not been received with the aid of the resources linking information systems shall be deemed information characterising the child. The information characterising the child included in the information system for the support of minors shall be issued only to such State and local government institutions, in the laws and regulations governing activities of which it is laid down that the functions of such institutions are related to the protection of the rights of children or execution of a criminal punishment or administrative punishment in relation to minors. The information included in the information system for the support of minors, except the information characterising the child, shall be stored until the day when the person has attained 24 years of age, also in such case if the person has died before attaining the relevant age. The information characterising the child shall be stored in the information system for the support of minors until the day when the person has attained the age of majority, or until the day of death if the child has died before attaining the age of majority. The Cabinet shall determine the procedures and the extent in*

*which information shall be submitted to and received from the information system for the support of minors, as well as the procedures for processing the information included in the system.*

*During the past several years, essential changes in the legal provisions concerning domestic violence have been introduced, also different activities were organised in order to attract attention to the dissemination of domestic violence.*

*Since 2013, emotional, physical, sexual, and economic violence against a spouse or his or her child, or a child of both spouses, are clearly mentioned in the Civil Law as a reason to request a divorce without observing a mandatory reconciliation period for spouses. Before the amendments, the language of the law was quite vague in this respect and there was a great deal of room for interpretations.*

*Recognising that not all of the criminal offenses against morals, and sexual inviolability are committed by using violence, in 2014 the Criminal Law was supplemented, stating the commitment of a criminal offense against morals, and sexual inviolability against a person to whom the perpetrator is related in the first or second degree of kinship, spouse or former spouse, or a person with whom the perpetrator has been in a domestic partnership, as an aggravating circumstance.*

*In 2014, Latvia introduced new legal instruments to guarantee protection orders in cases of domestic violence. These amendments provide the right of a person suffering from violence or stalking to ask a court on his or her own initiative, or with the intermediation of the police, to take appropriate protection measures against the perpetrator within civil proceeding. Such measures, for instance, can be a prohibition for the perpetrator to approach or communicate with the victim, as well as an order for the perpetrator to be removed from the housing, and a prohibition to approach, return to, or stay in a housing unit which is the permanent residence of the perpetrator or victim. Such protection measures shall be imposed by the Court. In order to ensure an effective implementation of the protection measures, criminal liability for a malicious unfulfilling of a protection measure ordered by the Court is envisaged. During 2014, approx. 400 people have already used their rights to ask the courts to take appropriate protection measures against the perpetrator within a civil proceeding or the decision on separation was made by the police. The majority of orders is taken to protect a female victim from a male perpetrator. In most cases, the court orders prescribe an order for the perpetrator to be removed from the housing, and a prohibition to approach, return to, or stay in a housing which is a permanent residence of the perpetrator or victim. The number of orders and activity of victims is evidence that there is a need for such protection measures. In order to implement the legislation on protection measures, significant attention towards training police officers, social workers and other relevant specialists is paid.*

*Since January 1, 2015 regulations of the Cabinet of Ministers on social rehabilitation services for adult victims of violence and perpetrators of violence is in force. An adult victim of violence may receive up to 10 consultations of a social worker, psychologist and lawyer or may stay up to 60 days in a crisis centre. Perpetrators of violence are involved in a group therapy course of 16 weeks.*

*On 18 December 2013 the Cabinet of Ministers approved a policy planning document "National Strategy of Professional Social Work Development 2014-2020". One of the tasks is to improve professional skills in social work practice with various client groups including the following target groups: from psychoactive substances and gambling dependent persons; oppressors and persons suffered from violence; long-term (longer than a year) unemployed persons; long-term social welfare recipients of working age; families with children; families with children, young people, who are not working, with behavioural problems, there is a lack of basic skills of an independent life; persons released from imprisonment; minors; young parents who have reduced child care skills.*

*In 2013 the Ministry of Welfare developed guidelines for institutions providing social care and social rehabilitation and social services to assess the adequacy and quality of services what should be taken into consideration by social services of municipalities carrying out self-assessment of their work, The guidelines provide also requirements for the Ministry of Welfare as the institution which provides supervision of quality of services.*

*To reduce poverty and inequality of incomes Latvia implements measures to facilitate increase of incomes of inhabitants by their active involvement into labour market, implementing measures of taxes policy, as well as providing amendments for system of social security. Starting with 2013*

various measures are implemented targeted at families with children and persons with functional disabilities. These measures are aimed at increasing financial support and support services (accessibility to support services is improved and new support services are introduced). Since 1 January 2013 financial support for parents who provide child care by baby's age of 1,5 is increased, financial support for unemployed parents who provide child care is doubled; unemployment benefit is provided for 9 months and its amount does not depend on length of insurance; children from 5 to 18 years and adults with disabilities of I and II group disability are eligible to receive assistant services in municipalities up to 40 hours per week, thus facilitating the availability of different services to people with disabilities, while at the same time facilitating their integration into society; in order to reduce queues in waiting lists of children to access municipal preschool educational establishments since 1 September 2013 state financial support is introduced to cover expenses of children attending private kindergartens, this measure I promote better harmonisation of working and family life by improving the financial situation of families with children; state and municipal funding is allocated to provide accessibility of study aids (activity books, work books) at schools thus substantially reducing the costs of families for the training aids and the opportunity to shift more of those funds to cover the daily expenses of the family; since 1 January 2013 free lunches at schools are provided also for second grade pupils (until that only pupils of the first grade had free lunches), since 1 September 2014 also pupils of third grade have free lunches at schools; large families, which cares for three or more children pay 50% of property tax.

Various measure are taken by the Government to increase the personal income tax relief for dependants, ceiling of social contributions is renewed, to reduce the labour tax burden from 1 January 2014 the rate of mandatory contributions of State social insurance – 34.09%, of which 23.59% is paid by the employer, 10.5% - a staff member, this means that both the employer and employee social security contributions should be reduced, thus increasing their real income.

In terms of raising awareness on safe travelling among the general public, the Ministry of Economics of the Republic of Latvia carries out quality control measures towards travel agents and operators as well as encourages the potential travellers to evaluate the wide offer of travel packages and choose qualitative and safe tourism products. The Ministry urges potential travellers to choose a trustworthy and safe operator and only if the operator has covered his insolvency protection that can be verified in a special database - TATO (<http://tato.em.gov.lv/>). Apart from this, the Ministry develops tourism policy of Latvia based on the Global Code of Ethics for Tourism, therefore Latvia supports the safety of travellers and is against any kind of violation of human rights, safety and security, especially human and children trafficking and prostitution. Latvia is considered a safe travel destination and therefore is promoted as such.

The State Inspectorate for Protection of Children's Rights as one of the priorities has set assessment of observance of rights of children placed at out-of-family care institutions and children with special needs living in special boarding schools. In-depth examinations are performed to identify and prevent risks of sexual violence. Training for specialists working at out-of-family care institutions and boarding schools about assessment of risks of sexual violence are provided.

**a. ensuring registration of all children at birth, in particular from socially vulnerable groups;**

The Law on Registration of Civil Status Documents regulates legal relations in the field of the registration of civil status documents – the fact of marriage, birth and death. Considering the requirements of this law the Government has issued the Cabinet Regulation No 761 of 3 September 2013 “Regulation on the Registers of Civil Status”. There are concrete requirements related to the registration of children at birth and the order of registration is provided. There is also provision what should be done in a case if the mother does not provide any personal identification document entering a medical institution, and after the birth she leaves a child in a medical institution, a child is recorded as a foundling.

The General Registry institution shall be notified regarding the birth of a child within a month after the child is born. The father or mother of a child has a duty to notify regarding the birth of the child. The father and mother of the child may authorise another person to notify regarding the birth of the

child in accordance with the procedures laid down in law. 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 other person who was present at childbirth has a duty to notify regarding the birth of the child. If the child was born in a shelter or a place of imprisonment, the head of the relevant institution has a duty to notify regarding such birth in writing. The birth of the child and the presence of his or her parents in the place of imprisonment shall not be indicated in the entry in the birth register. If none of the persons referred to have notified the birth of a child and the birth of the child has become known to a local government, such local government has a duty to notify the General Registry office in writing regarding the birth of the child.

If a child is stillborn or has died at birth, a medical treatment institution or a medical practitioner has a duty to notify the General Registry office thereof within eight days. In registering a stillborn child or a child who died at birth, the following shall be indicated in his or her entry in the birth register: "Bērns piedzimis nedzīvs." [The child was a stillborn.] or "Bērns miris dzemdībās." [The child died at birth.] In such case registration of the fact of death shall not be performed.

A foundling is a child found whose parents are unknown. A person who has found the child (a foundling) shall notify the State Police Board of territorial competence thereof without delay. The relevant local government authority in co-operation with a medical treatment institution shall determine the possible time and place of birth of the child, give the child a given name and surname and notify the General Registry office thereof. If the child was placed in a baby hatch, a medical treatment institution shall determine the possible time and place of birth of the child, give the child a given name and surname and notify the General Registry office thereof. In the case referred to the following shall be indicated in the entry in the birth register: "Atradenis, vecāki nezināmi." [Foundling. Parents unknown.]

If notification regarding the birth of a child is overdue by more than a month, the fact of the birth of the child shall be registered after ascertaining the circumstances of delay. The fact of the birth shall be registered on the basis of a submission by one or both parents, or other interested persons.

The following information shall be indicated in an entry in the birth register:

- 1) the given name, surname, personal identity number (if such has been granted), sex, ethnicity, nationality (if such has been determined) and place of residence of the child. If the child is stillborn or died at birth, the given name need not be written;
- 2) the time and place of the birth of the child;
- 3) the given name, surname, personal identity number (if such has been granted), date of birth, address of the place of residence, ethnicity and nationality of the parents;
- 4) the number, issuing authority and date of issue of a personal identification document of the parents, if parents of the child are not citizens of Latvia or non-citizens of Latvia;
- 5) a document, on the basis of which information regarding the father of the child is entered (the number, date and place of drawing up of the marriage register or the number, date and place of submitting the submission for recognition of paternity, or the number and date of a court judgment in legal force and the court which rendered the judgment);
- 6) the given name, surname, personal identity number or date of birth of the person, if the person has not been granted a personal identity number, who notified regarding the birth of the child, and relation to the child (for example, father, mother, medical practitioner, head of an institution);
- 7) the birth certificate number;
- 8) the date when the medical treatment institution or medical practitioner issued the medical certificate that certifies the fact of birth, and the number of the referred-to certificate.

The computer print-out of an entry in the birth register shall be signed by the person who notified regarding the birth of a child and an official or employee of a General Registry institution. If a written notification of an institution has been received, it shall be indicated that an entry in the birth register has been made on the basis of the relevant notification. The computer print-out of the entry from the birth register shall be approved with a seal with the State coat of arms.

#### **b. raising awareness of THB through education;**

In Latvia specialized education goes hand in hand with awareness raising campaigns and informative activities implemented by public and municipal institutions and NGOs.



Issues of education on human rights including issues related to prevention of trafficking in human beings are included in content of compulsory education, mainly in standard of subject "Social Sciences" of basic education. The content of education was updated by the Cabinet Regulation No 468 "Regulation Regarding the State Basic Education Standard, the Basic Education Subject Standards and Sample Basic Education Programmes" which came into force on 12 August 2014. This document provides requirements of basic education content which should be acquired mandatory graduating grades 3, 6, 9. The main objectives of the Cabinet Regulation No 468 are to provide pupils with required basic knowledge and skills for social and personal life, to promote the harmonious development of pupils, to develop responsible attitude of pupils towards themselves, family, society, environment and the country. The main tasks of basic education programs among others are to gain insight and to develop understanding about the main processes of nature, social and sustainable development, moral and ethical values.

The basic requirements for the acquisition of the subject "Social Sciences" include a condition that upon graduating from the 3rd grade the educatee, for example, is able to evaluate his or her actions and actions of others, characterise them as good or bad, and to justify his or her evaluation; understands that every action has consequences; knows how to keep himself or herself and other people safe at home, on the street, at school; knows what is violence, the types of violence; knows where to look for help in emergencies and how to act in cases of violence. The basic requirements for the acquisition of the subject "Social Sciences" include a condition that upon graduating from the 6th grade the educatee, for example, is able to understand the connection between action and consequences, knows how to see and evaluate correlation between causes and consequences in different life situations; knows what is violence, the types of violence; knows where to look for help in emergencies. The basic requirements for the acquisition of the subject "Social Sciences" include a condition that upon graduating from the 9th grade the educatee, for example, is able to name fundamental human rights and is aware of their inviolability; knows the types of conflicts and is able to offer his or her way of solving a conflict; knows the difference between lawful and unlawful action; knows about sex industry; knows what is violence, the types of violence; knows where to look for help in emergencies and how to act in cases of violence.

Education standards are updated for "Policy and Rights" lessons and the "Health Studies" lessons provided general secondary education. These standards are provided by Cabinet Regulation No 281 "Regulations Regarding the State General Secondary Education Standard, Subject Standards and Sample Education Programmes" of 21 May 2013. Topics regarding trafficking in human beings are included in secondary education content which should be acquired mandatory.

As the most efficient informative activities for pupils are those where mobile info-trailer of the society "Shelter "Safe House"" is involved which was developed in 2013. Info-trailer is an interactive tool for learning during workshops and various training organized for children, young people, adults and practitioners (parents, teachers, and employees of local municipalities). The inside of a small caravan was turned into a symbolic setting depicting living conditions and horrors of persons trafficked for various forms of exploitation.

Technically it is a one-axis 2 by 3 meter caravan. It is printed from the outside with a design created by a volunteer from the organisation and the 24/7 hotline is clearly visible on the rear. The indoors depict the most common forms of trafficking in human beings in Latvia – labour exploitation, sham marriage, sexual exploitation by using symbols easy to translate by everyone such as wedding dresses, construction tools, a map, an improvised bed, instant noodles etc. In addition a new trend arising – drug mules – is shown in the exhibition. Time needed to see the trailer differs on how it is incorporated in the methodology of a training or how a passerby reacts to it. It can take between 2 and 15 minutes. One of the best practices has proven to be to spend a part of a seminar in the caravan to 5 or more persons which also gives an impression of how uncomfortable and helpless victims may feel.

To create the exhibition an artist was brought in who implemented the ideas developed by the team consisting of professionals and volunteers. Internal trainings for staff and volunteers were held to prepare them for both public events and working with schoolchildren.

This project about use of infotrailer for information and education of pupils was recognized as one of the best practices during the EUPCN Best Practice Conference in Rome, Italy on December 4 - 5, 2014.

Since 18 October 2013 when the infotrailer started its journey around Latvia 100 schools are attended and 4500 pupils are informed about topic of trafficking in human beings using the infotrailer as an interactive learning tool.

During last years this approach to educate and inform pupils and municipalities has been improved. During the visits at schools and local municipalities trainers provide an environment to analyze the trending exploitation forms to educate schoolchildren about potential risks and discuss safety measures. Practical workshops are organized at libraries for professionals working in the municipality and others to discuss the process of trafficking, especially recruitment, so representatives interacting with locals would be able to identify a potential victim of trafficking in human beings and realise the inter-institutional cooperation models available in particular local municipality and Latvia. A simulation game to the active youth is organised to get a wholesome understanding of various exploitation forms and available resources to minimize risk during mobility for employment or education. During all activities the Anti-Trafficking Info-Trailer is available to visitors. It contains an installation depicting the trending forms of trafficking in human beings and living conditions.

Mr Reinis Grāvītis from the society "Shelter "Safe House"" was involved as a volunteer and through years he has developed his capacity to be a leading trainer traveling with info-trailer and visiting schools and municipalities. He has mentioned, that "leading seminars in schools, municipalities, and taking part in public events to inform and educate about trafficking in human beings has shown that public awareness is growing. Young people and professionals who come to information activities repeatedly are especially aware of the risks involved. However the part of the society that communicates in Russian in their daily life have a far weaker understanding of the issue. This info-trailer project aims to make information about trafficking more available to those people using methods that in some ways go beyond the language barrier."

The society "Shelter "Safe House"" offers opportunities for young people to join the society and become a volunteer. This is a way how youth is involved to develop integrated and tolerant society as well as be interested in many topical issues solving of which they can contribute themselves. Young people are invited to learn about human trafficking, try out theatre of the oppressed methods, take part in seminars in schools, lead seminars themselves, improve language skills, develop presentation skills, learn to moderate a creative process, gain knowledge on safety abroad, find new friends and a chance to share ideas and implement them.

In 2012 the officials of the State Labour Inspectorate participated at 12 informative events informing pupils about their rights stated by the Labour Law. In 2013 the Labour Inspectorate according to the requests of education establishments participated at three workshops about issues on labour protection and labour rights and at 20 informative events at schools. In 2014 five informative events and 3 meetings with pupils of colleges took place.

In 2014 the Ministry of Foreign Affairs developed a mobile application "Ceļo droši" (Travel safe) and a communication campaign about safe travelling of inhabitants of the European Union. The mobile application is available for smartphone users, it provides fast and convenient information about availability of consular assistance during the travel. At the same time the main goal of the mobile application and the communication campaign was to raise awareness of inhabitants of Latvia about safe travelling, as well as to warn travellers about possible risks – false offers of employment, trafficking in human beings, including sham marriages, risks and consequences of drug transportation. The informative campaign was organized in a way to reach society as wide as possible particular attention paying to the vulnerable groups who might become victims of trafficking in human beings for the purpose of labour exploitation, sham marriages or carrying drugs (drug mules). The campaign was co-financed by the European Commission and it took place from April 2014 till September 2014. The activities of the campaign were implemented in the social networks and web pages on the Internet, on radio and national television, as well as on the streets of cities and towns. In the framework of the campaign informative activities for pupils of grades 9 – 12 in 15 schools were organized where children from social care institutions are studying. Pupils were informed about preconditions for safe travelling and potential risks. Professionals with experience – psychologists and representatives of the State Police – participated in the meeting with pupils who shared their experience and knowledge regarding risk situations.

On 13 October, 2014 Office of the Ombudsman of the Republic of Latvia launched public awareness campaign called "Crumpet" ("Gards kumosīņš") to warn about the dangers of human trafficking and raise awareness about opportunities for persons suffered from trafficking in human beings to receive assistance, support and protection. The awareness campaign "Crumpet" was implemented from 13 October, 2014 till 19 October, 2014. The main target group of this campaign was young people, the purpose of the campaign was to dispel assumptions that only adults can become victims of human trafficking. The secondary target audience was almost every member of the society, because as shown by the experience of the world a victim of human trafficking can be anyone - young or old, woman or man. The campaign addressed the audience with informative video clip on web sites draugiem.lv, ask.fm and kasjauns.lv, on web pages of the State Employment Agency, Ministry of Foreign Affairs and a number of embassies, the Ministry of the Interior, the Office of Citizenship and Migration Affairs and the State Police. The clip of the campaign "Crumpet" available <http://youtu.be/FDZGGiaQmJE>. "The campaign invites everyone to think that trafficking in human beings is also Latvia's reality. Therefore, it is important to remember if you encounter human trafficking in Latvia you need to approach the State Police for help, but while abroad – the Consular Department of the Ministry of Foreign Affairs of Latvia," the Ombudsman of the Republic of Latvia Mr Juris Jansons reminded. Forced labour is one of the most widespread form of trafficking in human beings in Latvia. People in Latvia often are promised to get well-paid job, but arriving in destination country the reality is harshly different. That's why the State Employment Agency who was the partner of awareness campaign "Crumpet" invited people to use only services of job placement agencies licensed by the State Employment Agency.

On 9 October 2015 within public activity "Open Doors Day" when pupils can visit public and municipal institutions to get acquainted with work and priorities of the institutions the Ministry of the Interior organized a lecture for pupils about trafficking in human beings conducted by National Anti-Trafficking Coordinator. About 40 pupils participated. They were informed about main forms of trafficking in human beings, risks and threats, how to avoid becoming of a victim, how stay safe from recruiters and traffickers.

### **c. training professionals working with children.**

During 2014 and 2015 guidelines and informative and educational materials for the training of professionals who are working with children in risk of trafficking in human beings have been developed in the framework of the international project "PROTECT: children on the move" implemented by the Council of the Baltic Sea States together with the Latvian State Border Guard, Stockholm Social Emergency Center, the Lithuanian State Child Protection and Adoption Service: <http://www.childcentre.info/protect-children-on-the-move/>. In 2016 the Council of the Baltic Sea States in cooperation with the Nordic Council of Ministers is planning to organize training of professionals where guidelines and others materials developed during the project "PROTECT: children on the move" will be used as the main sources.

In 2013 the State Inspectorate for Protection of Children's Rights in cooperation with society "Shelter "Safe House"" organized knowledge development workshops on interdisciplinary cooperation for prevention of trafficking in human beings and support to the victims for managers of child protection authorities (orphan's courts) and officials responsible for operating the Helpline for Children and Adolescents of the State Inspectorate for Protection of Children's Rights 116111.

On June, 2013 the Law on the Protection of the Rights of the Child has been amended to clearly define those specialists of public and municipal institutions who should acquire special knowledge in the field of protection of the rights of the child. These specialists are: the manager of out-of-family care institutions, social workers and social rehabilitator; the chairperson of the Orphan's court, the deputy chairperson of the Orphan's court and a member of the Orphan's court; the head of an educational institution and the deputy head in educational work; a specialist of the Education Quality State Service; a specialist in youth matters; an employee of a place of imprisonment who works with minors; the head of the local government administrative committee or the head of the sub-committee in child matters of the local government administrative committee; the head of the

*pedagogical medical commission of the local government; an employee of the municipal police who works with children and families; a social worker of the local government social service office who works with children and families; a public prosecutor; a social pedagogue and a psychologist who works with children; the manager of the social service office; a judge; an inspector of the State protection of the children's rights; the head of the State Pedagogical and Medical Commission; an official of the State Police who works with children; a pedagogue of general education, vocational education and interest education; an employee of the State Probation Service; a lawyer; any other person if the rights and legal interests of a child are or may be affected by an administrative decision (particularly administrative act) taken thereby, actual action or performance of work or service duties of another kind.*

*In April 2014, the Cabinet of Ministers approved the Regulation No. 173 "Regulations on the procedure for acquiring expertise in child protection laws, the content and scope of knowledge." The Regulations provide that the Rights of the Child Protection Act 5.1 mentioned subjects range (total 19 different fields working professionals - judges, police officers, social workers, etc.) are obliged to acquire the knowledge of children's rights in the field of not less than 40 hours. The Regulations provide for the obligation to improve the acquired knowledge every five years, acquiring 24 hours knowledge development program. At the same time the Minister of Welfare in April 2014 issued an order No. 38, which was approved two professional qualification development programme models/samples - Professional qualification development programme expertise in child protection laws for acquisition of 40 academic hours per model and Knowledge programme development expertise of children protection of the rights for acquisition of 24 academic hours per model. Programme models/samples are available in the Ministry's website.*

*It should be noted that, according to these curriculum specialists knowledge development program to learn the topic "The child or the child's family member, as a victim of human trafficking," which includes the following sub-themes:*

- 1) "The concept of human trafficking (forced labour, forced sexual services, marriages of convenience)";*
- 2) "Human trafficked recognition and identification";*
- 3) "Human beings contributing factors";*
- 4) "Social rehabilitation services and other forms of assistance to victims of THB."*

*After the amendments more than 100 judges, 60 prosecutors and 1500 other specialists have acquired this course.*

*In 2014 the Ministry of Welfare provided 681 specialists from different fields with training on children's rights. Also 225 specialists were trained in the knowledge-service training program for special knowledge of child protection laws (24 academic hours), which includes the above-mentioned topic of "Child or the child's family member, as a victim of human trafficking".*

*The National Centre for Education has developed methodical materials and support materials for teachers which are available electronically on the web site of the National Centre for Education (<http://visc.gov.lv/vispizglitiba/saturs/metmat.shtml>) Besides the National Centre for Education has developed learning materials for pupils of different age groups on issues related to health and human safety which correspond to the age, abilities and individual needs of pupils and provide both the acquisition of knowledge and strengthen skills with practical tasks which build up attitude and motivation and promote the ability to recognize dangerous situations in everyday life of children and the adoption of appropriate and safe decisions.*

**9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?**

*Examinations of the age of a victim is provided by specialized examiners of the State Centre for Forensic Medical Examination of the Republic of Latvia or Forensic Service Department of the State Police. The function of the Forensic Service Department of the State Police is to investigate material evidences on demand of law enforcement institutions, prosecutor's office and courts, and to provide expert statements, methodical and practical assistance to institutions' inquiries in order*

to ensure proceedings in criminal and civil cases. Among other tasks the State Centre for Forensic Medical Examination provides performing of forensic medical examinations and provision of consultative assistance to law enforcement agencies. The Law on Forensic Experts regulates the professional activities of forensic experts in order to ensure an unbiased, judicial and scientifically justified forensic expert-examination in the State.

According to information provided by the Anti-Trafficking Unit of the State Police a criminal proceeding is initiated for criminal offence of trafficking in human beings according to the Section 154.<sup>1</sup> "Human Trafficking" and a person is considered as a victim in a criminal proceeding. If the age of a victim is not known, but there are reasonable grounds to believe that a person might be a child the examination of the age will be provided and after receiving the final conclusion provided by the forensic expert the qualification of the criminal proceeding will be changed adding the qualification provided by the Paragraph 3 of the Section: "(3) For a person who commits human trafficking if [...] it has been committed against an underaged person [...], 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 police supervision for a term up to three years".

According to the Law that Saeima (the Parliament) has adopted and the President has proclaimed on 24 of January 2008 on „Council of Europe Convention on Action against Trafficking in Human Beings" article 10 (3) "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>4</sup>. Considering this provision according to the legal regulations provided by the Cabinet Regulation No 889 on "Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking" all trafficked persons (females, males and children) have a possibility to access to the social rehabilitation services, if they are identified as victims of trafficking in human beings, or are given a witness status during criminal process (see Cabinet Regulation No 889 (4)<sup>5</sup>.

**10. What steps are taken in your country to ensure that the rights of the child and his/her best interests<sup>6</sup> are duly taken into consideration, in particular when it comes to:**

**a. identification of child victims of trafficking;**

The process of identification of the child as a victim of trafficking in human beings is identical as for adult victims and it is regulated by Cabinet Regulation No 889 on "Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking".

Protection of the Rights of the Child Section 73 provides, that all inhabitants have a duty to safeguard the safety of their own and other children and to inform not later than the same day the police, the Orphan's court or other institution for the protection of the rights of the child in regard to any abuse of a child and criminal offence or administration violation against a child, violation of the rights of the child or other threat to a child, as well as when if the person has suspicions that the child has articles, substances or materials, which may be a threat to the life or health of the child himself or herself or of another person.

<sup>4</sup> By-law of the Saeima has adopted and the President has proclaimed „Council of Europe convention on action against trafficking in human beings", adopted 24.01.2008. ("Official Gazette", 23 (3807), 12.02.2008.) [into force since 13.02.2004.]; <http://likumi.lv/doc.php?id=170681>

<sup>5</sup> Amending Cabinet Regulation No 840, adopted 11.12.2012. ("Official Gazette", 197 (4800), 14.12.2012). [into force since 01.01.2013.]; <http://likumi.lv/ta/id/253419-grozijumi-ministru-kabineta-2006-gada-31-oktobra-noteikumus-nr-889-noteikumi-par-kartibu-kada-cilveku-tirdzniecibas-upuri-sanem...>

<sup>6</sup> "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

*Health care, pedagogical, social field or police employees, and elected State and local government officials, who have received information regarding violations of rights of the child and who have failed to inform the institutions referred to in regard to such, shall be held liable as laid down in law for such failure to inform.*

**b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;**

*There are no specific provision for appointing a legal guardian for a child who is a victim of trafficking in human beings.*

*If a child is an unaccompanied minor seeking asylum in Latvia the Asylum Law shall be applied.*

*During the asylum procedure the personal and property relations of the unaccompanied minor shall be represented by the Orphan's Court (child protection authority) or a guardian appointed thereby, or the head of a child care institution (Section 6 Paragraph 5 of the Asylum Law).*

**c. locating the child's family;**

*Section 74 Paragraph two of the Protection of the Rights of the Child Law provides for that the Orphan's court together with the local government social service office and immigration institutions shall carry out measures to find the parents of a child and to determine what possibilities there are for the child to return to his or her family. Nevertheless the general child protection principle establishes the duty for the child protection authority to find the child's parents (no matter whether the child is a local or a foreigner) in cooperation with the State Police and other involved institutions and organizations. There is no specific provision how it should be done.*

**d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;**

*Protection of the Rights of the Child Law has legal provisions related to prohibition from disseminating information regarding the child:*

*- Information regarding a child obtained by an employee of a child care, educational, social assistance or other institution or by an employee of a State or local government institution, in fulfilling the duties of their office, shall be confidential, and information, which could in any way harm the future development of the child or the maintenance of the psychological balance of the child may not be divulged.*

*- It is prohibited to disseminate personally obtained information regarding a child who has become a victim, a witness or has committed a violation of the law, as well as such information as could harm the child now or in the future.*

*- Taking advantage, for motives of self-interest, of the information supplied by a child, is prohibited.*

*- It is prohibited to interview a child and disseminate to the press and other mass media information in regard to the child who has become a victim or a witness of an illegal activity or has committed a violation of the law, except in cases where the child him or herself expresses the desire to openly disclose what was experienced and the parents or other lawful representatives of the child consent to it. If criminal procedure has been commenced, the permission of the person directing the proceedings is also necessary.*

*- Persons at fault for utilisation or dissemination of information as is prohibited shall be held disciplinarily liable or otherwise liable as provided by law.*

**e. access to appropriate and secure accommodation, education and health care;**

*Protection of the Rights of the Child Law (Section 51 (2)): A child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall, in accordance with procedures stipulated by the Cabinet, be provided with emergency assistance free of charge, in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's intimate secrets.*

*Cabinet Regulation of 3 June 2003 No 291 “Requirements for Social Service Providers” provides requirements for social service providers who provide social services for victims of trafficking in human beings where among other services the involvement of the client in training and education programmes, which facilitate the reintegration of the client into society is provided.*

*Medical Treatment Law determines that the priority is health care of a pregnant woman and child.*

**f. issuing residence permits for child victims of trafficking;**

*The Office of Citizenship and Migration Affairs has rights to decide about the issue of temporary residence permit to victims of trafficking in human beings.*

*According to the Immigration Law the person directing the proceedings has the right to request a temporary residence permit for the foreigner who is not a Union citizen and who has been recognised as a victim of trafficking in human beings, as well as minor children accompanied by him or her for a period, which is not less than six months (Section 23 Paragraph six).*

*In cases not provided for in the Immigration Law a temporary residence permit shall be issued for a time period of up to five years by the head of the Office of Citizenship and Migration Affairs, if it complies with the norms of international law, or is related to reasons of a humanitarian nature. If a victim of trafficking in human beings is not involved in a criminal proceeding and does not cooperate with law enforcement institutions the head of the Office of Citizenship and Migration Affairs has rights to decide to issue a temporary residence permit to victim of trafficking in human beings for a time period of up to five years if it complies with the norms of international law, or is related to reasons of a humanitarian nature.*

*The Immigration Law provides that a temporary residence permit shall be annulled if the person directing the proceedings has informed in writing the institution, which has issued the temporary residence permit that the foreigner who is not a Union citizen as well as the minor children accompanied by him or her, who is residing in the Republic of Latvia in accordance with Section 23, Paragraph six of this Law, no longer needs to reside in the Republic of Latvia in the status of a victim of trafficking in human beings.*

*Section 5 Paragraph four of the Immigration Law: a foreigner who is not a Union citizen and who has been recognised as a victim of trafficking in human beings, as well as minor children accompanied by him or her has the right to reside in the Republic of Latvia without a visa or residence permit until the specified reflection period has ended or terminated or a decision to issue a temporary residence permit has entered into effect.*

**g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;**

*Cabinet Regulation of 3 June 2003 No 291 “Requirements for Social Service Providers” provides requirements for social service providers who provide social services for victims of trafficking in human beings where among other services written and oral services of interpreter are provided when following social rehabilitation services are provided: during programme of social rehabilitation services – psycho-social assistance, including individual consultations of social worker, psychologist, lawyer, medical practitioner and other specialists provided according to the individual plan of rehabilitation; support during criminal proceeding – psycho-social assistance (individual consultations provided by lawyer, social worker, psychologist), assistance in legal document proceeding during programme of social rehabilitation and after it, as well as providing representation of a person at court; after programme of social rehabilitation – five consultations; five consultations of specialists for family members of minor victim if they reside in Latvia.*

*Cabinet Regulation of 3 June 2003 No 291 “Requirements for Social Service Providers” provides requirements for social service providers who provide social services for victims of trafficking in human beings where among other services individual consultations of lawyer and assistance in*

legal document proceeding during programme of social rehabilitation and during criminal proceeding is provided.

*The Protection of the Rights of the Child Section 13 "Freedoms of the Child" provides (1) a child has the right to freely express his or her opinions, and for this purpose, to receive and impart any kind of information, the right to be heard, and the right to freedom of conscience and belief. According to the Criminal Procedure Law a person shall be recognised as a victim by an investigator, a public prosecutor, or a member of an investigative group, with a decision thereof, which may also be written in the manner of a resolution. A person directing the proceedings shall inform a person in a timely manner regarding the rights thereof to be recognised as a victim in criminal proceedings. A person may be recognised as a victim only with the written consent of such person or the representative thereof. A person who does not want to be a victim shall obtain the status of a witness. If harm has been caused to a minor person, the victim shall be represented by a mother, father, or guardian; one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant kinsperson takes care of the minor; a representative of an authority protecting the rights of children; a representative of such non-governmental organisation that performs the function of protecting the rights of children. If a victim implements his or her interests with the intermediation of a representative, the representative has all the rights of the victim. An interrogation of a minor should take place as soon as possible. If possible an interrogation of a minor should be provided by the same performer of an investigative action. The length of an interrogation of a minor shall not exceed six hours, including an interruption, during a twenty-four-hour term without the consent of such minor. A minor shall be interrogated by the performer of an investigative action who has been acquired special training to communicate with children in criminal proceedings. If the performer of an investigative action has not been trained or on the basis of the discretion of the performer of an investigative action minor, shall be interrogated in the presence of a pedagogue or a psychologist. One of the lawful representatives of the minor, a kinsperson of the minor, or a trustee has the right to participate in an interrogation, if he or she is not the person against whom the criminal proceedings have been initiated, a detained person, a suspect, or an accused, and if the minor does not object to such participation. The referred to person may ask the person being interrogated questions, with the permission of the performer of the investigative action. A minor who has not reached 14 years of age shall not be notified regarding liability for refusal to testify and for the conscious provision of false testimony. If a psychologist indicates to a person directing the proceedings that the psyche of a person who has not reached 14 years of age, the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of a minor who has been recognised as a victim of human trafficking or sexual abuse, may be harmed by repeated direct interrogation, such direct interrogation shall be performed only with the permission of the investigating judge, but in a court – with a court decision. If a psychologist considers that the psyche of a person who has not reached 14 years of age, the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of a minor who has been recognised as a victim of human trafficking or sexual abuse, may be harmed by a direct interrogation, such direct interrogation shall be performed with the intermediation of technical means and a psychologist. If an investigator or public prosecutor does not agree, the direct interrogation shall be performed only with the permission of the investigating judge, and in a court – with a court decision. If a person to be interrogated has not reached 14 years of age, a psychologist, complying with the concrete conditions, shall explain to the minor the necessity of the operations taking place and the meaning of the information provided by such minor, ascertain personal data, ask the questions of the person directing the proceedings in a form that corresponds with the psyche of the minor, and, if necessary, inform regarding a break in the investigative action and the resuming thereof. If a person to be interrogated has reached 14 years of age, a person directing the proceedings shall inform a minor, with the intermediation of a psychologist, regarding the essence of the investigative action to be performed, ascertain the personal data of such minor, explain his or her rights and duties, and notify regarding liability for the non-execution of the duties thereof, ask the questions of the person directing the proceedings in a form that corresponds with the psyche of the minor, and, if necessary, inform regarding a*



*break in the investigative action and the resuming thereof. A person to be interrogated who has not reached the age of 14 shall not sign minutes.*

**h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;**

*To provide relevant risk assessment mandated NGO have adapted a template of risk assessment provided by Cabinet Regulation of 3 June 2003 No 291 "Requirements for Social Service Providers". General assessment template provided by this document includes two forms assessment – child and parents. Child assessment template includes following risk factors which should be assessed: age; physical, mental and social development; behaviour; education; addictions; appropriate health care; provision of basic needs; self-protection; fear from parents; violence against the child; physical harm; emotional harm; sexual violence and exploitation etc.*

**i. special protection measures for children.**

*There are no special protection measures for children who are victims of trafficking in human beings.*

**11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?**

*The State Border Guard provides measures to identify and prevent trafficking in human beings considering a fact that frequently trafficking in human beings is hidden as commitment of other kind of criminal offence, for example, promises to a person to provide illegal movement of a person across the State border or to provide support for a person to get to particular country can be a part of real intent to exploit a person as a victim of trafficking in human beings.*

*Persons crossing external border to enter/exit the Republic of Latvia are subjected to checks at border crossing points. Border Guards deny to enter territory of Latvia those persons who can not present valid travel documents, visas or who can not justify their purpose and conditions of entry. Additionally to checks of purpose and compliance of entry officials of the State Border Guard in case of suspicious ascertain that third country national s have sufficient funding to stay in the Republic of Latvia or another member state of Schengen as well as ascertain that third country national leaves the territory of Schengen.*

*Structural units of the State Border Guard carry out profiling of persons in airports, sea ports, bus stations and train stations and checks on main transit roads on a regular basis. In the area close to internal borders structural units of the State Border Guard provide immigration control as random check basing on risk analysis as well as operative information providing checks of suspicious vehicles and persons in the territory of Latvia.*

*In case of suspicious that a foreigner might be a victim of trafficking in human beings the State Border Guard informs the State Police on that fact. Further the State Police is responsible to provide necessary measures to formally identify a person as a victim of trafficking in human beings in order to receive protection and assistance.*

*The Office of Citizenship and Migration Affairs and the State Border Guard, on detecting a minor foreigner who is not accompanied by a parent or his or her legal representative and whose staying in the Republic of Latvia is illegal, shall without delay inform the State Police and the Orphan's Court and shall act in such a way as to ensure the child's rights and interests during the whole removal process in accordance with the laws and regulations governing the protection of the rights of the child. During the removal procedure the personal and property relations of a minor foreigner who is not accompanied by a parent or his or her legal representative shall be represented by the Orphan's Court or a guardian appointed thereby, or the head of a child care institution. If the identity and citizenship or country of residence of a minor foreigner who is not accompanied by a parent or his or her legal representative has been established, the State Border Guard with the*

*intermediation of the Consular Department shall communicate with the diplomatic or consular representation of the relevant state, relevant competent institutions or non-governmental organisations, which monitor the observance of the rights of children in this State, and perform other necessary measures in order to ensure execution of the voluntary return decision or removal order and the handing over of the minor foreigner who is not accompanied by a parent or his or her legal representative to a family member, legal representative of the parents, representative who monitors the observance of the rights of children in this State, or a representative of the institution, which ensures placing of the child in a suitable accommodation institution.*

*According to information provided by the State Border Guard in the time period from January 2013 – 30 June 2015 victims of trafficking were not identified among illegal border crossers or asylum seekers. The purpose of these persons were to get to economically developed countries of the European Union. Providing interviewing and data analysis of persons who were involved in provision of illegal movement of persons across the State border there were no evidences that these persons would be involved in trafficking in human beings.*

*According to information provided by the Office of Citizenship and Migration Affairs proportion of unaccompanied minors among the total number of asylum seekers is very small (2011 – 0%, 2012 – 0.5%, 2013 – 2.1%, 2014 – 0.2%, 2015 – 2.5%). Officials of the Office of Citizenship and Migration Affairs provide individual interview with each of unaccompanied minor. During an interview an official listens to information regarding reasons of asylum application, as well as information about minors' situation and experience after leaving the country of origin. So far no victim of trafficking is identified within this group of asylum seekers.*

*According to the Immigration Law the removal process shall be observed by the Ombudsman. The observation of the removal process shall include:*

- 1) visiting of the detained foreigners subject to removal at their place of accommodation in order to evaluate the conditions of accommodation and maintenance, also the provision of medical assistance and the satisfaction of other needs;*
- 2) a questioning of the foreigner in order to determine his or her awareness of the progress of the removal process, his or her rights and the possibility for implementation thereof;*
- 3) observation of return of the personal property of the detained person seized at the time of detention, transportation from the accommodation centre of detained persons to the departure point, handing-over and registration of luggage, as well as participation in the actual implementation of the removal process in order to evaluate the observance of the human rights of the foreigner to be removed.*

*The Ombudsman is entitled to involve associations or foundations in the observation of removal process, the purpose of operation of which is related to the observation of the process. Upon involving associations or foundations in the observation of the removal process, the Ombudsman shall evaluate the competence of the association or foundation for performing the relevant activity and shall agree on the stage of the removal process referred to in Paragraph two of this Section, which the association or foundation shall be authorised to observe. The Ombudsman may involve one association or foundation in the observation of each stage of the removal process referred to in Paragraph two of this Section. The Ombudsman may not involve an association or foundation in the observation of the removal process, which has violated the condition referred to in Paragraph four of this Section. The Ombudsman shall inform the State Border Guard regarding associations and foundations, which are authorised to observe the relevant stage of the removal process.*

*The representatives of the Ombudsman, as well of associations and foundations involved in the observation of a removal process (hereinafter – the Observer) are prohibited from interfering with the removal process during the course of observation the removal process.*

*If an Observer has information at the disposal thereof regarding circumstances, which may influence the organisation or implementation of the removal process, as well as threaten personal safety or health, the Observer shall inform officials of the State Border Guard thereof.*

*An Observer has the right:*

- 1) to obtain information from the relevant State institution, which is involved in the removal process of foreigners, regarding organisation of the return process of the foreigner and the measures performed;*

2) to invite specialists (for example, lawyers, medical practitioners, interpreters) for provision of the necessary consultations to the foreigner subject to removal;  
 3) to organise assistance for improving living conditions, pastoral care, as well as the provision of other support.

The Observer, when performing the measures referred to in Paragraph six of this Section, shall without delay inform the official of the State Border Guard, who is implementing the removal process for the relevant foreigner, regarding the planned activities in writing.

After observation of a removal process is completed, the Observer shall prepare a report on deficiencies detected and recommendations for improving the removal process. The Ombudsman shall submit the compiled report on deficiencies detected and recommendations compiled for improving the removal process to the Ministry of the Interior for evaluation.

*There has been no case of non-voluntary return of child victim of trafficking in human beings.*

**12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?**

*There are not such programmes that would be focused on (re)integration of child victims of trafficking. State funded social rehabilitation services for victims of trafficking in humans beings could be considered as rehabilitation and reintegration programme. If a person is recognized as a victim of human trafficking or are given a witness status during criminal process (see Cabinet Regulation No 889 (4<sup>1</sup>) he/she will receive social rehabilitation services (Cabinet Regulation No 889 on "Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking").*

*Protection of the Rights of the Child Law provides that the rights and freedoms of a child and the protection therefor is set out, taking into account that a child as a physically and mentally immature person has the need for special protection and care. Protection of the rights of the child is an integral part of State policy. The State and self-governments shall organize and monitor the protection of the rights of the child throughout the territory of the State. The State shall ensure the rights and freedoms of all children without any discrimination – irrespective of race, nationality, gender, language, political party alliance, political or religious convictions, national, ethnic or social origin, place of residence in the State, property or health status, birth or other circumstances of the child, or of his or her parents, guardians, or family members.*

*The "Guidelines for the Prevention of Trafficking in Human Beings 2014 – 2020" provides the task No 17 "To consider improvement of the assistance provided to child victims of trafficking, including accommodation and medium- and long-term support programmes tailored to their needs" (deadline the first half of 2016).*

## **C. Questions related to specific articles**

### **Definitions (Article 4)**

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

*The Anti-Trafficking Unit has informed that it does not face problems to initiate a criminal proceeding for criminal offences committed with the purpose of forced labour or services, slavery and practices similar to slavery or servitude. The problems occur on the later stage – during prosecution or trial procedure. One case of trafficking in human beings for labour exploitation lasts since 2007. The judge acquitted traffickers, a prosecutor appealed the judgement and a criminal case was returned for a new adjudication. In another criminal proceeding initiated in 2014 for trafficking in human beings with the purpose of forced services (sham marriages), sexual exploitation and forced labour, sent by the Anti-Trafficking Unit for prosecution in February 2015 –*

*this case in July 2015 was sent by prosecutor's office for adjudication for trafficking in human beings with the purpose of forced services (sham marriages) and sexual exploitation. More likely it seems that there is still lack of joint understanding on this phenomenon.*

**14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.**

*In 2014 the Section 154<sup>2</sup> "Meaning of Human Trafficking" was supplemented. The Ministry of Justice elaborated amendments to the definition of trafficking in human beings supplementing it with an additional mean – abuse of state of vulnerability and the Paragraph four which explains the meaning of vulnerability. 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*

**15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.**

*The Criminal Law Section 154.<sup>2</sup> "Meaning of Human Trafficking" Paragraph 3 explains the meaning of "exploitation" where among others a concept "the holding of a person in slavery or other similar forms thereof" is mentioned. The same concept "practices similar to slavery" is used in Article 3 (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery Article 1 (c) provides that any institution or practice whereby:*

*(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or*

*(ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or*

*(iii) A woman on the death of her husband is liable to be inherited by another person;*

*(d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.*

*Considering the mentioned above it follows that forced marriage and illegal adoption is included in the concept "the holding of a person in slavery or other similar forms thereof" provided by the Criminal Law Section 154.<sup>2</sup> "Meaning of Human Trafficking" Paragraph 3.*

**16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?**

*The Criminal Law Section 154.<sup>2</sup> "Meaning of Human Trafficking" Paragraph 3 provides the meaning of "exploitation" and it includes "the compulsion of a person to perform labour, to provide services".*

*The Point 11 of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA within the context of this Directive, forced begging should be understood as a form of forced labour or services as defined in the 1930 ILO Convention No 29 concerning Forced or Compulsory Labour. Therefore, the exploitation of begging, including the use of a trafficked dependent person for begging, falls within the scope of the definition of trafficking in human beings only when all the elements of forced labour or services occur.*

*Taking into consideration the Point 11 of the Directive 2011/36/EU forced begging in terms of the Criminal Law Section 154.<sup>2</sup> "Meaning of Human Trafficking" is considered as the compulsion of a person to perform labour or to provide services.*

*In Latvia no case of child trafficking for forced begging with the involvement of the child's family or legal guardian is identified.*

**17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.**

*The Criminal Law Section 154.<sup>2</sup> "Meaning of Human Trafficking" Paragraph 3 provides the meaning of "exploitation" and it includes "the compulsion of a person to commit criminal offences". There is no case law on a case of trafficking in human beings with the purpose to compel a person to commit criminal offences.*

**Prevention of THB (Article 5)**

**18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.**

*There is no specialized methodology in place to evaluate the impact of awareness raising campaigns, informative activities. The result of such events is that more phone calls are received by operators of Trustline for prevention of trafficking in human beings. More people are calling to receive information about risks of human trafficking, what preventive measures should be taken travelling abroad to work to avoid exploitation or becoming a victim of trafficking in human beings, regarding safe employment. More educational establishments approach relevant NGOs or public bodies to provide lectures for pupils.*

*For evaluation of training activities usually organizers of training use questionnaires.*

**19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.**

*The Latvian authorities acknowledge that not enough funding is provided for conducting of researches related to trafficking issues in Latvia. A few researches were done in the framework of the projects co-funded by the European Union.*

*In 2014 Prof. Dr. iur.Valentija Liholaja, Head of Criminal Sciences of the Legal Faculty of the University of Latvia has done a research in which court judgments (Criminal Law Section 154.<sup>1</sup> Human Trafficking and Criminal Law Section 165.<sup>1</sup> Sending a Person for Sexual Exploitation) made during 2009-2013 were analyzed. The research was carried out within the European Union co-funded project HOME/2011/ISEC/AG/FINEC-400002235 "Interdisciplinary training for judiciary and other legal professions in the area of financial and economic crimes and related to the phenomena topics". The results obtained during the research are compared with the results of the study "Judicial practice in cases of human trafficking and sending of persons for sexual exploitation" conducted by the Supreme Court in 2006 and concluded that the identified mistakes and shortcomings related to the qualification in human trafficking crimes are largely eliminated. In October 2014 in the meeting of judges of Criminal Cases Department of the Supreme Court considered and approved the new research. We have reasonable grounds to believe that the positive impact of the research will be observed in regard to proportionality of sentences in the criminal cases of trafficking in human beings.*

*The researcher concluded that the crimes included in Criminal Law Section 165<sup>1</sup> are a type of human trafficking, because*

- *the objective manifestations of both crimes are the same;*
- *in both crimes the intent is the same;*
- *the crimes envisaged in both sections are international by nature.*

*The crimes included in Section 154<sup>1</sup> and Section 165<sup>1</sup> have distinct elements of the crime, because the crime is considered as being completed as of the moment, when the offender has committed any action that constitutes the objective side of human trafficking or sending for sexual exploitation. Substantiation - the provisions of international legal acts that all activities included in their*

definitions and activities in any of the stages of this chain are to be punished, starting with the initial recruitment of a person until the moment when the respective intention or outcome has been achieved –exploitation of the victim's person or labour.

Taking into consideration mentioned in the collected jurisprudence of the Supreme Court of the Republic of Latvia (2006) and a research done in 2014 when it comes to data collection the Ministry of the Interior reports data considering both sections of the Criminal Law - Criminal Law Section 154.<sup>1</sup> Human Trafficking and Criminal Law Section 165.<sup>1</sup> Sending a Person for Sexual Exploitation.

In 2014 in the framework of the project HOME/2011/ISEC/AG/4000002172 "Safety Compass: Signposting Ways to Escape Trafficking" funded by the European Commission a research "Recruitment for Human Trafficking and Online Image of Women (Case Studies of Latvia, Estonia and the UK)" in project partner countries – Latvia, Estonia and the UK – was done. The research process focuses on conditions that determine how people are being engaged in prostitution, general mechanisms of recruitment and the main recruitment tendencies on the Internet, as well as observing various aspects of vulnerability that influence potential exiting from prostitution. Finding answers to these questions will facilitate the creation of support and exit programmes for women engaged in prostitution, and the implementation of preventative measures. This research and its conclusions serve as arguments which the society "Resource Centre for Women "Marta"" uses to promote the proposal to criminalize purchase of sexual services in Latvia.

In October 2013 the focused study "Identification of victims of trafficking in human beings in international protection and forced return procedures in Latvia" ([http://www.emn.lv/wp-content/uploads/LV\\_national\\_report\\_trafficking\\_study\\_final\\_en\\_version.pdf](http://www.emn.lv/wp-content/uploads/LV_national_report_trafficking_study_final_en_version.pdf)) was published by the Latvian Contact Point of the European Migration Network. The aim of the study is to examine whether, and how, victims of trafficking in human beings are detected and identified in Latvia's procedures for international protection, and in forced return procedures if they have received a (final) negative decision on their application(s) for protection or have abandoned the procedure. The study was done by the Latvian Contact Point of the European Migration Network. The Office of Citizenship and Migration Affairs provides activities of the Latvian Contact Point of the European Migration Network.

In order to solve the problem of sham marriages in Latvia and Europe on 1 January 2015 the Ministry of the Interior of Latvia with the support of Directorate General of Home Affairs of European Commission (EC) "Prevention of and Fight against Crime Programme" has launched a project HESTIA "Preventing human trafficking and sham marriages: A multidisciplinary solution" in activities of which public and non-governmental organizations of six countries - Latvia, Lithuania, Estonia, Finland, Slovakia and, Ireland are involved. Within the framework of the project during two years a variety of activities are provided: by the organization of discussions of legislators, policy planners and practitioners at national and regional level in each country a comprehensive research of the problem of sham marriages will be prepared; learning methodology will be developed and training will be implemented during which social workers, social educators, workers of educational institutions, media representatives, state and municipal police officers and representatives of non-governmental organizations will be educated; awareness raising campaigns and final conference of the project will be implemented. Overall, during the activities of the project it is planned to involve and address more than 700 thousand members of the society in six European Union (EU) countries. So far the problem of trafficking in human beings with the purpose of sham marriages has not been studied in any of the EU Member States, there is no information on persons engaged in sham marriages, on their use in other forms of trafficking in human beings, as well as a study has not been made about the laws used for the restriction of this phenomenon in other EU countries. HESTIA project activities - national and regional discussions in five countries, the research, specialist education, and informative activities are a combined set of measures aimed at raising awareness and establishing a comprehensive action in the EU Member States to prevent this form of trafficking in human beings. Project is interested in sham marriages in the context of human trafficking (not in sham marriages as such) – exploitation element is essential. The aim of the research is to explore the links between sham marriages and trafficking criminality, to provide

*new information on the vulnerabilities, factors, methods and channels that facilitate sham marriages resulting in trafficking in persons, to provide a precise definition of sham marriages as a form of human trafficking hitherto inexistent at the EU level. HESTIA Project research will be a useful tool to provide shared picture to develop shared understanding. If the project research currently carried out provides the arguments based evidences Latvia is ready to initiate discussions on the EU level for new political or legal initiatives to combat trafficking in human beings.*

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

*The Immigration Law is the main legislative instrument to determine the procedures for the entry, residence, transit, exit and detention of foreigners, as well as the procedures by which foreigners are kept under temporary custody in the Republic of Latvia and returned from it in order to ensure the implementation of migration policy conforming with the norms of international law and the State interests of Latvia.*

*Section 23 of the Immigration Law provides all cases according which a foreigner has the right to request a temporary residence permit.*

*The Office of Citizenship and Migration Affairs is currently working on the Conception of Migration which will be the first document of such kind to improve migration issues.*

**21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:**

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;**

*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 with the last amendments done in 2012) prescribes the procedures by which the tissues and cells, and organs of living or deceased human beings may be used for scientific researches and study purposes, transplantation, manufacture of medicinal preparations and bioprothesis.*

*If there is no data in the Population Register regarding a prohibition or permission of a deceased human being to use his or her body, tissues and organs after his or her death, the spouse, parents, adult children, brothers or sisters (the next of kin) have the right to inform a medical treatment institution (tissue and organ extraction centres) regarding the will expressed during his or her life.*

*The right to use tissues or organs has such a medical treatment institution, which has the State Agency's of Medicines issued a permit for the usage of tissues or organs. The usage of living human tissues or organs, as well as the body of a deceased human, is permissible for medical studies, where accredited medical study programmes are implemented and to which the State Agency of Medicines has issued the permit for the use of tissues or organs. For medical studies, there is allowed to use only such the living human tissues and organs, which are the post-operation material and the use of which a person is accepted. The person confirms the agreement in the medical documents.*

*In case of the death of a donor removal of tissues and organs of a deceased human being for transplantation may be performed, if there is no information in the Population Register regarding the prohibition of the deceased human being to use tissues and organs after his or her death and if until the removal of tissues and organs the next of kin of the person have not notified the medical treatment institution in writing regarding the prohibition of the deceased person to use his or her tissues and organs after his or her death expressed during his or her life. It is prohibited to remove the tissues and organs of a deceased child for transplantation, if it has not been permitted by one of his or her parents or guardian in writing.*

*Removal of tissues and organs from a living donor shall be possible only upon his or her written consent, allowing a minimum risk to the donor's health and notifying the donor regarding the purpose, nature, consequences and risk of the referred to intervention. Only tissues with the*

capacity to restore may be taken from a living donor. Removal of one kidney for the purposes of transplantation shall be permissible in exceptional cases.

Removal and use of tissues and organs from the body of a living and deceased human being shall serve for the development of medicine and it shall be profitless by nature. Any removal of tissues and organs from the body of a living and deceased human being shall take place upon strict observance of the expressed consent or non-consent, and the selection, sending and use of these tissues and organs as a commercial transaction is prohibited.

Cabinet Regulation No 70 of 29 January 2013 „Regulations Regarding Use of Human Organs in Medicine, as well as Use of Human Organs and Body of Deceased Human Being for Medical Studies” prescribes:

- procedures in accordance with which the State Agency of Medicines issues an authorisation for use of organs and duplicate thereof for a medical treatment institution and institution of higher education, which implements accredited medical study programme (institution of higher education), cancels the authorisation, suspends and renews validity thereof;
- requirements to be complied with in order to receive an authorisation for use of organs and conditions for use of organs;
- a sample form of an authorisation for use of organs;
- procedures for the assessment, supervision and control of use of organs;
- procedures for transplantation of organs, as well as quality and safety standards of donor’s organs intended for the transplantation; and
- procedures for using of organs, as well as body of deceased human being in medical studies.

The following terms are used in this Regulation:

- donor – a person who donates one or several organs for transplantation and a person who donates one or several organs or body for the implementation of medicinal study programme in an institution of higher education, whether donation occurs during lifetime or after death;
- procurement organisation – a medical treatment institution or a unit thereof, or an aggregate of specialists which undertakes or coordinates the procurement of organs, and which has an authorisation for procurement of organs;
- organ – a part of the human body, formed by different tissues, that maintains its structure, vascularisation, and capacity to develop physiological functions with a significant level of autonomy, as well as a part of an organ, if it is to be used for the same purpose as the entire organ in the human body, maintaining the requirements of structure and vascularisation;
- transplantation centre – a medical treatment institution or a unit thereof or an aggregate of specialists which has an authorisation for performance of transplantation and which performs organ transplantation.

Procurement organisations and transplantation centres conforming to the requirements laid down in this Regulation and which have obtained an authorisation for use of organs shall be entitled to perform use of organs intended for transplantation.

A medical treatment institution wishing to obtain an authorisation for use of organs shall submit the following documents and information to the State Agency of Medicines:

- planned activities of use of organs;
- certification regarding conformity of a medical treatment institution with the requirements of this Regulation for the performance of the relevant activities of use of organs;
- description of a quality system. Quality manual, where the quality ensuring system is described and at least the following information is indicated, shall be included in the description; procedures; guidelines; personnel training and reference manuals; report sample forms; procedures for record-keeping of donors; procedures for organ transportation;
- a copy of the decision to register processing of personal data or a copy of the decision to register a specialist of personal data protection with the Data State Inspectorate.

The framework for quality and safety shall be established in a procurement organisation and transplantation centre, which covers all stages of use of organ from donation to transplantation or disposal and within the framework of which the following procedures are developed, documented and implemented:



- the verification of donor identity;
- the verification of the receipt of the donor's written consent;
- the verification of presence of the authorisation or prohibition by a deceased donor or verification of presence of the prohibition by the next of kin of a deceased donor, by taking into account the requirements laid down in the Law On the Protection of the Body of Deceased Human Beings and the Use of Human Tissues and Organs in Medicine, as well as provision of the rights of the next of kin of a deceased donor to inform regarding the will expressed during his or her life.

A living donor may be a person having no medical contraindications for organ donation. An opinion regarding health state of a living donor and possibility to extract organs, by assessing his or her health and medical history, shall be provided by a council of medical practitioners established by a procurement organisation in the composition of which shall be included also a specialist of the transplantation centre. A person whose donation may cause a serious health risks shall be recognised as non-suitable for organ donation. The opinion shall be appended to the donor's medical documents. A deceased organ donor may be a person for whom the fact of brain or biological death has been established. The time of brain or biological death shall be recorded as the time of person's death in the donor's medical documents.

In order to assess suitability of a donor for organ donation and organ suitability, by assessing and reducing risks for a donor and recipient, as well as by ensuring optimal use of organs, a procurement organisation shall prepare a donor characterisation and organ characterisation. The following information shall be included in both, the donor description and organ description:

- name of the medical treatment institution where the relevant organ is procured;
- type of donor;
- blood group and Rh factor of donor;
- gender of donor;
- cause of death of donor (for deceased donors);
- date and time of death (for deceased donors);
- date of birth of donor;
- weight, height of donor;
- intravenous drug abuse (present or past);
- malignant neoplasia (present or past);
- other transmissible diseases diagnosed for a donor earlier;
- HIV, HCV and HBV test results; and
- information to evaluate the function of the donated organ (specific investigations of the functions of organs).

By assessing the availability of information, medical practitioners may take a decision to supplement the information with the following information:

- demographic and anthropometrical data required in order to guarantee an appropriate matching between the donor and organ;
- medical history of the donor, in particular – the conditions which might affect the suitability of the organs for transplantation and imply the risk of disease transmission;
- data from clinical examination which are necessary for the evaluation of the physiological maintenance of the potential donor as well as any finding revealing conditions which remained undetected during the examination of the donor's medical history and which might affect the suitability of organs for transplantation or might imply the risk of disease transmission;
- data needed for the assessment of the functional characterisation of the organs and for the detection of potentially transmissible diseases and of possible contraindications with respect to organ donation;
- image explorations necessary for the assessment of the anatomical status of the organs for transplantation;
- treatments administered to the donor and relevant for the assessment of the functional status of the organs and the suitability for organ donation, in particular the use of antibiotics, inotropic support or transfusion therapy.

A medical practitioner of a procurement organisation shall inform a donor before procurement of organs of a living human regarding:

- therapeutic purpose of procurement of organs, possible benefits and risks;

- the potential safeguard measures of the donor;
- the form of registration of donor's data, data protection and observance of confidentiality;
- laboratory tests (if any) and the right to receive the results of such tests and explanations thereof in a comprehensible way; and
- necessity to receive mandatory donor's consent before procurement of organs.

A donor may revoke the consent referred at any time until extraction of the organ.

A procurement organisation shall establish, maintain and supplement a database of living donors where a file is established for each donor. A file shall include the following information:

- given name, surname of the donor;
- age of donor;
- gender of donor;
- a written certification for consent to become an organ donor;
- anamnesis of life and diseases;
- results of health examination;
- blood group and Rh factor;
- results of clinical and laboratory tests.

The procurement organisation shall procure organs only in such medical treatment organisations where an intensive therapy department and surgery department conforming to laws and regulations regarding mandatory requirements for medical treatment institutions and structural units thereof.

A transplantation centre shall establish, maintain and supplement a database of organ transplantation where a file is established for each recipient and organ. A file shall include the following information:

- organ type and identification code;
- given name, surname and personal identity number of a recipient;
- age of a recipient;
- gender of a recipient;
- blood group and Rh factor;
- the diagnosis specified for a recipient;
- date of the transplantation;
- side of a human body from which the organ is procured (for the transplantation of kidneys and lungs);
- cold ischemia time;
- transplantation result;
- complications;
- long-term results.

**b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;**

According to the Cabinet Regulation No 70 of 29 January 2013 „Regulations Regarding Use of Human Organs in Medicine, as well as Use of Human Organs and Body of Deceased Human Being for Medical Studies”, the State Agency of Medicines shall assess the conformity of procurement organisations, transplantation centres and institutions of higher education with the requirements referred to in this Regulation (including shall carry out further repeated inspections (also extraordinary and previously non-notified)) (conformity assessment), as well as carry out supervision thereof in accordance with the procedures laid down in this Regulation.

Use of organs in medical treatment in conformity with the requirements of the laws and regulations regulating the field of medical treatment shall be supervised and controlled by the Health Inspectorate.

The Data State Inspectorate shall inform the State Agency of Medicines regarding the fact of infringement of the laws and regulations detected in a procurement organisation or transplantation centre in the field of personal data protection.

The State Agency of Medicines shall establish and maintain a list with procurement organisations and transplantation centres to which an authorisation for use of organs has been issued. The Agency shall place the information regarding issued authorisations, suspension of operation of the

issued authorisations or cancellation of authorisations on the website of the State Agency of Medicines within three working days following the taking of the relevant decision and inform the Data State Inspectorate thereof.

- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.**

According to the Cabinet Regulation No. 70 of 29 January 2013 „Regulations Regarding Use of Human Organs in Medicine, as well as Use of Human Organs and Body of Deceased Human Being for Medical Studies”, education and training of staff include the following requirements in a procurement organisation and transplantation centre:

- an organisational structure of qualified personnel with detailed distribution of duties, powers and responsibilities is established in order to ensure the use of organs in conformity with the requirements laid down in this Regulation;
- the personnel have the appropriate professional qualification in order to ensure the use of organs in conformity with the requirements laid down in this Regulation;
- the initial training of the personnel and improvement of professional qualification in order to ensure the use of organs in conformity with the requirements laid down in this Regulation. Personnel training programme shall be documented and personnel competence shall be assessed.

All transplantation specialists are united under the Latvian Transplantologist Association, which deals with specialist training and certification issues. The Latvian Transplant Centre serves as a base for regular scientific workshops and forums at different levels.

According to the Cabinet Regulation No 268 of 24 March 2009 „Regulations Regarding Medical practitioners and Students who acquire the first or the second level of a professional higher medical education programme and the competence of the person in the amount of theoretical and practical knowledge”, all doctors are trained in the legal bases of the professional activity as a part of the residency’s study programme.

#### **Measures to discourage the demand (Article 6)**

**22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:**

- a. educational programmes;
- b. information campaigns and involvement of the media;
- c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);
- d. involvement of the private sector.

*There are no specific measures in place to discourage the demand. All informative and awareness raising campaigns are focused on prevention of trafficking in human beings as well as discourage of the demand. Educational programmes at schools are also targeted to raise awareness of pupils regarding demand reduction.*

**23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.**

*On 23 October 2014 the Labour Law was supplemented (amendments are into force since 1 January 2015) providing the requirements that the given name and surname of an employer – natural person – or the firm name of a legal person and registration number, or the firm name of a recruitment agency and registration number, which assesses the suitability of applicants on behalf of the employer and carries out the selection procedure, shall be specified in a job advertisement. The amendments also provide requirement for an employer – if the employee is a foreigner who does not manage the national language on an adequate level the employer is obliged to inform about provisions of the labour contract in the language which he or she understands. These*

amendments were done in order to prevent illegal employment of foreigners as well as trafficking in human beings.

More detailed information Ministry of Interior will receive directly from State Employment Agency and State Labour Inspectorate.

In order to identify violations of employment regulations of foreigners illegally residing in Latvia the Immigration Units of the State Border Guard independently and in cooperation with the Office of Citizenship and Migration Board, the State police and the State Labour Inspectorate throughout the territory of Latvia performs inspections of objects and preventive measures to combat illegal migration. As the result of these inspections might be identified cases of trafficking in human beings and identified victims of trafficking in human beings.

The State Border Guard on 27 June 2014 has signed an inter-institutional agreement with the Enterprise Register of the Republic of Latvia about use of data collected by the Enterprise Register Information System in certain extent for duties carried out by the State Border Guard. The State Border Guard can get necessary information about companies which employ third-country nationals.

According to the Labour Law an employer who posts an employee to perform work in Latvia has a duty, prior to posting the employee, to inform in writing the State Labour Inspectorate regarding such posted employee, indicating: the given name and surname of the employee; the date of commencing work; the intended length of employment; the location of performing the work (if the performance of work duties is not intended in some certain place, specify that the employee may be employed in different locations); a representative of the employer in Latvia who is authorised to represent the employer in the State institutions of Latvia and in a court; a person for whose benefit the work will be performed (recipient of a service); and a certification that the posted employee who is a third-country national legally works for an employer in the European Union Member State, the European Economic Area State or the Swiss Confederation.

#### **Border measures (Article 7)**

#### **24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:**

##### **a. identification of possible victims of THB in the context of border control;**

Persons crossing external borders to enter the Republic of Latvia or depart from Latvia are checked by border guards at border crossing points. Additionally to verify the purpose of entry and its eligibility the State Border Guard officials when they have suspicions verify whether the third-country national has sufficient financial resources to stay in Latvia or other Schengen Member State, as well as ascertain that a third-country national depart from the territory of Schengen Member States. Structural units of the State Border Guard carry out profiling of persons in airports, sea ports, bus stations and train stations, immigration control of international bus passengers and checks on main transit roads on a regular basis. On internal borders the mobile patrols of the State Border Guard's immigration structural units are active. The mobile patrols perform random checks on suspicious vehicles and persons in the territory of Latvia.

To detect and identify the victims of trafficking in human beings the manual developed by FRONTEX working group is used, the criteria for recognition of a person as a victim of trafficking in human beings included in the Cabinet Regulations are considered and knowledge acquired during different training programmes is applied.

##### **b. identification of possible perpetrators of THB offences;**

Identification and detention of possible perpetrator is possible performing interviewing of a person who is potential victim of trafficking in human beings by officials of the State Border Guard as well as profiling before border crossing. The officials of the State Border Guard use guidelines for interviewing and profiling provided by the manual developed by FRONTEX working group. Identification and detention of possible perpetrators is possible considering operative information from data basis of the Republic of Latvia and the European Union.

**c. gathering of first-line information from victims and perpetrators;**

*First-line information from victims and perpetrators gathered by officials of the State Border Guard is collected by the National Contact Point and submitted to the National Contact Point of respective Member State.*

**d. identification of vulnerable persons in need of international protection among possible victims of trafficking.**

*There is a mechanism in place in Latvia for reaction and cooperation of authorities for identification and provision of necessary assistance, but so far it has been applied only in respect of EU nationals who have been recognized as victims of trafficking in human beings. The State Border Guard carries out recognition of the victims of trafficking in human beings both during the international protection and forced return procedures. In the event of doubt that a third-country national might be a victim of trafficking in human beings the State Border Guard notifies the State Police of this fact whereby the latter takes the necessary measures within the limits of its competence for the alleged victim to be legally identified and to receive the statutory protection and assistance. During the identification process the victims of trafficking in human beings are informed about the possibility of granting the reflection period and the rights that they would thus acquire – the possibility to receive state-funded social rehabilitation services provided by non-governmental organisations. So far the reflection period has not been granted to any person. During the identification process the victims of trafficking in human beings are informed about the possibility of granting the reflection period and the rights that they would thus acquire – the possibility to receive state-funded social rehabilitation services provided by non-governmental organisations. So far the reflection period has not been granted to any person. To receive assistance the third country national should be recognised as a victim of trafficking in human beings even if he or she is undergoing the international protection procedure. Social rehabilitation services may be also received during the reflection period.*

*To detect and identify the victims of trafficking in human beings the manual developed by FRONTEX working group is used, the criteria for recognition of a person as a victim of trafficking in human beings included in the Cabinet Regulations are considered and knowledge acquired during different training programmes is applied. It should be taken into account that the third-country national acquires the status of a victim of trafficking in human beings in case the criminal offence has been committed in the territory of Latvia and criminal proceedings have been started or there is an ongoing adjudication. So far the issue of identification of the victims of trafficking in human beings within the international protection or forced return procedures has not been topical, although measures for the improvement of the present procedure may be taken in the future.*

**25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?**

*There are no information from stakeholders that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea would be trained on issues of trafficking in human beings.*

**26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.**

*The State Border Guard provides exchange of information with law enforcement agencies responsible for state border security of neighbouring countries on illegal migration and current*

trends of cross-border crimes. Officials of intelligence units of respective agencies meet regularly to discuss current issues related to illegal migration and combating trafficking in human beings.

#### Identification of the victims (Article 10)

**27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.**

Since 31 October 2006 **National Assistance System for Victims of Trafficking in Human Beings** has been established in Latvia. Cabinet "Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings" exactly prescribes the procedures, by which a person who has been recognised a victim of the trafficking in human beings (hereinafter – person) shall receive social rehabilitation services for the State budget funds (hereinafter – services), and the criteria for the recognition of a person as a victim of the trafficking in human beings. According to this legal regulation only victims formally recognized by the State Police or a mandated NGO are eligible to apply for services. Social Integration State Agency supervised by the Ministry of Welfare takes a decision regarding the provision of services or the refusal to provide services.

There is no formal document in place to provide procedures for referral. There are guidelines for police officers, border guards, labour inspectors, social workers and consular officials on victims' identification. So far any public or municipal institution, NGOs, victim's relatives or a victim her/himself could refer about exploitation case or suspicious about possible exploitation directly to the State Police or a mandated NGO. Such mechanism is well functioning when regular training for practitioners and public awareness campaigns are provided. During the years 2007 – 2014 comprehensive educational and informative activities about identification of victims and provision of services were provided mainly by a mandated NGO which addressed practitioners and local inhabitants in regions explaining procedures of referral and identification of victims of trafficking in human beings and inter-institutional cooperation in this field.

The Latvian National Assistance System for victims of trafficking in human beings offers services for both – victims recognised as victims within criminal proceeding and victims who do not want to be recognized as victims within criminal proceeding or victims when reasonable grounds exist to believe that a person was exploited but a criminal proceeding is not initiated.

Identified victims of trafficking included in the National Assistance System can receive social rehabilitation services not exceeding 180 days and five consultations (1 hour each) during two years after social rehabilitation course.

A person recognized as a victim within criminal proceeding additionally is eligible to receive support services within criminal proceeding (psycho-social assistance (including consultations of lawyer, social worker, psychologist), interpreter services and assistance in processing legal documents and, if necessary, representation in court) not exceeding 150 hours per year, special protection and state compensation.

A mandated NGO which is chosen within public procurement procedure provides social rehabilitation services for a time period of two years.

**Assistance, support, protection:** services are provided for men, women, girls, boys according individual plan of rehabilitation which is developed considering person's needs and best interests.

**Social rehabilitation services** include a safe shelter and client accommodation, the development of a client rehabilitation plan, psycho-social assistance and individual specialist consultations, emergency medical treatment, support for the client during criminal proceedings, the involvement of the client in training and education programmes, which facilitate the reintegration of the client into society and labour market, the possibility of the client to acquire or to improve self-care and self-service skills, translation services, five specialist consultations for family members of minor victim, the getting of the client to the social service provider if the client (victim or potential victim and victim's minor child) is abroad (risk assessment and safe return).

Decisions regarding to support and protection services as well as their implementation are mainly provided by public institutions.

**A reflection period of 30 days** may be granted to allow the third countries nationals to consider cooperating in investigations and criminal proceedings. A temporary residence permit which is not less than six months can be granted to victims who decide to cooperate in criminal proceedings.

**A temporary residence permit** for the foreigner who is not a Union citizen and who has been recognised as a victim of trafficking in human beings, as well as minor children accompanied by him or her for a period, which is **not less than six months** shall be issued.

A foreigner has **the right to work without any limitations** in the Republic of Latvia, if he or she has received a temporary residence permit as a victim of trafficking in human beings.

In accordance with the Unemployed Persons and Persons Seeking Employment Law a person who has a temporary residence permit in relation to the granting of victim of trafficking in human beings status in Latvia has the right to receive the **support specified in this Law for unemployed persons, persons seeking employment and persons subject to the risk of unemployment** (occupational training, paid temporary works, measures for the improvement of social and functional skills and psychological support measures, measures for basic skills and abilities necessary for the labour market, work practice in the workplace etc.).

A person who, in accordance with the law, has the right to defence and representation may request **legal aid** until the time of the coming into effect of the final court adjudication. In criminal matters the State shall ensure the drawing up of procedural documents in criminal proceedings and defence or representation in a criminal proceeding.

A natural person who, in accordance with the procedures laid down in the Criminal Procedure Law, has been recognised a victim with the right to receive a **State compensation for moral injury, physical suffering or financial loss resulting from an intentional criminal offence**.

If a victim is involved in a criminal proceeding the **special procedural protection** can be provided which ensures the protection of the life, health and other legal interests of such persons who are testifying in criminal proceedings or who participate in the uncovering, investigation or adjudication of a serious or especially serious crime. The Prosecutor General takes a decision to determine special procedural protection considering the proposal submitted by a person directing the criminal proceeding. If a person has submitted to a court a submission regarding the necessity to determine special procedural protection for him or her, the court takes a decision to determine such protection. The court may also take such decision on basis of the initiative thereof, if the necessity has come about, during the process of the trial, to put a person under special procedural protection, and the person has agreed to such protection.

A course of social rehabilitation services provides rehabilitation as well as partly activities for **reintegration** (vocational training, education, access to labour market). This course is enough only to reduce post-traumatic syndrome caused by trafficking and exploitation. It is not possible to heal and fully recover an exploited and traumatized person within 180 days. A victim who was formally identified and received services is eligible to apply for state funded social rehabilitation services repeatedly after a year since the moment when previous rehabilitation course is completed.

After a course of social rehabilitation services a local municipality which is a place of residence of a victim provides further assistance (public utilities payments, medical care, food, clothes – amount of assistance differs in each local municipality). This mechanism of support works only in cases when a person stays at her/his place of residence.

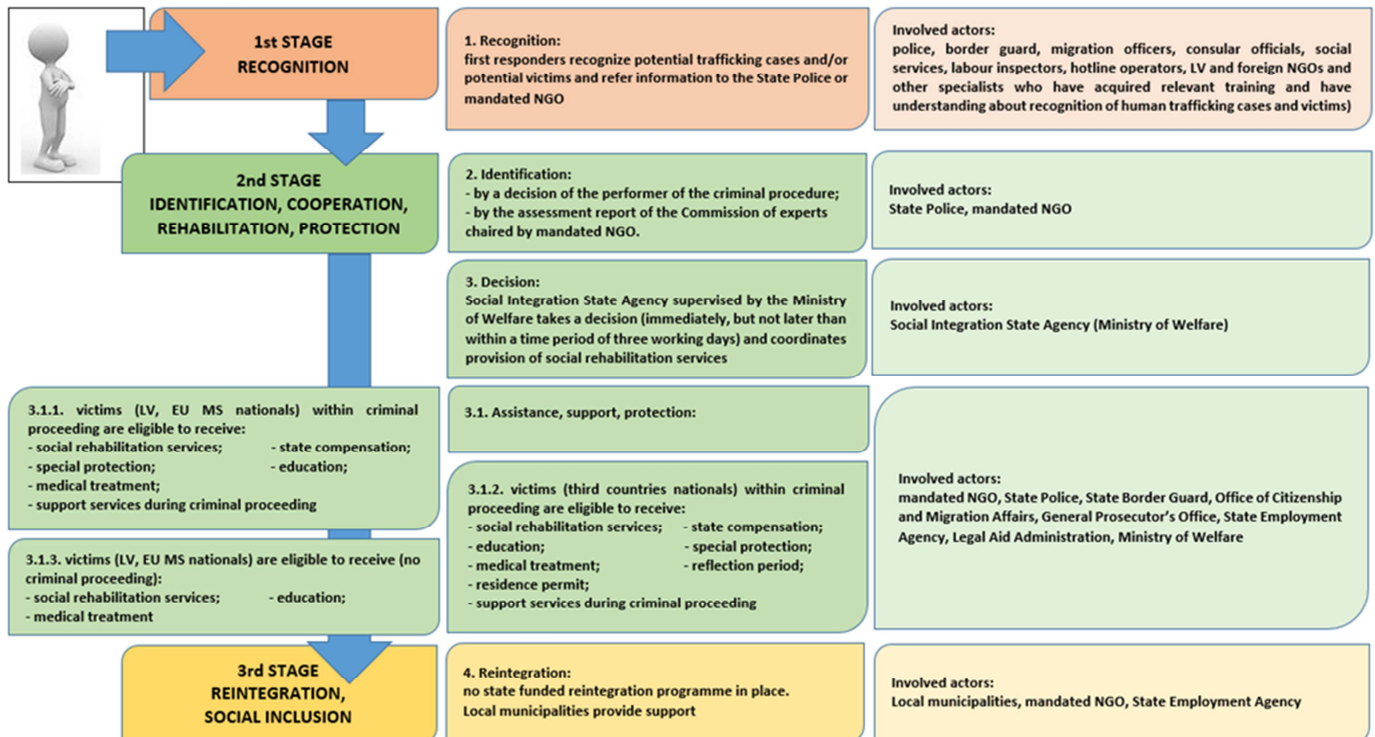
If a person is recognized as a victim within a criminal proceeding or a person has received a status of a witness and it is confirmed by a statement of a law enforcement institution, a person is eligible to receive **support within criminal proceeding not exceeding 150 hours per year**. Support includes psycho-social assistance (including consultations of individual lawyer, social worker, psychologist), interpreter services and assistance in processing legal documents and, if necessary, representation in court.

National Assistance System for Victims of Trafficking in Human Beings consists of following phases:

- Identification of the victim – There is no formally approved list of first responders in place. First responders in general are state and municipal police officers, border guards, social workers, NGOs, labour inspectors, State Employment Agency, teachers, Office of Citizenship and Migration Affairs, consular officials, librarians etc. In many cases persons recognize themselves or their

relatives or acquaintances as victims of human trafficking and approach directly to a social service provider who has been entitled to provide social rehabilitation services for victims of trafficking in human beings or other NGOs

- Referral = to State Police or mandated NGO
- Recognition/formal identification (granting of status of victim of trafficking in human beings)
  - Police
  - Service provider = Commission of specialists lead by the mandated NGO
- Provision of service (and reintegration) for all formally identified victims of trafficking (VoT) (mandated NGO)
- Provision of support and protection (only for victims involved in criminal proceeding (mandated NGO, respective public institutions)
  - Re-integration



The Ministry of the Interior is planning to develop by 1 June 2016 a document where procedures to better identify, refer, protect and assist victims will be included as well as responsibilities of all involved stakeholders will be described.

Since development of National Assistance System for Victims of Trafficking in Human Beings several improvements and changes have been done:

- A list of available assistance, support and protection has been supplemented;
- Mandated NGO - a new service provider has been chosen.

According to legal regulation of the Republic of Latvia a social service provider is chosen through the public procurement procedure. The main criterion for being chosen is the lowest price of social services offered by a candidate. A mandated NGO gets rights to provide social rehabilitation services to victims of trafficking in human beings for two years. From 2007 – 2014 the society "Shelter "Safe House"" was a mandated NGO and provided social rehabilitation services. In November 2014 the Ministry of Welfare announced a public procurement procedure for the provision of social rehabilitation services for the new time period 2015 – 2016. Applications were submitted by society "Shelter "Safe House"" and society "Resource Centre for Women "Marta"". The price of services offered by society "Resource Centre for Women "Marta"" was the lowest and the society acquired the rights to provide social rehabilitation services for victims of trafficking in human beings. The agreement on provision of social services was signed by the Ministry of Welfare and society "Resource Centre for Women "Marta"" on 6 March 2015 which means that presumed victims of trafficking in human beings were not formally identified and did not receive social rehabilitation services from January – February 2015.



Such situation when victims can not receive State funded social rehabilitation services is considered as unacceptable and was discussed at a meeting of inter-institutional working group which resulted in a proposal elaborated by the Ministry of Welfare and submitted to the Parliament – a proposal for amendments to the Law on Social Services and Social Assistance supplementing its Section 13 “Duties of the State in the Provision of Social Services” with a new legal provision providing that the fulfilment of the State duties to provide the social rehabilitation of victims of the trafficking in human beings shall be ensured by society “Shelter “Safe House””. This proposal is under discussions at the Parliamentary Commission of Social and Labour Affairs.

To evaluate effectiveness of National Assistance System for Victims of Trafficking in Human Beings in Latvia, consider gaps and provide recommendations for improvements society “Resource Centre for Women “Marta”” in cooperation with the Ministry of the Interior of Latvia and partners from Estonia and the UK in the framework of the EU co-funded project „A Safety Compass: Signposting Ways to Escape Trafficking” (HOME/2011/ISEC/AG/4000002172) did an overview “NRM Mapping Report” about existing National Referral Mechanisms in Latvia, Estonia and the UK. This report will be finalized by the end of year 2015 when implementation of the project finishes.

**28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?**

There are guidelines for police officers, border guards, labour inspectors, social workers and consular officials on victims’ identification.

1) The State Polices uses in daily work “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”. These materials contain a package of measures to be carried out with aim to address traffickers, as well as draw attention to the risk groups vulnerably to trafficking, basically subjects of operational interest, supporters, victims and objects. They also contain a positive model of behaviour in cases when the State Police receives information that a person has become or may become a victim trafficking in Latvia or abroad.

2) The State Border Guard uses in its daily work training handbook to combat human trafficking elaborated by FRONTEX. This handbook contains information how to identify victims of trafficking during border control, methodology to identify human trafficking victims, potential trafficking victims, traffickers and supporters, provisions of interviewing and information acquiring techniques. Particular attention is paid to identify trafficked minors and the handbook contains specific methods for work with under-age children.

3) In 2013 the Ministry of the Interior has disseminated among all stakeholders relevant in the field of prevention human trafficking “Guidelines on identification of victims” (the document provides for a list of indicative guidelines, refers to the existing handbooks and manuals and lists the projects on the identification of victims, in particular those targeting consular services and border guards and thus encourage their systematic use by the respective officials) and “The EU rights of victims of trafficking” to better assist practitioners and authorities to deliver the assistance and protection to victims. These documents were elaborated by the European Commission in cooperation with national anti-trafficking experts of the EU Member States.

4) The consular officials of the Embassies of Latvia abroad in their daily work use “The Handbook for Diplomatic and Consular Personnel on how to Assist and Protect Victims of Human Trafficking” elaborated by the Council of the Baltic Sea States Task Force against Trafficking in Human Beings. This handbook provides main tools how to identify victims of trafficking, how to provide support and assistance.

5) Guidelines for the Identification of Human Trafficking for the Purpose of Labour Exploitation are in place. Guidelines are intended for the law enforcement institutions – the State Police, the State Labour Inspectorate, the State Border Guard, the Municipal Police and non-governmental organisations, which have been granted the right to provide services for victims of human trafficking, to be able to determine, to full extent, the cases of human trafficking for the purpose of labour exploitation and the victims, as well as to perform accordingly the necessary measures for holding the persons at fault liable as provided for by regulatory enactments.

Cabinet Regulation No 889 on “Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking” provides indicators used by the Commission of the specialists to recognise a person a victim of the trafficking in human beings:

- A person was recruited, transported, conveyed or received, kidnapped or sold or, upon arrival in the country of destination, was forced to do other work instead of the work intended or promised beforehand;

- A person was in debt to his or her employer and a part of the income of such person was collected or the person was not able to quit the occupation or to change work of his or her free will, or such person was deprived of the identification documents, or was forced to provide sexual services as a part of work duties, or was employed against his or her own will, or the person had to work longer hours per week than had been specified, or was supervised in the workplace in order to make the escape impossible, or was dependent on the employer thereof due to the family, kinship, work, rental relationship, indebtedness;

- A person felt indirect threats seeing that violence was being used against others, or the person was denied the satisfaction of the basic needs of a human being, or signs of physical violence are visible, the person had previously suffered from violence or was intimidated and he or she was threatened with revenge, if he or she would contact the police or turn for help to any other institution, or with revenge, if he or she tried to escape or return to the origin country, or threats were expressed to revenge upon the family and relatives of the person, if the person escapes, or threats of deportation or notification of the relevant institutions were expressed, if the person tries to escape; or

A person was held imprisoned and hidden from the surrounding environment and communication with other people or was constantly controlled, or was allowed to stay outside the workplace only in the company of the employer’s representative.

Cabinet Regulation No 889 on “Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking” provides 46 criteria for the recognition of a person as a victim of the trafficking in human beings:

In order to specify the compliance of a person with the criteria of a victim of the traffic in human beings, the commission of specialists shall ascertain the action of the person and assess the activity of the person in the following areas:

**1. Migration.** The commission shall clarify whether the person (for the person):

- 1.1. went abroad (or to another region) for a definite purpose or work;
- 1.2. was recruited;
- 1.3. was transported;
- 1.4. was conveyed or received;
- 1.5. was kidnapped or sold;
- 1.6. upon arrival in the country of destination, was forced to do other work instead of the work intended or promised beforehand;
- 1.7. has the identification documents;
- 1.8. has false documents;
- 1.9. does not have documents (or they are at the disposal of another person);
- 1.10. knows the address where he or she resided and worked;
- 1.11. knows the name of his or her employer;
- 1.12. had a legal status of immigration;
- 1.13. had a work permit; and
- 1.14. other persons organised the preparation of the trip and drawing up of the documents and who were these persons.

**2. Employment.** The commission shall clarify whether the person (for the person):

- 2.1. was in debt to his or her employer and a part of the income of such person was collected (for example, for the dwelling, food, transport);
- 2.2. had an employment contract and what was provided for therein;
- 2.3. could quit the occupation or change work of his or her free will;
- 2.4. was deprived of the identification documents;
- 2.5. was forced to provide sexual services as a part of work duties;

- 2.6. was employed against his or her own will;
- 2.6. could freely handle his or her income;
- 2.7. had to work longer hours per week than had been specified and what were the working conditions (including the remuneration and working hours);
- 2.8. was supervised in the workplace (guards, closed circuit television, dogs, closed doors) in order to make the escape impossible; and
- 2.9. was dependent on the employer thereof due to the family, kinship, work, rental relationship, indebtedness.

**3. Safety.** The commission shall clarify whether the person (for the person):

- 3.1. was intimidated and threatened:
  - 3.1.1. with revenge if he or she contacts the police or turns for help to any other institution;
  - 3.1.2. with revenge if he or she tries to escape or return to the origin country;
  - 3.1.3. that revenge upon the family and relatives of the person will take place, if the person escapes; and
  - 3.1.4. with deportation or notification of the relevant institutions if the person tries to escape;
- 3.2. felt indirect threats seeing that violence was being used against others;
- 3.3. has visible signs of physical violence or the person had previously suffered from violence;
- 3.4. was denied the satisfaction of the basic needs of a human being, that is, the person was held without water, food, sleep, medical care or possibilities to satisfy other basic needs.

**4. Social ties.** The commission shall clarify whether the person:

- 4.1. was the master of his or her free time;
- 4.2. was held imprisoned and hidden from the surrounding environment, as well as the person was denied the possibilities of communicating with other people;
- 4.3. was constantly controlled;
- 4.4. could freely communicate with his or her relatives and friends (for example, call, write);
- 4.5. could invite friends;
- 4.6. permanently lived at the workplace; and
- 4.7. was allowed to stay outside the workplace only in the company of the employer's representative.

**5. Objective characteristics.** The commission shall clarify whether the person (for the person):

- 5.1. knows foreign languages;
- 5.2. has his or her own finances;
- 5.3. has convincing consequences of physical load or physical abuse seen on the body; and
- 5.4. reluctantly answers questions and/or uses previously prepared, taught answers.

**6. Person's self-appraisal.** The commission shall clarify whether the person regards that:

- 6.1. violence was used against him or her;
- 6.2. he or she has become a victim of the traffic in human beings;
- 6.3. he or she needs help and, where needs, - what kind of help;
- 6.4. he or she is ready to co-operate in the implementation of the rehabilitation plan.

Considering trends of trafficking in human beings and current situation of trafficking in human beings the State Police, the Ministry of Welfare, society "Shelter "Safe House"" and society "Resource Centre for Women "Marta"" have agreed that these criteria should be revised and updated. This issue was also included in the Agenda of inter-institutional working group and discussed. The Ministry of Welfare has collected proposals for improvements of the criteria from all relevant stakeholders and it is planned that the amendments to Cabinet Regulation No 889 on "Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking" could be submitted to the Government for approval.

**29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.**

A case of "reasonable grounds" exists quite often. Mainly these are situations when a person or his/her relative approaches mandated NGO informing about a fact of exploitation. In such case in order to assess the compliance of a person with the criteria of a victim of the trafficking in human beings, a provider of services establishes a commission of the specialists. The commission shall

include a social worker, a psychologist, a lawyer, an official of the State Police, as well as, where necessary, other specialists.

After the assessment of a person the commission shall draw up a report. It shall be justifiably indicated in the report, taking into account the conditions, whether the person complies with the criteria of a victim of the trafficking in human beings. Social Integration State Agency supervised by the Ministry of Welfare considering a report developed by the Commission takes a decision regarding the provision of services or the refusal to provide services. So far not a single person was refused to receive state funded social rehabilitation services.

*Example: in 2014 a mother of a 20 years old man approached mandated NGO – society “Shelter “Safe House”” informing that her son might be exploited in drug trafficking as a drug mule, he was lured to Brazil when he was 18 where he was informed that he should pay back money for flight tickets and stay in Brazil. As he had no money he was forced to carry drugs as a drug mule from Brazil to Europe. He was detained in Greece and convicted by Greek law enforcement agencies. He spent in prison for two years. When he returned to Latvia his mother approached mandated NGO. This information was considered as “reasonable grounds” to start assessment procedure to identify a person as a victim of trafficking in human beings and provide social rehabilitation services.*

### **30. What measures are taken in your country to encourage self-identification of victims of THB?**

*Awareness raising campaigns, informative activities during which society is informed about trafficking in human being (for example during activities where info-trailer is used) and provided information through mass media – about availability of state funded social rehabilitation services and explaining the phenomenon of trafficking in human beings and exploitation – these are the most important measures to encourage self-identification of victims of trafficking in human beings.*

*As it is recognized by the society “Shelter “Safe House”” usually the biggest number of phone calls are received and more people approached society to receive information and consultations after awareness raising campaigns and informative activities. It means that it was successful informative measure and public was targeted.*

### **31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?**

*Since the majority of asylum seekers submit the application for international protection on the state border, the detection of victims of trafficking in human beings 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. In addition, the manual developed by FRONTEX working group is used, as well as the criteria for recognition of a person as a victim of trafficking in human beings included in the Cabinet Regulations No 889 are considered. With regard to the minors it is specifically stated in the Asylum Law that an interview with a minor shall be conducted by an official who has the necessary knowledge regarding the special needs of minors as well as during the international protection procedure the personal and property relations of the unaccompanied minor shall be represented by the Orphan’s Court or a guardian appointed thereby or the head of the child care institution. In the cases of forced return procedure, like in the international protection procedure, personal and property relations of the unaccompanied minor shall be represented by the Orphan’s Court or a guardian appointed thereby or the head of the child care institution. In addition, according to the provisions of the Immigration Law the State Border Guard shall act so as to provide for the child’s rights and interests over the entire forced return procedure. An unaccompanied minor within the age of 14 to 18 who is detained during the forced return procedure is located in the structural unit of the State Police instead of the*

foreigner detention centre. The principal indicators of whether the person should be recognised as a victim of trafficking in human beings follow from the explanation of the concept of trafficking in human beings in the Criminal Law (Section 154<sup>2</sup>). When identifying an asylum seeker the criteria set forth in the Cabinet Regulation No. 889 of 31 October 2006 are considered, namely, the person's activities in the areas of migration, employment, security, social ties, objective features and the person's self-assessment.

The asylum seeker whose asylum application has been reviewed or whose application has been rejected and he or she is subjected to forced return himself or herself or through intermediation of a lawful representative may indicate that he/she might be a victim of trafficking in human beings. Such information could be provided also by the employees of the detention or asylum seekers' reception centres, including the staff that performs medical examinations or provides medical care, as well as representatives of non-governmental organisations and other detained persons or asylum seekers may deliver the information regarding that the person subject to forced return is likely to be a victim of trafficking in human beings. It should be taken into account that the employees of the asylum seeker reception centre do not perform identification of victims of trafficking in human beings. In case of suspicion the employees of the centre should contact the State Police, the State Border Guard and social service provider for taking of further measures with an aim to identify the alleged victim of trafficking in human beings. At the foreigner detention centre though, which is under supervision of the State Border Guard the employees of the centre may themselves identify a victim of trafficking in human beings, although in such case too it is necessary to contact the State Police to legally identify the person as a victim. The asylum seeker may be undergoing both procedures – international protection and trafficking in human beings – at the same time until the decision is passed within one or the other procedure regarding the granting of the protection status or issue of a temporary residence permit as for a victim of trafficking in human beings respectively. If the asylum seeker prefers to stay in the Republic of Latvia on the basis of the temporary residence permit issued to him or her as a victim of trafficking in human beings the protection procedure shall be suspended. The formal identification of person as a victim of human trafficking is done by the State Police. Regulatory enactments do not contain any provisions that would prohibit a victim of trafficking in human beings receive the assistance pertaining to him or her while at the same time being under the international protection procedure. There have not been any such cases in practice. In case the asylum seeker has not been recognised as a victim of trafficking in human beings he/she still has the right to remain in the international protection procedure. In relation to those asylum seekers whose application has been rejected, he/she still is subject to the forced return procedure. The person who is being in any of mentioned procedures may provide additional information on the basis of which the relevant authorities may repeatedly assess his or her correspondence to the criteria of the victim of trafficking in human beings. It should be noted that this will not constitute the grounds for suspension of the forced return procedure. At the same time third-country national can address other institutions, but the State Police is the institution who legally identifies a person as a victim of human trafficking.

The legal basis, tasks, functions and competence of the State Border Guard, as well as responsibilities and rights of border guards are determined by the Border Guard Law. The State Border Guard is a direct administration State institution, under the supervision of the Ministry of the Interior. The State Border Guard is armed, and the functions thereof are to ensure the inviolability of the State border and the prevention of illegal migration. The operations of the State Border Guard is organized in conformity with the law, humanism, human rights, transparency, a single command structure, and based upon the assistance of the inhabitants. The State Border Guard protects the rights and lawful interests of persons irrespective of their citizenship, social, financial or other status, race or nationality, gender or age, education or language, attitude towards religion, or political or other opinions. The Border Guard ensures that the rights of a person to move from one state to another state are observed. The Border Guard provides an opportunity for arrested persons to exercise their rights to a legal defense. On issues of guarding and control of the State border, as well as on issues, which are associated with the control of the observance of the entry, residence, exit and transit of aliens and stateless persons regulations, and other issues within the competence thereof, the State Border Guard cooperates with other State and local government

authorities, merchants and international organizations, unions or communities. State and local government authorities, as well as merchants and their officials provide assistance to the State Border Guard in the performance of its duties. The Border Guard, in the interests of the service, both directly and by means of the mass media, informs the State and local government authorities, as well as the general public regarding the results of its operations, while observing the requirements of the Law on Official Secrets. A border guard is an official of a Ministry of the Interior system institution, who ensures the fulfillment of the tasks of the Border Guard and to whom is granted a special service rank.

Tasks of the State Border Guard are:

- in accordance with the State Border Law of the Republic of Latvia, to guard the State borders, border signs and other border structures, and to prevent any attempts to change illegally the location of the State border in a geographical area;
- in co-operation with the National Armed Forces, to prevent and repel armed attacks on the territory of Latvia, territorial and inland waters, as well as air space, to prevent armed provocations on the State borders and in cases of criminal threats, to provide assistance to inhabitants in border areas;
- to carry out surveillance of the land territories, waters and airspace adjacent to the border;
- to not allow persons and means of transport to cross the State border, or freight and other property to be moved across the State border outside the locations provided for this purpose or in any other illegal way, to detect and arrest violators of State borders, as well as detect violators of border area, border area zone, border control point and border crossing point regimens;
- to organize the work at border crossing points and, together with the customs and Food and Veterinary Service institutions, the work at border control points, to co-ordinate the activity of the control services working at the border control points;
- jointly with customs institutions, to provide for workplaces at border control points for other authorities and private persons who conduct border crossing control on other matters pursuant to law or provide services to persons crossing the State border;
- to carry out border control and allow persons, means of transport, freight and other property to cross the border if the documents granting the right to cross the State border have been correctly drawn up, and the border guard, customs and other State service control operations have been completed;
- independently or jointly with customs institutions, to prevent the importation into or transit through the territory of Latvia of prohibited items for illegal movement across the State border. To not allow the movement of goods or other items across the State border, evading customs control;
- to maintain the State border, border zone and the border crossing points;
- independently or jointly with international seaport, airport, sea passenger and railroad station administrations, in co-operation with customs institutions, police, the National Armed Forces units and the relevant local governments, to ensure and control the observance of the regimen of the State border, border areas, border zones, border control points and border crossing points;
- to provide to specially authorized State institutions the necessary assistance for preservation of natural resources and for controlling the observance of regulations on economic activity, and for the protection of the environment against pollution, the extinguishing of fires and the elimination of the consequences of natural catastrophes in the border area;
- to ensure that obligations binding on Latvia on issues regarding the State border regimen provided for in international agreements are implemented, and within the scope of its competence, to regulate the incidents associated with violation of the State border regimen;
- to ensure prevention of violations of laws and other regulatory enactments related to border crossing;
- within the scope of their competence, to examine administrative violation matters and to impose administrative sanctions;

- to control how are observed the entry, residence, exit and transit of aliens and stateless persons regulations in the territory of the Republic of Latvia, as well as within the scope of their competence, to perform the activities provided for in the Law On Asylum;
- within the scope of the competence specified in the Criminal Procedure Law, to perform pre-trial investigations
- For the performance of tasks at sea, the State Border Guard uses the technical resources, floating means and aircrafts of the National Armed Forces according to the procedures specified by the Cabinet of Ministers.

#### Responsibilities of the Border Guards

The responsibility of any border guard, on receiving information regarding an occurrence that threatens the inviolability of the border or is associated with the illegal crossing of it, or on determining himself or herself of such an occurrence, is to carry out all possible measures in order to prevent the violation, to detect and arrest the persons who have committed the violation, as well as to notify the nearest unit of the State Border Guard regarding the occurrence.

Border guards fulfil their service duties in accordance with relevant laws, State Border Guard regulations, by-laws and other regulatory enactments, as well as the orders and directives of supervisors.

Border guards without objections execute the lawful orders and directives of their immediate supervisor and supervisors in higher-ranking positions. Knowingly carrying out unlawful orders or a directive shall not discharge a border guard from liability.

Within the scope of his or her competence, the supervisor shall act independently and take care that in the unit subordinated to him or her, laws and regulations are observed and orders are executed.

The State Border Guard as the main frontline law enforcement institution plays an important role to identify and refer potential victims of trafficking in human beings who are third country nationals. According to the Law on Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia the State Border Guard shall inform in writing a third-country national regarding the possibility of the granting of the reflection period and rights that he or she accordingly would obtain.

#### **Protection of private life (Article 11)**

**32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?**

*Cabinet Regulation of 3 June 2003 No 291 "Requirements for Social Service Providers" provides requirements for social service providers who provide social services for victims of trafficking in human beings where among other services social rehabilitation service provider provides that all victims of human trafficking receive the confidentiality of information and protection of their personal life and identity.*

*The employees of institutions involved in the asylum procedure do not have the right to disclose information regarding an asylum seeker, including regarding the fact of submitting an application. An employee shall be held disciplinarily, administratively or criminally liable for the disclosure of information. Information regarding an asylum seeker may be disclosed in cases when the relevant person has agreed thereto in writing or the information has been requested by a State institution within the competence thereof, as well as by a foreign institution, if it conforms to the international obligations of the Republic of Latvia.*

#### **Assistance to victims (Article 12)**

**33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:**

*The provision of the State funded social rehabilitation services is the obligation of the State. This task is administrated by the Social Integration State Agency (under supervision of the Ministry of Welfare). The task to provide state funded social rehabilitation services is delegated to a non-governmental organisation which is chosen through the public procurement procedure announced and organized by the Ministry of Welfare. The chosen NGO – mandated NGO – signs Agreement with the Ministry of Welfare on provision of social rehabilitation services for victims of trafficking in human beings for two years.*

*Cabinet Regulation of 3 June 2003 No 291 “Requirements for Social Service Providers” provides requirements for social service providers who provide social services for victims of trafficking in human beings. Social service provider ensures:*

- *a safe shelter and client accommodation, if necessary, co-operating with law enforcement institutions or other service providers;*
- *confidentiality of client and data protection;*
- *the development of a client rehabilitation plan, determining the necessary amount of social services and the length of receipt of social services;*
- *psycho-social assistance and individual specialist consultations (for example, social worker, psychologist, lawyer, medical practitioners) in conformity with client’s needs and the rehabilitation plan;*
- *support for the client during criminal proceedings and, if necessary, also afterwards;*
- *the involvement of the client in training and education programmes, which facilitate the reintegration of the client into society and labour market;*
- *the possibility of the client to acquire or to improve self-care and self-service skills;*
- *if necessary, five free of charge consultations for the client after the end of the social service course;*
- *appropriately installed premises for accommodation;*
- *translation services;*
- *five specialist consultations for family members of minor victim if they reside in Latvia;*
- *the getting of the client to the social service provider if the client (victim or potential victim and victim’s minor child) is abroad;*
- *evaluation of rehabilitation process;*
- *service provider cooperates with the state security institutions;*
- *service provider represents client at the court if a client authorizes a service provider to do that;*
- *service provider cooperates with social services of local municipalities and other institutions where a client resides and provides exchange of information with these institutions.*

**a. funding;**

*The State funding for providing social rehabilitation services for victims of human trafficking is substantially increased during the last years (2009 – 39`061 euros, 2010 – 48`565 euros, 2011 – 41`250 euros, 2012 – 87`794 euros, 2013 – 93`384 euros, 2014 – 159`378 euros, 2015 – 162`562 euros).*

**b. victim’s safety and protection;**

*If a victim is involved in a criminal proceeding the special procedural protection can be provided which ensures the protection of the life, health and other legal interests of such persons who are testifying in criminal proceedings or who participate in the uncovering, investigation or adjudication of a serious or especially serious crime. The Prosecutor General takes a decision to determine special procedural protection considering the proposal submitted by a person directing the criminal proceeding. If a person has submitted to a court a submission regarding the necessity to determine special procedural protection for him or her, the court takes a decision to determine such protection. The court may also take such decision on basis of the initiative thereof, if the necessity has come about, during the process of the trial, to put a person under special procedural protection, and the person has agreed to such protection.*



Cabinet Regulation of 3 June 2003 No 291 “Requirements for Social Service Providers” provides requirements for social service providers who provide social services for victims of trafficking in human beings where among other services safe shelter un accommodation of the client should be provided if necessary in cooperation and support of law enforcement agencies and other providers of social services or using accommodation opportunities provided by another legal acts.

**c. standards of assistance and their implementation in practice;**

The applicable requirements provided by Cabinet Regulation No 889 on “Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking” are based on international standards and practice.

**d. access to medical treatment, psychological assistance, counselling and information;**

According to the Medical Treatment Law everybody has the right to receive emergency medical care in accordance with procedures stipulated by the Cabinet.

According to the Cabinet Regulation No. 1529 of 17 December 2013 “Procedures for the Organisation and Financing of Health Care”, the State budget resources provided for the health care shall be used:

- for the payment of emergency medical assistance; primary health care; secondary health care and tertiary health care;
- for the payment of reimbursable medicinal products and medical devices;
- for the payment of centralised procurement;
- for the payment of ensuring the work of family doctors’ consultative phone.

In Latvia, with accordance to the Medical Treatment Law, the amount of medical treatment services paid from the State basic budget and from the funds of the recipient of services in accordance with the procedures stipulated by the Cabinet shall be provided to:

- 1) Latvian citizens;
- 2) Latvian non-citizens;
- 3) citizens of Member States of the European Union, of European Economic Area states and Swiss Confederation who reside in Latvia in relation to employment or as self-employed persons, as well as the family members thereof;
- 4) third-country nationals who have a permanent residence permit in Latvia;
- 5) refugees and persons who have been granted alternative status;
- 6) persons detained, arrested and sentenced with deprivation of liberty.

Cabinet Regulation of 3 June 2003 No 291 “Requirements for Social Service Providers” provides requirements for social service providers who provide social services for victims of trafficking in human beings where among other services psycho-social assistance is provided during programme of social rehabilitation and within support during the criminal proceeding. Psycho-social assistance includes individual consultations provided by psychologist, social; worker, lawyer and other specialists provided according to client’s needs and individual rehabilitation plan.

Cabinet Regulation of 3 June 2003 No 291 “Requirements for Social Service Providers” provides requirements for social service providers who provide social services for victims of trafficking in human beings where among other services individual consultations of lawyer and assistance in legal document proceeding during programme of social rehabilitation and during criminal proceeding is provided.

**e. translation and interpretation, where appropriate?**

Cabinet Regulation of 3 June 2003 No 291 “Requirements for Social Service Providers” provides requirements for social service providers who provide social services for victims of trafficking in

*human beings where among other services written and oral services of interpreter are provided when following social rehabilitation services are provided: during programme of social rehabilitation services – psycho-social assistance, including individual consultations of social worker, psychologist, lawyer, medical practitioner and other specialists provided according to the individual plan of rehabilitation; support during criminal proceeding – psycho-social assistance (individual consultations provided by lawyer, social worker, psychologist), assistance in legal document proceeding during programme of social rehabilitation and after it, as well as providing representation of a person at court; after programme of social rehabilitation – five consultations; five consultations of specialists for family members of minor victim if they reside in Latvia.*

**34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?**

*It is important to mention that the performer of procedures requests that the Office of Citizenship and Migration Affairs would issue a temporary residence permit to the victim of trafficking in human beings, as well as to the minor in accompaniment thereof, by submitting to the Office of Citizenship and Migration Affairs a proposal. The performer of procedures, when requesting the Office of Citizenship and Migration Affairs to issue the temporary residence permit for a period of time that is not less than six months, shall take into account the time period in which the pre-trial criminal proceedings or the adjudication might be completed, as well as the nature and intensity of the threat to the victim of trafficking in human beings (if any). The performer of procedures may request that the Office of Citizenship and Migration Affairs prolongs the temporary residence permit, if the conditions referred to (further residence of the victim of trafficking in human beings in the Republic of Latvia is efficient (it promotes the investigatory process or court proceedings)) continue to exist.*

*The social rehabilitation service provider, in accordance with the regulatory enactments regarding the provision of social rehabilitation services, shall ensure a safe asylum and accommodation, first aid, the consultations of a psychologist, a lawyer, a medical practitioner and of other specialists, a possibility to receive emergency medical treatment, as well as a possibility to get involved in training and educational programmes, to the victim of trafficking in human beings, as well as to the minor in accompaniment thereof within the period of time:*

- *the period of time when the submission regarding granting of the reflection period is examined, during the reflection period and until the moment when the Office of Citizenship and Migration Affairs takes the decision regarding the issue of a temporary residence permit and*
- *the period of time when the Office of Citizenship and Migration Affairs, on the basis of the request of the performer of procedures, has issued the temporary residence permit to the victim of trafficking in human beings.*

*The State funded social rehabilitation services for victims of trafficking in human beings are not mandatory. A person applies for social rehabilitation services voluntarily and it means that a written submission of the person or the legal representative thereof to the provider of services is needed.*

*The Immigration Law provides that in cases not provided for in the Immigration Law a temporary residence permit shall be issued for a time period of up to five years:*

- 1) *by the Minister for the Interior, if it complies with the State interests of Latvia; or*
- 2) *by the Head of the Office, if it complies with the norms of international law, or is related to reasons of a humanitarian nature.*

*In such case a third country national will be eligible to approach mandated NGO and to apply for social rehabilitation services after receiving formal status of a victim of trafficking in human beings.*

**35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?**

*The State funded social rehabilitation services are elaborated as comprehensive as possible to meet needs and interests of all victims of trafficking in human beings (girls, boys, females, and males). The service provider develops individual rehabilitation plan which complies with needs and interests of an each victim considering her/his age, gender, consequences of exploitation, family situation, living conditions etc.*

*Mandated NGO which provided state funded social rehabilitation services for the years 2013 – 2014 does not have its own safe shelter. It has signed four cooperation agreements with organizations which can provide safe place/shelter for victims of trafficking in human beings. Male victims can be accommodated in shelters for males; children can be accommodated in premises of a specialized service provider.*

*In 2014 one victim of human trafficking was accommodated in a crises centre, one victim was accommodated in an anonymous flat.*

*At this moment none of six adult persons that were recognized as victims of human trafficking during the period from 1 of January 2015 till 31 of October 2015 had used shelter. A minor victim of trafficking in human beings is accommodated in a crisis centre specialized for children.*

**36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?**

*Human rights are considered in the Republic of Latvia.*

*According to the Criminal Procedure Law a person may be recognised as a victim only with the written consent of such person or the representative thereof. A person who does not want to be a victim shall obtain the status of a witness.*

*The State funded social rehabilitation services for victims of trafficking in human beings are not mandatory. A person applies for social rehabilitation services voluntarily and it means that a written submission of the person or the legal representative thereof to the provider of services is needed.*

*Information regarding state funded assistance and support for victims of trafficking in human beings is widely available in printed version (booklets, flyers are distributed at social services, Embassies of Latvia abroad, offices of NGOs) and on the Internet (NGO "Shelter "Safe House"" [www.patverums-dm.lv](http://www.patverums-dm.lv); NGO "Resource Centre for Women "Marta" [www.marta.lv](http://www.marta.lv)), web page [www.cilvektirdznieciba.lv](http://www.cilvektirdznieciba.lv) ([www.trafficking.lv](http://www.trafficking.lv)) administrated by the Ministry of the Interior, web page of the Ministry of Welfare <http://www.lm.gov.lv/text/1976>.*

*When commission (that consist from a social worker, a psychologist, a lawyer, an official of the State Police, as well as, where necessary, other specialists) recognizes/identifies the person as victim of trafficking in human beings the individual social rehabilitation plan is developed. As result person is informed about all activities that he/she will be provided. Legal measures such as Cabinet Regulation No 889 on "Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking" are taken to ensure that services are provided to victims on a consensual and informed basis.*

**37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?**

*The victim of trafficking in human beings who was formally identified and received state funded social rehabilitation services is eligible to apply for state funded social rehabilitation services repeatedly after a year since the moment when previous rehabilitation course is completed. In the year 2014 three victims of trafficking in human beings used this opportunity. Reiterative course of rehabilitation can be provided if additional conditions appear which serve as reasonable ground for the Commission to perform an assessment, for example, during the criminal proceeding a trafficker is released from imprisonment and a victim has psychological trauma due to that obstacle, or exploitation has created unprocessed trauma which does not allow a victim to continue social functioning.*

*In order to ensure support for those victims of human trafficking who were involved in the programme for state social rehabilitation of human trafficking victims implemented by the society "Shelter "Safe House"" from 2007 to 30 June 2015, starting from July of this year the support group takes place twice per month. "Based on the desire of participants of the support group to meet more frequently in order to solve various problem situations more operatively we have taken this suggestion into consideration and found an opportunity to organize such meetings once in two weeks," indicates Anita Ūdre, the manager of the support group for victims of human trafficking. She also indicates that participation in such classes promotes improvement of social and functional skills of victims of human trafficking, increasing their future employment opportunities and integration in the society. Until now – since September of the last year – the meeting of the support group was organized once per month participated by 4–6 people including persons with disability because a part of victims of human trafficking have mild or moderate mental retardation. The classes are led by two practitioners of the society – a social worker and psychologist. The goal of the support group is to give new knowledge and understanding to its participants on how to avoid human trafficking, develop critical thinking and reasoning, during assessment of job offers in Latvia and abroad, and to be aware of the potential risk.*

*There is no information on illegal removal of a person's organs and illegal transplantation within the territory of Latvia. However it should be mentioned that 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 with the last amendments done in 2012) prescribes that a living organ donor has the right to receive the State guaranteed medicinal aid free of charge until the end of his or her life.*

#### **Recovery and reflection period (Article 13)**

**38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.**

*Latvia has transposed the Council Directive 2004/81/EC (on the residence permit issued to third country nationals who are victims of trafficking of human beings or who have been the subject of an action to facilitate illegal immigration).*

*The Law on Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia Section 3 provides that if a foreigner, who is not a citizen of the European Union, provides information that possibly might aid in the disclosure and elimination in cases of trafficking in human beings, but this information is not sufficient in order to decide the matter regarding commencement of criminal proceedings or in order to decide the matter, within the framework of the commenced criminal proceedings, regarding recognition of such third-country national as a victim of a criminal offence that is related to trafficking in human beings, the State Border Guard, the investigative institution, the person directing the criminal proceedings or the social rehabilitation service provider shall inform in writing such third-country national regarding the possibility of the granting of the reflection period and rights that he or she would obtain accordingly.*

*The Law on Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia Section 4 Paragraph 1 provides that a foreigner, who is not a citizen of the European Union within a time period of three days after he or she has been granted the status of the victim of trafficking in human beings, in accordance with the regulatory enactments regarding recognition of a person as a victim of trafficking in human beings, may submit to the investigative institution or performer of procedures an application for the granting of the reflection period. The idea of the mentioned three-day time period is to facilitate the procedure, but it doesn't mean that person cannot to submit an application later. And, of course, later submission of the application cannot be the reason of refusal.*

*A reflection period of 30 days may be granted to allow the third countries nationals to consider cooperating in investigations and criminal proceedings. A temporary residence permit which is not less than six months can be granted to victims who decide to cooperate in criminal proceedings.*

*A victim of trafficking in human beings, as well as a minor in the accompaniment thereof, have the right to receive State funded social rehabilitation services (The social rehabilitation service provider, in accordance with the regulatory enactments regarding the provision of social rehabilitation services shall ensure a safe asylum and accommodation, first aid, the consultations of a psychologist, a lawyer, a medical practitioner and of other specialists, a possibility to receive emergency medical treatment, as well as a possibility to get involved in training and educational programmes, to the victim of trafficking in human beings, as well as to the minor in accompaniment thereof.) during the period of time when the submission regarding granting of the reflection period is examined, during the reflection period and until the moment when the Office of Citizenship and Migration Affairs takes the decision regarding the issue of a temporary residence permit.*

*The reflection period alone does not create the right to the victim of trafficking in human beings to receive the temporary residence permit.*

*Section 3(2) of the Law on the Protection of the Rights of the Child states that the State shall ensure the rights and freedoms of all children without any discrimination — irrespective of race, nationality, gender, language, political party alliance, political or religious convictions, national, ethnic or social origin, place of residence in the State, property or health status, birth or other circumstances of the child, or of his or her parents, guardians, or family members. In accordance with Section 6(2) of the Law on the Protection of the Rights of the Child in all activities in regard to a child, irrespective of whether they are carried out by State or local government institutions, public organisations or other natural persons and legal persons, as well as the courts and other law enforcement institutions, the ensuring of the rights and interests of the child shall take priority. Therefore, if it is considered that it is in the best interest of the child it is possible to extend the reflection period individually assessing specific case.*

*As Latvia is a country of origin of victims in trafficking of human beings the Latvian authorities have not registered any trafficking case of the third-country national in Latvia, therefore the Latvian authorities have no experience in dealing such cases.*

*Border guards, police officers and the social rehabilitation service provider are well informed about issues related to recovery and reflection period as it is their obligation to inform a third-country national in writing regarding the possibility of the granting of the reflection period and rights that he or she accordingly would obtain.*

#### **Residence permit (Article 14)**

**39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.**

*In cases not provided for in the Immigration Law a temporary residence permit shall be issued for a time period of up to five years by the head of the Office of Citizenship and Migration Affairs, if it complies with the norms of international law, or is related to reasons of a humanitarian nature. If a victim of trafficking in human beings is not involved in a criminal proceeding and does not cooperate with law enforcement institutions the head of the Office of Citizenship and Migration Affairs has rights to decide to issue a temporary residence permit to victim of trafficking in human beings for a time period of up to five years if it complies with the norms of international law, or is related to reasons of a humanitarian nature.*

*It is not possible to provide any example as there was no case of trafficking in human beings of third country national exploited in Latvia so far.*

**40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is “co-operation” interpreted and what does it consist of in practice?**

*“Co-operation” means to provide information, which would promote the disclosure or elimination of the cases of trafficking in human beings.*

*It is not possible to provide any example how it would work in practice as there was no case of trafficking in human beings of third country national exploited in Latvia so far.*

**41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?**

*In cases not provided for in the Immigration Law a temporary residence permit shall be issued for a time period of up to five years by the head of the Office of Citizenship and Migration Affairs, if it complies with the norms of international law, or is related to reasons of a humanitarian nature. If a victim of trafficking in human beings is not involved in a criminal proceeding and does not cooperate with law enforcement institutions the head of the Office of Citizenship and Migration Affairs has rights to decide to issue a temporary residence permit to victim of trafficking in human beings for a time period of up to five years if it complies with the norms of international law, or is related to reasons of a humanitarian nature.*

**42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:**

**a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;**

*The Legal Aid Administration, which is the competent authority in disbursement of State compensation, is regularly organising seminars and training for the persons directing the proceedings and social workers, as well as widely informs the society regarding the possibility to request and receive State compensation (in newspapers, on the Internet [www.jpa.gov.lv](http://www.jpa.gov.lv), [www.tiesas.lv](http://www.tiesas.lv), as well as a free-of-charge telephone information line 80001801 has been established, a free-of-charge request form is available; 25 000 booklets have been distributed in a year in all regions, to the persons directing the proceedings, NGOs, also social service offices of local governments, etc.).*

**b. access to free legal assistance and legal aid during investigations and court proceedings;**

*Cabinet Regulation of 3 June 2003 No 291 “Requirements for Social Service Providers” provides requirements for social service providers who provide social services for victims of trafficking in human beings where among other services support during criminal proceeding is provided – psycho-social assistance (individual consultations provided by lawyer, social worker, psychologist), assistance in legal document proceeding during programme of social rehabilitation and after it, as well as providing representation of a person at court.*

**c. compensation from the perpetrator;**

*The Criminal Procedure Law Section 22. Rights to Compensation for Inflicted Harm provides that a person upon whom harm has been inflicted by a criminal offence shall, taking into account the moral injury, physical suffering, and financial loss thereof, be guaranteed procedural opportunities for the requesting and receipt of moral and financial compensation.*

*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.*

*Compensation is payment specified in monetary terms that a person who has caused harm with a criminal offence pays to a victim as atonement for moral injury, physical suffering, or financial loss. Compensation is an element of the regulation of criminal-legal relations that an accused pays voluntarily or on the basis of a court adjudication. If a victim believes that the entire harm caused to him or her has not been compensated with a compensation, he or she has the right to request the compensation thereof in accordance with the procedures laid down in the Civil Procedure Law. In determining the amount of consideration, the compensation received in criminal proceedings shall be taken into account.*

*A victim has the right to submit an application regarding compensation for a caused harm in any stage of criminal proceedings up to the commencement of a court investigation in a court of first instance. The application shall justify the amount of the requested compensation for financial losses, but the amount of compensation for moral injury and physical suffering – shall just be indicated. An application may be submitted in writing or expressed orally. An oral application shall be recorded in the minutes by a person directing the proceedings. During pre-trial proceedings, a public prosecutor shall indicate a submitted application and the amount of requested compensation, as well as his or her opinion thereon in the document regarding the completion of pre-trial proceedings. The failure to ascertain a person being held criminally liable shall not be an impediment to the submission of a compensation application. An application for compensation shall be examined regardless of the presence of a victim. A victim has the right to recall a submitted compensation application at any stage of criminal proceedings up to the moment when the court retires to make a judgment. The refusal of compensation of a victim may not be grounds for the revocation or modification of prosecution, or a justifying judgment.*

*A court shall determine the amount of compensation by assessing the application of a victim, and by taking into account:*

- 1) the amount of financial losses caused;*
- 2) the seriousness of a criminal offence, and the nature of the committing thereof;*
- 3) the caused physical suffering, permanent mutilation, or loss of ability to work;*
- 4) the depth and publicity of a moral injury;*
- 5) mental trauma.*

*The causer of harm may voluntarily agree to the amount of compensation specified by the victim, or such causer and victim may determine such amount by mutual agreement. Such agreement shall be drawn up in writing, or such agreement shall be recorded, on the basis of a request of both parties, in the minutes of the procedural action.*

*A court may impose the duty to pay compensation upon the following:*

- an accused of legal age who has been found guilty of the committing of a criminal offence;*
- a legal person who has been applied a coercive measure has been applied.*

*In other cases compensation shall not be determined, but the compensation of harm shall take place in accordance with civil-legal procedures.*

#### **d. compensation from the state;**

*On 1 January 2013 amendments to the “Law on State Compensations to Victims” came into force supplementing Section 3 Paragraph 4 with a new legal provision – the right to the State compensation shall exist, if as a result of an intentional criminal offence the victim is a victim of trafficking in human beings. Since 1 January 2014 maximum amount of State compensation to be paid to one victim of a criminal offence has been raised – five minimum monthly wages laid down in the Republic of Latvia. The compensation shall be paid if the victim is a victim of trafficking in human beings – in the amount of 70%. According to this Law the victim has the right to the State compensation also if a perpetrator of a criminal offence or a joint participant thereof has not been identified or he or she in accordance with the Criminal Law shall not be held criminally liable.*

*It should be mentioned that the rights to the State compensation victims can realize voluntarily – a person who is the victim of trafficking in human beings shall submit a request for the State compensation to the Legal Aid Administration – a completed form of the request for the State compensation, the sample of which is approved by the Cabinet - in order to receive the State compensation.*

The victim may receive the form of the request for the State compensation, as well as information regarding completion of the form, free of charge in the Legal Aid Administration.

**e. compensation for unpaid wages to victims of trafficking.**

*There is no special compensation mechanism for unpaid wages to victims of trafficking in human beings.*

*There are legal provisions in place provided by the Labour Law:*

*An employer has a duty to pay work remuneration.*

*The monthly salary for adolescents employed shall not be less than the minimum monthly salary within the scope of normal working time as specified by the Cabinet. If an adolescent also works, in addition to pursuing secondary or occupational education, the adolescent shall be paid for the work done in conformity with the time worked. In such case, the hourly wage rate specified for the adolescent may not be less than the minimum hourly wage rate specified by the Cabinet for work within the scope of normal working time. Children shall be paid for work in conformity with the work done.*

*If an employer has employed a person who is not entitled to reside in the Republic of Latvia, he or she has the duty to pay this person all the unpaid work remuneration. If an employer who as a subordinate undertaking has been handed over the performance of contractual obligations fully or partly has employed a person who is not entitled to reside in the Republic of Latvia, then the employer and person to whom the employer has directly handed over the performance of contractual obligations fully or partly shall be jointly and severally liable for the payment of the unpaid work remuneration referred to in Paragraph one of this Section. If an employer who as a subordinate undertaking has been handed over the performance of contractual obligations fully or partly has employed a person who is not entitled to reside in the Republic of Latvia, then the person who is the initial performer of the contractual obligations shall be jointly and severally liable with the employer for the payment of the unpaid work remuneration referred to in Paragraph one of this Section, as well as any other involved subordinate undertaking if they were aware of such illegal employment. If a person to whom the employer as a subordinate undertaking has handed over the performance of contractual obligations fully or partly, as well as a person who is the initial performer of contractual obligations or any other involved subordinate undertaking has performed the necessary measures in order to prevent the employment of a person who is not entitled to reside in the Republic of Latvia, they shall not be jointly and severally responsible for the payment of the unpaid work remuneration.*

**Please provide examples of compensation awarded and effectively provided to victims of THB.**

**43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?**

*Property shall be recognised as criminally acquired, if such property directly or indirectly has come into the property or possession of a person as a result of a criminal offence.*

*If the opposite has not been proven, property, including financial resources, shall be recognised as criminally acquired if such property or resources belong to a person who:*

- is a member of an organised criminal group, or supports such group;*
- has him or herself engaged in the trafficking of human beings, or maintains permanent relations with a person who is engaged in the trafficking of human beings;*
- has him or herself engaged in criminal activities in order to cross the State boundary or to promote relocation of another person across the State boundary, or to ensure a possibility to other persons to reside illegally in the Republic of Latvia, or maintains constant relations with a person who is involved in such activities.*

*Property may be recognised as criminally acquired by a court adjudication that has entered into effect, or by a decision of a public prosecutor to terminate criminal proceedings.*

*During pre-trial criminal proceedings, property may also be recognised as criminally acquired by:*



1) a decision of a district (city) court, if a person directing the proceedings has sufficient evidence that does not cause any doubt regarding the criminal origins of the property or the relation of the property to a criminal offence;

2) a decision of a person directing the proceedings, if, during a pre-trial criminal proceedings, property was found with and seized from a suspect, accused, or third person in relation to which property the owner or lawful possessor thereof had previously submitted a loss of property, and, after finding thereof, has proven his or her rights to such property, eliminating any reasonable doubt.

Criminally acquired property shall be confiscated with a court decision, if the further storage of such property is not necessary for the achievement of the purpose of criminal proceedings and if such property does not need to be returned to the owner of lawful possessor, and acquired financial resources shall be included in the State budget.

If an accused does not have property that may be subjected to the confiscation, the following may be confiscated:

1) property that the accused person after committing of the criminal offence has alienated to a third person without corresponding consideration;

2) the property of the spouse of the accused person, if separate ownership of the property of the spouses was not specified at least one year before the commencement of the criminal offence;

3) the property of another person, if the accused has a common (undivided) household with such person.

Section 358 Paragraph four: The following shall be included in the State budget:

1) resources that have been acquired in realising confiscated property or property, in accordance with the procedures laid down in laws and regulations, the ownership of which has not been ascertained or the owner of which does not have lawful right to such property, or the owner or lawful possessor of which has refused such property;

2) resources that a person has acquired from the realisation of property, knowing the criminal origins of such property;

3) yield acquired as a result of the use of criminally acquired property;

4) confiscated financial resources;

5) financial benefits, or material benefits of another nature, that a State official has accepted as a bribe.

If a victim has requested compensation for harm, and the resources referred to in Section 358, Paragraph four of the Criminal Procedure Law have been acquired in concrete criminal proceedings, such resources shall be used first for the ensuring and payment of the requested compensation.

**44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.**

*The general legal provision requests that a criminal proceeding should be initiated.*

*A victim has the right to submit an application regarding compensation for a caused harm in any stage of criminal proceedings up to the commencement of a court investigation in a court of first instance. The application shall justify the amount of the requested compensation for financial losses, but the amount of compensation for moral injury and physical suffering – shall just be indicated. An application may be submitted in writing or expressed orally. An oral application shall be recorded in the minutes by a person directing the proceedings. During pre-trial proceedings, a public prosecutor shall indicate a submitted application and the amount of requested compensation, as well as his or her opinion thereon in the document regarding the completion of pre-trial proceedings. The failure to ascertain a person being held criminally liable shall not be an impediment to the submission of a compensation application. An application for compensation shall be examined regardless of the presence of a victim. A victim has the right to recall a submitted compensation application at any stage of criminal proceedings up to the moment when the court retires to make a judgment. The refusal of compensation of a victim may not be grounds for the revocation or modification of prosecution, or a justifying judgment.*

*The “Law on State Compensations to Victims” provides the right to the State compensation shall exist, if as a result of an intentional criminal offence the victim is a victim of trafficking in human beings. The victim shall submit a request for the State compensation to the Legal Aid Administration – a completed form of the request for the State compensation, the sample of which shall be approved by the Cabinet - in order to receive the State compensation.*

*The “Law on State Compensations to Victims” provides the legal regulation on co-operation when paying a compensation for the injury that has occurred as a result of a committed criminal offence in the territory of Latvia and co-operation when paying a compensation for the injury that has occurred as a result of a criminal offence in the territory of another European Union Member State. The Legal Aid Administration shall take the decision on the request of a long-term resident of another European Union Member State to pay a compensation regarding the injury that has occurred as a result of a criminal offence in the territory of Latvia. The request shall be submitted in Latvian or English. The documents that are to be submitted to the Legal Aid Administration need not be legalised and equal formality shall not be applied thereto. The Legal Aid Administration shall, within seven days from the day of the receipt of the request, provide to the victim, but if the request has been received from a competent authority of another European Union Member State – also to it the following information:*

- 1) the confirmation of the receipt of the request for the State compensation or a refusal to accept the request for the State compensation;*
- 2) a period of time for the taking of the decision;*
- 3) information regarding additional documents necessary for the examination of the request or other information if all documents have not been submitted; and*
- 4) the contact information of such official of the Legal Aid Administration, who is responsible for the taking of the decision in relation to the payment of the State compensation.*

*The decision to pay compensation or to refuse to pay the compensation shall be sent by the Legal Aid Administration to the victim who is a long-term resident of another European Union Member State, as well as to the competent authority of the relevant European Union Member State if the request has been received from it.*

*The victim who is a long-term resident of Latvia and to whom an injury has occurred as a result of a criminal offence in the territory of another European Union Member State has the right to directly or through the Legal Aid Administration submit the request for the State compensation to the competent authority of the relevant European Union Member State. The request for the State compensation shall be submitted in the language that the relevant European Union Member State has indicated as acceptable. The Legal Aid Administration shall submit to the victim information regarding the conditions, procedures and additional requirements for the payment of the State compensation determined by competent authorities of another European Union Member State. The Legal Aid Administration shall, within seven days, draw up the request for the State compensation in conformity with the request for the compensation determined by a particular European Union Member State and together with other necessary documents shall send them to the competent authority of the relevant European Union Member State. The Legal Aid Administration upon a request of such competent authority of the European Union Member State, which examines the request for the State compensation, shall ensure the hearing of the persons involved in the criminal proceedings.*

*There are no relevant examples to provide.*

#### **Repatriation and return of victims (Article 16)**

**45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?**

*Each case should be individually evaluated. As the result in cases not provided for in the Immigration Law a temporary residence permit shall be issued for a time period of up to five years by the head of the Office of Citizenship and Migration Affairs, if it complies with the norms of international law, or is related to reasons of a humanitarian nature. If a victim of trafficking in human beings is not involved in a criminal proceeding and does not cooperate with law enforcement institutions the head of the Office of Citizenship and Migration Affairs has rights to decide to issue a temporary residence permit to victim of trafficking in human beings for a time period of up to five years if it complies with the norms of international law, or is related to reasons of a humanitarian nature.*

*To provide relevant risk assessment mandated NGO have adapted a template of risk assessment provided by Cabinet Regulation of 3 June 2003 No 291 "Requirements for Social Service Providers". General assessment template provided by this document includes two forms assessment – child and parents. Child assessment template includes following risk factors which should be assessed: age; physical, mental and social development; behaviour; education; addictions; appropriate health care; provision of basic needs; self-protection; fear from parents; violence against the child; physical harm; emotional harm; sexual violence and exploitation etc. The same approach is used when the Latvian citizen who is a victim of trafficking in human beings is returned from foreign countries to Latvia.*

**46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?**

*Such cases are not known.*

#### **Corporate liability (Article 22)**

**47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.**

*The Criminal Law contains a special section on coercive measures applicable to legal persons. On 14 March 2013 the Law was amended, amendments entered into force on 1 April 2013. The following Sections of the Criminal Law were stated in new wording:*

#### *Section 70.<sup>1</sup> Basis for the Application of a Coercive Measure to a Legal Person*

*For the criminal offences provided for in the Special Part of this Law, a court or in the cases provided for by the Law – a public prosecutor may apply a coercive measure to a legal person governed by private law, including State or local government capital company, as well as partnership, if a natural person has committed the offence in the interests of the legal person, for the benefit of the person or as a result of insufficient supervision or control, acting individually or as a member of the collegial authority of the relevant legal person:*

- 1) on the basis of the right to represent the legal person or act on the behalf thereof;*
- 2) on the basis of the right to take a decision on behalf of the legal person;*
- 3) in implementing control within the scope of the legal person.*

#### *Section 70.<sup>2</sup> Types of Coercive Measures Applicable to a Legal Person*

*(1) For a legal person one of the following coercive measures may be specified:*

- 1) liquidation;*
- 2) restriction of rights;*
- 3) confiscation of property; or*
- 4) monetary levy.*

*(2) For a legal person one or several of the coercive measures provided for in Paragraph one of this Section may be applied. In applying liquidation, other coercive measures shall not be specified.*

(3) *The procedures for execution of coercive measures shall be determined in accordance with the law.*

(4) *For a criminal violation provided for in the Special Part of this Law and a less serious crime a public prosecutor, in drawing up an injunction regarding coercive measure, may determine monetary levy or restriction of rights as a coercive measure to a legal person.*

#### *Section 70.<sup>3</sup> Liquidation*

(1) *Liquidation is the compulsory termination of the activities of a legal person.*

(2) *A legal person shall be liquidated only in such cases, if the legal person has been especially established for the committing of a criminal offence or if a serious or especially serious crime has been committed.*

(3) *In liquidating a legal person, all of the existing property thereof shall be alienated without compensation to the ownership of the State.*

#### *Section 70.<sup>4</sup> Restriction of Rights*

(1) *Restriction of rights is the deprivation of specific rights or permits or the determination of such prohibition, which prevents a legal person from exercising certain rights, receive State support or assistance, participate in a State or local government procurement procedure, to perform a specific type of activity for a term of one year and up to ten years.*

(2) *A public prosecutor may, in an injunction regarding a coercive measure, apply not more than half of the maximum time for restriction of rights provided for in Paragraph one of this Section.*

#### *Section 70.<sup>5</sup> Confiscation of Property*

(1) *Confiscation of property is the compulsory alienation to State ownership without compensation of the property owned by a legal person.*

(2) *A court, in determining confiscation of property, shall specifically indicate which property is to be confiscated.*

(3) *excluded [14 March 2013]*

(4) *Property owned by a legal person, which has been transferred to another person, may also be confiscated.*

#### *Section 70.<sup>6</sup> Monetary Levy*

(1) *A monetary levy is a sum of money, which is imposed by a court or public prosecutor to be paid for the benefit of the State within 30 days. Monetary levy, in conformity with the seriousness of the criminal offence and the financial circumstances of a legal person, shall be determined in the amount of ten and up to hundred thousand minimum monthly wages specified in the Republic of Latvia at the time of the rendering of the adjudication, indicating in the adjudication the amount of the monetary levy in the monetary units of the Republic of Latvia. A public prosecutor may, in an injunction regarding a coercive measure, apply not more than half of the maximum amount of monetary levy provided for in this Section, complying to the amount of the minimum wage specified in the Republic of Latvia at the time of drawing up the referred to injunction and indicating therein the sum of such monetary levy in the monetary units of the Republic of Latvia.*

(2) *A monetary levy, which has been imposed upon a legal person, shall be paid from the funds of the legal person.*

(3) *A court or public prosecutor accordingly may divide the payment of the monetary levy into periods or postpone for a time period not exceeding one year from the day when an adjudication or injunction regarding coercive measure has entered into effect.*

(4) *If the monetary levy has not been paid, the coercive measure shall be implemented by compulsory procedures.*

#### *Section 70.<sup>8</sup> Conditions for the Application of Coercive Measures to a Legal Person*

(1) *In determining the type of coercive measure, the nature of the criminal offence and the harm caused shall be taken into account.*

(2) *In determining the extent of a coercive measure the following conditions shall be observed:*

1) *the actual action of a legal person;*

2) *the nature and consequences of the acts of a legal person;*

- 3) measures, which a legal person has performed in order to prevent the committing of a criminal offence;
- 4) the size, type of activities and financial circumstances of a legal person;
- 5) measures, which a legal person has performed in order to compensate for the losses caused or prevent the damage caused;
- 6) whether a legal person has reached a settlement with the victim.

*There are no examples of relevant cases and the sanctions imposed related to case of trafficking in human beings.*

#### **Aggravating circumstances (Article 24)**

**48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.**

*According to the Criminal Law the following may be considered to be aggravating circumstances:*

- 1) the criminal offence constitutes recidivism of criminal offences;
- 2) the criminal offence was committed while in a group of persons;
- 3) the criminal offence was committed, taking advantage in bad faith of an official position or the trust of another person;
- 4) the criminal offence has caused serious consequences;
- 5) the criminal offence was committed against a woman, knowing her to be pregnant;
- 6) the criminal offence was committed against a person who has not attained sixteen years of age or against a person taking advantage of his or her helpless condition or of infirmity due to old-age;
- 7) the criminal offence was committed against a person taking advantage of his or her official, financial or other dependence on the offender;
- 8) the criminal offence was committed with particular cruelty or with humiliation of the victim;
- 9) the criminal offence was committed taking advantage of the circumstances of a public disaster;
- 10) the criminal offence was committed employing weapons or explosives, or in some other generally dangerous way;
- 11) the criminal offence was committed out of a desire to acquire property;
- 12) the criminal offence was committed under the influence of alcohol, narcotic, psychotropic, toxic or other intoxicating substances;
- 13) the person committing the criminal offence, for purposes of having his or her punishment reduced, has knowingly provided false information regarding a criminal offence committed by another person;
- 14) the criminal offence was committed due to racist, national, ethnic or religious motives;
- 15) the criminal offence related to violence or threats of violence, or the criminal offence against morality and sexual inviolability was committed against a person to whom the perpetrator is related in the first or the second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household.

*Taking into account the character of the criminal offence, may decide not to consider any of the circumstances mentioned above as aggravating. In determining punishment, such circumstances may not be considered as aggravating which are not set out in the Criminal Law. A circumstance which is provided for in the Criminal Law as a constituent element of a criminal offence shall not be considered an aggravating circumstance.*

*There have been not any prosecutions and convictions for trafficking in human beings with the aggravating circumstance of involvement of public officials in the exercise of their functions.*

#### **Non-punishment provision (Article 26)**

**49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law**

**where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.**

*The Criminal Law Section 58 Paragraph 6 provides that a person may be released from criminal liability if he or she has committed a criminal offence during a period when he or she was subjected to human trafficking and was forced to commit it.*

*There is no case law on cases where the non-punishment principle has been applied.*

**Ex parte and ex officio applications** (Article 27 in conjunction with Article 1.1.b)

**50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.**

*According to the Criminal Law Section 2 Paragraph 1 the liability of a person who has committed a criminal offence in the territory of Latvia shall be determined in accordance with this Law. According to the Criminal Procedure law Section 723 the takeover of criminal proceedings is the continuation in Latvia of criminal proceedings commenced in a foreign state, on the basis of a request of the foreign state or with the consent thereof, if such continuation is required by procedural interests and the offence is punishable in accordance with the Criminal Law. The Criminal Procedure Law Section 725 provides, that the following are grounds for the takeover of criminal proceedings:*

- 1) a request submitted by a foreign state regarding the takeover of criminal proceedings, and the consent of Latvia to take over such criminal proceedings;*
- 2) a request submitted by Latvia regarding the transfer of criminal proceedings, and the consent of a foreign state to transfer such criminal proceedings*

**51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:**

**a. setting up specialised investigation units and the number of staff involved;**

*A specialized Unit for Fight against Trafficking in Human Beings and Pimping is established within the Main Criminal Police Department of the State Police. It consists of 20 officials – a chief of unit, investigators, intelligence (operative work) officers, senior analyst, and drivers.*

**b. exchange of information with, and obtaining evidence from, other parties;**

*Exchange of information is provided through Europol and Eurojust, as well as cooperating directly with relevant law enforcement agencies of countries of destination.*

**c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;**

*Operational activities are the overt and covert legal activities, of specially authorised – pursuant to the procedures prescribed in this Law, and by law – officials of State authorities, the objectives of which are the protection of the life and health, rights and freedoms, honour, dignity and property of persons and the safeguarding of the Constitution, the political system, national independence and territorial integrity, the capabilities of the State regarding defence, the economy, science and technology, and State official secrets, against external and internal threats.*

*The tasks of operational activities among others are:*

- 1) the protecting of persons against criminal threats;*
- 2) preventing, deterring and detecting of criminal offences, and the determining of persons committing criminal offences and the sources of evidence;*
- 3) searching for persons who, in accordance with procedures laid down in law, are suspected of, have been accused of or have been convicted of committing a criminal offence.*

*The legal basis of operational activities is the Constitution of the Republic of Latvia, the Criminal Procedure Law, Operational Activities Law, as well as other laws and international agreements which govern the tasks, rights and duties of the bodies that ensure State security, defence, economic sovereignty and public order. State authorities, which by law have been assigned the right to conduct operational activities, shall within their competence and in accordance with this Law issue internal laws and regulations with respect to the organisation, methods, tactics, means and recording of such activities. Such laws and regulations shall come into force only after the Prosecutor General has approved them.*

*The substance of operational activities is investigatory measures and the methods of their implementation. Investigatory measures are:*

- 1) investigatory inquiring;*
- 2) investigatory surveillance (tracing);*
- 3) investigatory inspection;*
- 4) investigatory acquisition of samples and investigatory research;*
- 5) investigatory examination of a person;*
- 6) investigatory entry;*
- 7) investigatory experiment;*
- 7<sup>1</sup>) controlled delivery;*
- 8) investigatory detective work;*
- 9) investigatory monitoring of correspondence;*
- 10) investigatory acquisition of information expressed or stored by a person through technical means;*
- 11) investigatory wiretapping of conversations;*
- 12) investigatory video surveillance of a place not accessible to the public.*

*In the course of operational activities measures, recordings may be made with video and audio, cinematography and photography equipment, and various information systems and technical, chemical and biological means may be utilised. Such means shall be utilised so as to not cause harm to the health of the population or the environment. The procedures for utilising such means shall be determined by the body performing operational activities.*

*Controlled deliveries are not performed by the Anti-Trafficking Unit not to harm security and safety of a victim or a witness of trafficking in human beings*

**d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;**

*The Anti-Trafficking Unit provides investigations of trafficking in human beings offences committed through the Internet, in general these are offences related to recruitment for the purposes of trafficking in human beings.*

*The hosts of web pages in Latvia considering the legal requirements provided by Pornography Restriction Law voluntarily provides blocking of content of child pornography. NGO Safe Net assists when it is necessary to block content of child pornography hosted by a host abroad. The State Police does not provide blocking of the Internet resources.*

**e. financial investigations to disrupt criminal money flows and ensure asset recovery;**

*Such financial investigations are not carried out in Latvia.*

**f. use of joint investigation teams (JITs).**

*The Anti-Trafficking Unit has not participated in any JIT so far.*

*In 2014 Anti-Trafficking Unit identified that there are people who are recruiting Latvian female citizens for concluding sham marriages in Ireland, the UK and Cyprus, involving Sweden in the scheme. During investigation it appeared that it is one organized crime group which operates this scheme. The Anti-Trafficking Unit had enough intelligence information regarding these destination countries and approached EUROJUST with a request to establish a JIT. Approached countries did*

*not express their willingness to participate in the JIT. The Anti-Trafficking Unit did all the job itself (in an amount which was possible to provide within Latvia's jurisdiction). In 2014 a group of organized crime was detained – 10 people were detained as suspected persons (8 Latvian citizens and 2 Pakistani nationals) and 7 Latvian female citizens were recognized as victims of human trafficking within a criminal proceeding. All these women were with medium or severe mental disabilities.*

**52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?**

*There is no information on illegal removal of a person's organs and illegal transplantation within the territory of Latvia.*

**Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)**

**53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.**

*An image of a victim recorded as a photograph, video, or by other types of technical means shall not be published in the mass media during procedural actions without the consent of such victim if such publication is not necessary for the disclosure of a criminal offence.*

*In 2014 one victim of trafficking in human beings was included in the special procedural protection programme.*

**54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?**

*A criminal case wherein a person has been recognised as requiring special procedural protection shall be examined in a closed court session. If necessary, a protected person may participate in a court session by using technical means, complying with the procedures specified in Section 140 of this Law, if the person him or herself is located outside of the court room. A person whose personal identity data have been substituted with a pseudonym in criminal proceedings has the right to not testify in court, if there are grounds for believing that the safety of such person is threatened. Such person shall not be held criminally liable regarding the refusal to testify in court. In such case, the testimony provided in pre-trial proceedings by the person whose personal identity data has been substituted with a pseudonym shall not be read in a court session, and such testimony may not be used as evidence in the case. If a person whose personal identity data has been substituted with a pseudonym in criminal proceedings provides testimony in court using technical means in order not to allow for the possibility of identifying such person, visual or acoustic disturbances shall be created, ensuring the court with the possibility to see and hear such person without the referred to disturbances. Persons under protection have the right to not answer questions, if the answers may provide the opportunity to determine the identity thereof. If necessary, a person whose identity is being hidden may be interrogated by court in a separate room, ensuring the ability to hear the provided testimony in the court room, as well as the possibility to ask the person questions and hear the answers. If the identity data of a person whose data is being substituted in criminal proceedings with a pseudonym has been disclosed in a court session, the Prosecutor General shall assign, with a decision thereof, a special protection institution to perform the protection measures of such person specified in a special law.*



Cabinet Regulation of 3 June 2003 No 291 "Requirements for Social Service Providers" provides requirements for social service providers who provide social services for victims of trafficking in human beings where among other services support during criminal proceeding is provided – psycho-social assistance (individual consultations provided by lawyer, social worker, psychologist), assistance in legal document proceeding during programme of social rehabilitation and after it, as well as providing representation of a person at court.

According to the Criminal Procedure Law a specialist is a person who provides assistance to an official performing criminal proceedings, on the basis of the invitation of such official, using his or her special knowledge or work skills in a specific field. An official who has invited a specialist shall inform such specialist regarding the procedural action in which he or she has been invited to provide assistance, regarding his or her rights and duties, as well as regarding liability for knowingly providing false information. A specialist has a duty: to arrive at the time and place indicated by an official performing criminal proceedings, and to participate in an investigative action, if the procedures for invitation have been complied with; to provide assistance, using his or her knowledge and skills, but without conducting practical studies, in the performance of an investigative action, the disclosure of traces of a criminal offence, the understanding of facts and circumstances, as well as in the recording of the progress and results of the investigative action; to direct the attention of the performers of an investigative action to the circumstances that are significant in the disclosure and understanding of circumstances; to not disclose the content and results of an investigative action, if he or she has been specially warned regarding the non-disclosure of such content and results. A specialist has the right to make notes, in connection with the activities that he or she has performed or the explanations that he or she has provided, in the document wherein an investigative action is recorded.

#### **Jurisdiction (Article 31)**

**55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).**

*The Criminal Law Section 4 provides principles of extraterritorial jurisdiction.*

*Latvian citizens, non-citizens and foreigners who have a permanent residence permit for the Republic of Latvia, shall be held liable, in accordance with this Law, in the territory of Latvia for an offence committed in the territory of another state or outside the territory of any state irrespective of whether it has been recognised as criminal and punishable in the territory of commitment. For an offence committed by a natural person acting in the interests of a legal person registered in the Republic of Latvia, for the benefit of the person or as a result of insufficient supervision or control thereof in the territory of another state or outside the territory of any state irrespective of whether it has been recognised as criminal and punishable in the territory of commitment the legal person may be applied the coercive measures provided for in this Law. These both legal regulations included in Paragraph 1 and Paragraph 1<sup>1</sup> of this Section contain active personal jurisdiction principle.*

*The Criminal Law Section 4 Paragraph 3 contains passive personal jurisdiction principle which provides that foreigners who do not have permanent residence permits for the Republic of Latvia and who have committed serious or especially serious crimes in the territory of another state which have been directed against the Republic of Latvia or against the interests of its inhabitants, shall be held criminally liable in accordance with this Law irrespective of the laws of the state in which the crime has been committed, if they have not been held criminally liable or committed to stand trial in accordance with the laws of the state where the crime was committed.*

*The Criminal Law Section 4 Paragraph 4 contains universal jurisdiction principle which provides that foreigners who do not have a permanent residence permit for the Republic of Latvia and who have committed a criminal offence in the territory of another state or outside the territory of any state, in the cases provided for in international agreements binding upon the Republic of Latvia, irrespective of the laws of the state in which the offence has been committed, shall be held liable in*

accordance with this Law if they have not been held criminally liable for such offence or committed to stand trial in the territory of another state.

### International co-operation (Article 32)

**56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.**

*An example of successful international cooperation between law enforcement agencies of Latvia and the United Kingdom (short version):*

*Year 2013. A Latvian national, previously worked on farms in Latvia picking fruit was recruited for work available in England to pick mushrooms and she did not need to speak the English.*

*On reaching the UK the offer of employment failed. The victim has stayed at a number of addresses and was regularly moved between these address. Any moves were always made during the night.*

*The victim has been held against her will throughout her entire time in the UK, the offenders responsible for keeping the victim in the UK would regularly lock her in addresses before leaving with the keys, the victim would also regularly be chaperoned whilst in addresses and prevented from leaving.*

*The victims passport and ID documents was taken from her upon her arrival into the UK. Since arriving she has not been permitted access to any communications devices unless supervised- no more than one call per week allowed to her mother. Following calls been made the number would then be deactivated so calls could not be made back from the victim's mother - the only person she was permitted to contact.*

- Year 2014. It was stated that the victim had been sold for £3,800 and would be getting married.*

- On the 18th July the victim placed a call to her mother in Latvia explaining her plight and giving a location of where she believed she was been held.*

- Cross-border cooperation between law enforcement agencies of Latvia and the UK via Interpol. 3 persons arrested by Greater Manchester Police.*

- Cooperation goals: Latvian Anti-Trafficking Unit got information on 2 recruiters – Latvian citizens.*

*Full story:*

*The victim DOB xx/xx/1978 is a Latvian national who previously worked on farms in Latvia picking fruit. Whilst working she was informed by an acquaintance (this female has not yet been identified but is believed to live next door to the victim's mother) that there would be work available in England to pick mushrooms, and that she did not need to speak the English. It was agreed the victim and an acquaintance would meet up with a female by the name of 'Katarina' in the UK who would facilitate the work. The victim and an acquaintance entered the UK via plane around 1 year ago and met with Katarina. Katarina has been identified as a Latvian national, currently resident in the UK. On reaching the UK the offer of employment failed to materialise and the victim has been sent to live with some 'males'. At this point it is believed that an acquaintance returned to Latvia. The victim will then describe a period of time where she has stayed at a number of addresses and was regularly moved between these address. Any moves were always made during the night. The victim has been held against her will throughout her entire time in the UK, the offenders responsible for keeping the victim in the UK would regularly lock her in addresses before leaving with the keys, the victim would also regularly be chaperoned whilst in addresses and prevented from leaving. The victim in the case has had her passport and ID documents taken from her following her arrival into the UK. Since arriving she has not been permitted access to any communications devices unless supervised, this has also been on an infrequent basis with no more than one call per week allowed to her mother. Following calls been made the number would then be deactivated so calls could not be made back from the victim's mother, who is the only person she was permitted to contact. The point of entry into the UK is unknown at this point as are the addresses visited although the victim is believed at one point to have resided at an address in SLOUGH which is the home address of Katarina and her husband YYYYYY. At some time shortly*

after arriving in the UK the victim has been given to another male by the name of 'Chand'. It is believed that this male is possibly a relation of YYYYYY. Over the past year the victim in the case has repeatedly requested to return to Latvia, she has spoken to an acquaintance on a number of occasions to try and facilitate this via speaking with 'Katarina'. The male known as 'Chand' has stated to the victim that she would be released if somebody else was sent in her place. Katarina has confirmed this stating that the victim had been sold for £3,800 and would be getting married. The victim believes she may be married already via an Islamic ceremony as she will state that whilst at one of the address she was forced to wear a head covering whilst a number of males were present with a Koran. As the plea's to be released and returned to Latvia have been ignored the victim become increasingly afraid for her safety and what would happen to her. On the 18th July the victim placed a call to her mother in Latvia explaining her plight and giving a location of where she believed she was been held. The victim has obtained the potential address after finding a number of items of paperwork, she has suggested to her mother she was held at an address in Manchester. The victim saw a cheque for £3,800 in the name of YYYYYY. Following the call from her daughter the victim's mother alerted the Latvian authorities to her daughter's plight, who in turn have contacted the UK Police. A subscriber check on the mobile phone number. At 20:00hrs on Tuesday 19th August officers attended the address. Working at the address at the time was the defendant YYYYYY who was found in possession of a mobile phone with the above number. YYYYYY was arrested at the scene and following interview stated he wished to have his wife 'Leny' informed of his arrest and gave his home. Following the receipt of the information from the defendant officers attended address at 22:15hrs. On entering the address officers have found the victim in an upstairs room of the property. The defendant KKKKKK was found downstairs in the property at the time and was arrested on Suspicion of False Imprisonment. Whilst officers were at the address the third defendant MMMMMM has attended in possession of keys for the property. MMMMMM has also been arrested on suspicion of False Imprisonment. The victim identified to officers she had been kept at the property for the past 3 months whilst the defendant KKKKKK would guard her to prevent her leaving. The victim is receiving support form a charity who assist victims of trafficking. An acquaintance is suspected of being the facilitator between Latvia and the UK. She not been arrested yet but is to be arrested for Human Trafficking, False Imprisonment and Assisting Unlawful Immigration in due course. Katarina is a suspect in this case, she has yet to be identified but should she be identified she would be arrested for Human Trafficking and Assisting Unlawful Immigration. HHHHHH is suspected of being the facilitator between Latvia and the UK. She not been arrested yet but is to be arrested for Human Trafficking, False Imprisonment and Assisting Unlawful Immigration in due course. YYYYYY has been charged and is on remand at HM Prison, he is charged with False Imprisonment. It is hoped that further charges of Human Trafficking and Assisting Unlawful Immigration will added at court. KKKKKK has been charged and is on remand at HM Prison, she is charged with False Imprisonment. It is hoped that further charges of Human Trafficking and Assisting Unlawful Immigration will added at court.

Latvia has signed bilateral agreements on legal assistance in criminal matters with several countries. The list of countries with which bilateral agreements on legal assistance in criminal matters was provided in the first Latvia's report in 2011.

In case when Latvia has not bilateral or multilateral agreements concluded mutual assistance is provided considering the principle of reciprocity. According to the Criminal Procedure Law Section 675 if an agreement with a foreign state regarding criminal-legal co-operation does not exist, the Minister for Justice and the Prosecutor General have the right, within the framework of the competence specified in the Criminal Procedure Law, to submit to the foreign state a request for criminal-legal co-operation, or to receive a request from the foreign state for criminal-legal co-operation.

### **Measures related to endangered or missing persons (Article 33)**

**57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the**

**Convention inform you about their presence on your territory? Please provide examples from practice.**

*Investigative or procedural measures may be performed by competent authorities of another party in Latvia only in the framework of a request of legal assistance.*

*According to the Criminal Procedure Law Section 847 Procedures for the Fulfilment of a Request of a Foreign State. A request of a foreign state regarding the provision of assistance in the performance of a procedural action shall be fulfilled in accordance with the procedures laid down in the Criminal Procedure Law. A request may be fulfilled in accordance with other procedures if so requested by a foreign state and if such execution is not in contradiction with the basic principles of the criminal procedure of Latvia. On the basis of a request of a foreign state, the competent authority may permit a representative of a foreign state to participate in the performance of a procedural action, or to personally perform such operation in the presence of a representative of the institution fulfilling the request.*

**58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?**

*With the financial support of the European Commission a hotline for missing children 116000 has been established by the organization "Bezvests.lv" which is supervised by the Ministry of Interior. After the end of the European Commission funding the hotline for missing children 116000 will be provided by the State Police. The hotline takes calls about missing children and forwards the information to the State Police, provides advice and support for persons who are responsible for the missing children (parents etc.); provides support in the investigation process.*

*There is an informal network between the members of the Expert Group for Cooperation on Children at Risk of the Council of the Baltic Sea States in the framework of which it is possible to operatively exchange with relevant information about cross border cases where there is a child in risk.*

**Co-operation with civil society (Article 35)**

**59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.**

*An incredible and amazing work has been done within cooperation of governmental institutions and NGOs. A number of awareness raising campaigns and training has been organized and implemented successfully. A number of transnational projects initiated by Latvia are granted. A number of legislative initiatives are elaborated together and passed to the Government and the Parliament. But the main important result and the value of the inter-institutional working group is that trust, shared understanding and cooperation between stakeholders is established.*

*The policy planning document "The Guidelines for Prevention of Trafficking in Human Beings 2014 – 2020" was elaborated in close cooperation with relevant NGOs who have this very specific expertise on trafficking issues since 2000. All the activities provided by the policy planning document is being implemented in close cooperation with NGOs and other partners of civil society.*

*Considering that a new mandated NGO started to provide state funded social rehabilitation services for victims of trafficking in human beings on 6 March 2015 the Memorandum on*

*Cooperation between the State Police and NGO “Resource Centre for Women “Marta”” (signed on 20 April 2015) which aims at adequate protection and assistance for victims of trafficking in human beings thus increasing efficiency in fight against trafficking in human beings. Cooperation is also provided in following areas – identification, referral, support, information exchange, training etc.) prioritizing the needs and interests of a victims of trafficking in human beings.*

#### **Relationship with other international instruments (Article 40)**

#### **60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.**

*Latvia has signed bilateral agreements on cooperation combating organized crime with several countries. These agreements amongst other issues provide cooperation combating criminal offences against morals and sexual inviolability; sexual exploitation, particularly sexual exploitation of children; criminal offences against the person’s life and health, trade of organs and tissues for the purpose of transplantation. All these documents were listed in the first report provided by Latvia in 2011. In the time period from 2013 – 2015 the following intergovernmental agreements were elaborated and signed:*

- *on 14 May 2013 Agreement between the Government of the Republic of Latvia and the Government of Turkmenistan on Co-operation in Combating Terrorism, Illicit Trafficking In Narcotic Drugs and Psychotropic Substances and Organised Crime*
- *on 10 June 2014 Agreement between the Government of the Republic of Latvia and the Government of Tajikistan on Co-operation in Combating Terrorism, Illicit Trafficking In Narcotic Drugs and Psychotropic Substances and Organised Crime.*

#### **61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.**

*Such cases were not identified when third country nationals would be exploited in Latvia.*

### **D. Final questions**

#### **62. Which bodies and organisations contributed to responding to this questionnaire?**

*Ministry of the Interior,  
Ministry of Foreign Affairs,  
Ministry of Welfare,  
Ministry of Justice,  
Ministry of Culture,  
Ministry of Health,  
Ministry of Education and Sciences,  
Ministry of Economics,  
The State Police,  
The General Prosecutor’s Office,  
The State Border Guard,  
The Office of Citizenship and Migration Affairs,  
State Labour Inspectorate,  
State Employment Agency,  
Department of Welfare of Riga City Council,  
Municipal Police of Riga,  
The Ombudsman’s Office;  
Society “Shelter “Safe House””,  
Society “Resource Center for Women “Marta””.*

#### **63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?**

*Ms Lāsma Stabiņa, Senior Desk Officer, Policy Elaboration Division, Sectoral Policy Department, Ministry of the Interior (National Anti-Trafficking Coordinator)*

## **E. Statistics on THB (per year, starting with 2010)**

*Data collection still is a challenge for the National Anti-Trafficking Coordinator. According to the national policy planning document "Guidelines for the Prevention of Trafficking in Human Beings 2014-2020" task No.39 "To draw up guidelines for collection, collection and analysis of data on trafficking in human beings" it is planned by the June 30, 2017 to develop comprehensive guidelines for data collection.*

*Considering that so far there were not exact requirements for data collection it was not possible to provide requested data.*

*In 2014 announcing a new public procurement procedure for provision of the State funded social rehabilitation services in 2015 – 2016 the Ministry of Welfare developed requirements for the mandated NGO – service provider. It means that according these requirements data will be collected starting with 2015 (data will be provided by the mandated NGO in the beginning of 2016). The Ministry of Welfare has elaborated formally approved templates for the mandated NGO to collect information about identified victims of trafficking in human beings and provided social rehabilitation services and support during the criminal proceeding. According to the requirements developed by the Ministry of Welfare (all the requirements and templates are publicly available for all candidates during public procurement procedure and all these documents are a part of a subject of public procurement) to provide transparent and efficient collection of information regarding identified victims of human trafficking and provided social rehabilitation services and support during the criminal proceeding. The mandated NGO should provide the following information:*

1. *Annual report about victims of trafficking in human beings who are beneficiaries of the State funded social rehabilitation services, which should contain the following data:*
  - *Age and gender (male, female aggregated by age: 0-6, 7-14, 15-17, 18, 25, 26-30, 31-40, 41-50, 51-60, 61-);*
  - *Number of persons by:*
    - ✓ *Type of family from which person comes (full family with 1-2 children, full large family, incomplete (only one adult) family, other type of family (foster family, guardianship), non-family (name of establishment));*
    - ✓ *Level of education (without education, unfinished primary education, primary education (8 grades completed), secondary education, higher education);*
    - ✓ *Country of origin (Latvia (region should be registered (Riga, Vidzeme, Zemgale, Latgale, Kurzeme), another EU Member State (country should be indicated), another country outside the EU (country should be indicated));*
    - ✓ *Country of destination (Latvia, Ireland, the UK, another EU Member State (country should be indicated), another country outside the EU (country should be indicated));*
    - ✓ *Form of exploitation (sexual exploitation, forced labour, sham marriages, another).*
2. *Annual report about provision of social rehabilitation services:*
  - *Age and gender (male, female aggregated by age: 0-6, 7-14, 15-17, 18, 25, 26-30, 31-40, 41-50, 51-60, 61-);*
  - *It should be indicated who receives the State funded social rehabilitation services repeatedly;*
  - *Number of persons by:*
    - ✓ *Duration of social rehabilitation services (30 days and less, 31-60 days, 61-90 days, 121-150 days, 151-180 days);*
    - ✓ *Transportation of a victims from a country of destination to a country of origin (yes/no);*
    - ✓ *Safe shelter provided (yes/no);*
    - ✓ *Minor children accompanied (yes/no);*
    - ✓ *Participation in the criminal proceeding (during the rehabilitation/after rehabilitation/does not participate);*
    - ✓ *Reasons for termination of social rehabilitation services (full course of social rehabilitation services is completed, false information provided, does not fulfill*

cooperation responsibilities during the rehabilitation, by the request of a legal representative).

3. Annual report about support services during the criminal proceeding:

- Age and gender (male, female aggregated by age: 0-6, 7-14, 15-17, 18, 25, 26-30, 31-40, 41-50, 51-60, 61-);
- Number of persons by:
  - ✓ Form of exploitation sexual exploitation, forced labour, sham marriages, another);
  - ✓ Participation in the criminal proceeding (as a victim, as a witness);
  - ✓ Support provided (consultations of lawyer, consultations of social worker, consultations of psychologist, assistance with processing the legal documents, representation at court);
  - ✓ Duration of support (0-50 hours, 51-100 hours, 101-150 hours);
  - ✓ Reason for termination of support services (false information provided, does not fulfill cooperation responsibilities, criminal proceeding is terminated, after a person's request, another reason (should be explained)).

4. Annual report about victims of trafficking in human beings who do not participate in the criminal proceeding, received consultation during a year:

- Age and gender (male, female aggregated by age: 0-6, 7-14, 15-17, 18, 25, 26-30, 31-40, 41-50, 51-60, 61-);
- Number of persons by:
  - ✓ Form of exploitation (sexual exploitation, forced labour, sham marriages, another);
  - ✓ Number of received consultations (1/2/3/4/5).

5. Annual report about consultations received by members of a minor victim of trafficking in human beings.

**Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

Year	No of victims identified	No of victims identified by the State authorities	No of victims identified by the mandated NGO	Sex	Age	Nationality	Form of exploitation	Internal or transnational trafficking	Bodies who provided identification
2012	25	N/A	N/A	F* - 22 M* - 3	In average 18 - 25 years old	Latvian citizens and non-citizens	14 - sham marriages 5 - forced labour 6 - sexual exploitation	Transnational: 13 - Ireland 3 - Germany 3 - the UK 2 - the Russian Federation 2 - Greece 1 - Belgium 1 - Switzerland	N/A
2013	22	15	7	F* - 22	In average 25 - 27 years old	Latvian citizens	15 - sham marriages 4 - forced labour 3 - sexual exploitation	Transnational: 11 - Ireland 4 - the UK 2 - Cyprus 1 - Colombia 1 - Portugal 1 - the Netherlands 1 - Spain	3 - the State Police 8 - LV Embassies 4 - Social Service 7 - mandated NGO
2014	34	7	27	F* - 26 M* - 8		Latvian citizens	22 - sham marriages 12 - forced labour	Transnational: 15 - Ireland 8 - the UK 3 - Sweden 2 - Germany 2 - Cyprus 2 - Greece 1 - the UK	7 - the State Police 5 - LV Embassies 1 - Social Service 4 - another NGO

								1 – Brazil	14 – mandated NGO
2015	7	3	4	F* - 7	1 minor, 1 – age group 40-50 5 – age group 25-30	Latvian citizens	1 – sexual exploitation 5 – sham marriages 1 – labour exploitation	1 – internal trafficking Transnational: 2 – Cyprus 3 – Ireland 1 – the USA	2 – the State Police 1 LV Embassy in Ireland 4 – mandated NGO

\*F – female

\*M – male

N/A – no answer

	2010	2011	2012
<b>Total number of persons identified as victims of trafficking</b>	9	11	25
<b>Total number of children identified as victims of trafficking</b>	0	0	0
Total male children identified as victims of trafficking	0	0	0
Total female children identified as victims of trafficking	0	0	0
<b>Total number of adults identified as victims of trafficking</b>	9	11	25
Total adult males identified as victims of trafficking	0	2	3
Total adult females identified as victims of trafficking	9	9	22
Source(s) of the data provided in this table	The State Police and NGO "Shelter "Safe House""		

**Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.**

Year	Victims who approached the Mandated NGO themselves
2012	N/A
2013	7
2014	14
2015	4 (females)

**Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

Year	No of victims who received the State funded social rehabilitation services	Sex	Age	Nationality	Form of exploitation	Internal or transnational trafficking	Period of provision of rehabilitation services
2012	30	N/A	N/A	Latvian citizens	N/A	N/A	5 – started in 2011, finished in 2012 14 – in 2012 11 – started in 2012, finished in 2013
2013	34	N/A	N/A	Latvian citizens	N/A	N/A	11 – started in 2012, finished in 2013 12 – in 2013 11 – started in 2013, finished in 2014
2014	38	F* - 30 M* - 8	N/A	Latvian citizens	N/A	N/A	11 – started in 2013, finished in 2014 15 – in 2014 12 – started in 2014,



2015	7	F* - 7	1 minor 5 – age group 25- 30 1 – age group 40- 50	Latvian citizens	1 – sexual exploitation 5 – sham marriages 1 – labour exploitation	1 – internal trafficking Transnational: 2 – Cyprus 3 – Ireland 1 – the USA	<i>finished in 2015</i> All victims started to receive services in 2015
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N/A – no answer

**Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).**

No case registered.

**Number of victims given refugee status and subsidiary/complementary protection.**

No case registered.

**Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.**

According to information provided by the Legal Aid Administration in the time period 2010 – June of 2015 in total 5 persons – victims of trafficking in human beings have applied for the State compensation. All 5 persons were females, citizens of the Republic of Latvia. Legal Aid Administration does not collect information regarding nationality of victims and form of exploitation.

Year	Number of victims applied for the State compensation	Number of cases when the State compensation was paid
2010	2	0
2011	0	0
2012	0	0
2013	1	1
2014	2	2
by June of 2015	0	0

According to information provided by the Mandated NGO – society “Resource Centre for Women “Marta”” in 2015 1 victim of trafficking in human has applied for compensation and has received it, 2 victims – legal documents are processing to apply for compensation.

**Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).**

State funded return of victims of trafficking in human beings from foreign countries to Latvia was introduced in 2013. Until that time funding to cover expenses for return was provided by Social Services of local municipalities or relative of a victim of trafficking in human beings.

For state funding a number of persons repatriated from foreign countries to Latvia:

In 2013 – N/A

In 2014 – N/A

In 2015 – 1 person repatriated.

**Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).**

No case registered.

**Number of investigations into THB cases.**

Data is provided referring to Criminal Law Section 154.<sup>1</sup> Human Trafficking and Criminal Law Section 165.<sup>1</sup> Sending a Person for Sexual Exploitation.

Number of initiated criminal proceedings by the State Police	2012	2013	2014	2015
<b>Total</b>	<b>3+13</b>	<b>5+8</b>	<b>1+6</b>	<b>3+3</b>

Data provided by the State Police

Number of suspected persons	2012	2013	2014	2015
<b>Total</b>	<b>4+14</b>	<b>6+12</b>	<b>14+3</b>	<b>11+3</b>

Males brought into formal contact	4+7	5+8	10+2	4+3
Females brought into formal contact	0+7	1+4	4+1	7+0

Data provided by the State Police

### Number of prosecutions of THB cases.

Data is provided referring to Criminal Law Section 154.<sup>1</sup> Human Trafficking and Criminal Law Section 165.<sup>1</sup> Sending a Person for Sexual Exploitation.

Number of persons against whom prosecution was commenced for trafficking in persons	2012	2013	2014	2015
<b>Total</b>	<b>1+11</b>	<b>1+4</b>	<b>0+11</b>	<b>5+3</b>
Males prosecuted	1+8	1+3	0+6	N/A
Females prosecuted	0+3	0+1	0+5	N/A

Data provided by the General Prosecutor's Office

	2010	2011	2012
<b>Number of persons against whom prosecution was commenced for trafficking in persons</b>	<b>39</b>	<b>27</b>	<b>12</b>
<b>Males prosecuted</b>	<b>23</b>	<b>20</b>	<b>9</b>
<b>Females prosecuted</b>	<b>16</b>	<b>7</b>	<b>3</b>
Indicate the article(s) of the criminal code you refer to	Criminal Law of the Republic of Latvia Article 154. <sup>1</sup> "Human Trafficking" and Article 165. <sup>1</sup> "Sending a Person for Sexual Exploitation"		
Source(s) of the data provided in this table	General Prosecutor's Office		

### Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Number of persons convicted of trafficking in persons (conviction at any instance)	2012	2013	2014	2015
<b>Total</b>	<b>19</b>	<b>13</b>	<b>14</b>	<b>N/A</b>
Males convicted	14	9	7	N/A
Females convicted	5	4	7	N/A

Data provided by the Court Administration from Court Information System

	2010	2011	2012
<b>Number of persons convicted of trafficking in persons (preferably convicted at first instance)</b>	<b>23</b>	<b>14</b>	<b>19</b>
<b>Males convicted</b>	<b>14</b>	<b>7</b>	<b>14</b>
<b>Females convicted</b>	<b>9</b>	<b>7</b>	<b>5</b>
Indicate the article(s) of the criminal code you refer to	Section 154. <sup>1</sup> Human Trafficking and Section 165. <sup>1</sup> Sending a Person for Sexual Exploitation <a href="http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc">http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc</a>		
Indicate at which stage of the criminal proceeding (i.e. conviction at first instance, or second or third instance) you are referring to	At the final instance		
Source(s) of the data provided in this table	Tiesu informatīvā sistēma (Court Information System) - <a href="https://tis.ta.gov.lv/">https://tis.ta.gov.lv/</a>		

In 2014 Prof. Dr. iur. Valentija Liholaja, Head of Criminal Sciences of the Legal Faculty of the University of Latvia has done a research in which court judgments (Criminal Law Section 154.<sup>1</sup> Human Trafficking and Criminal Law Section 165.<sup>1</sup> Sending a Person for Sexual Exploitation) made during 2009-2013 were analyzed.

The research contains analysis of court rulings of 2009 -2013:

65 persons have been charged with and found guilty of committing a crime envisaged in Section 165<sup>1</sup> "Sending a Person for Sexual Exploitation" of the Criminal Law; 10 persons have been charged with committing a crime envisaged in Section 154<sup>1</sup> "Human Trafficking" of the Criminal Law, 5 persons have been recognised as guilty and sentenced, 5 persons have been acquitted.

According to the research a researcher found out that on the practice of applying punishments the situation is following:

Criminal Law Section 154.<sup>1</sup> Human Trafficking:

- Sanction envisaged in the second part – deprivation of liberty from 5 to 12 years / 2 persons sentenced, both – to suspended deprivation of liberty;
- Sanction of part three – deprivation of liberty from 10 to 15 years / 3 persons sentenced: 2 – to deprivation of liberty, 1 – to suspended deprivation of liberty.

Criminal Law Section 165.<sup>1</sup> Sending a Person for Sexual Exploitation:

- Sanction of part one - deprivation of liberty for up to 6 years / 3 persons sentenced: 1 – to deprivation of liberty, 1 – to suspended deprivation of liberty, 1 – monetary fine;
- Sanction of part two – deprivation of liberty for up to 10 years / 49 persons sentenced: 11 – to deprivation of liberty, 38 – to suspended deprivation of liberty;
- Sanction of part three – deprivation of liberty from 8 to 15 years / 13 persons sentenced: 6 – to deprivation of liberty, 7 – to suspended deprivation of liberty.

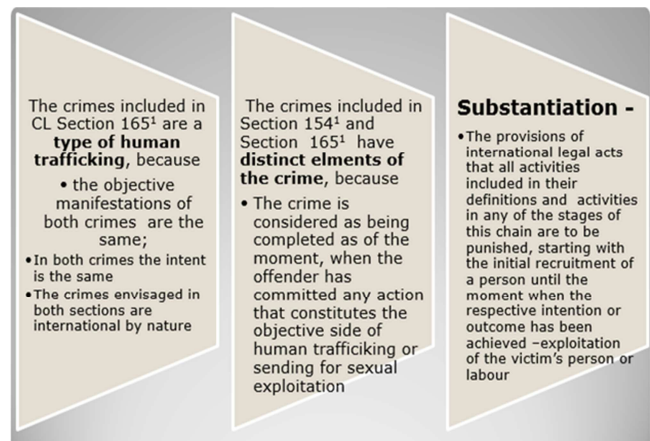
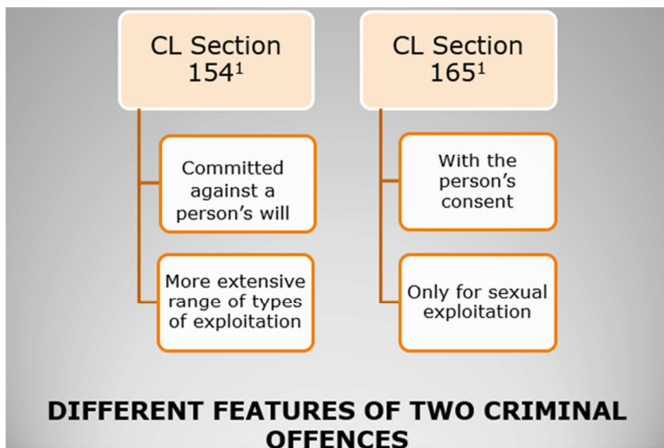
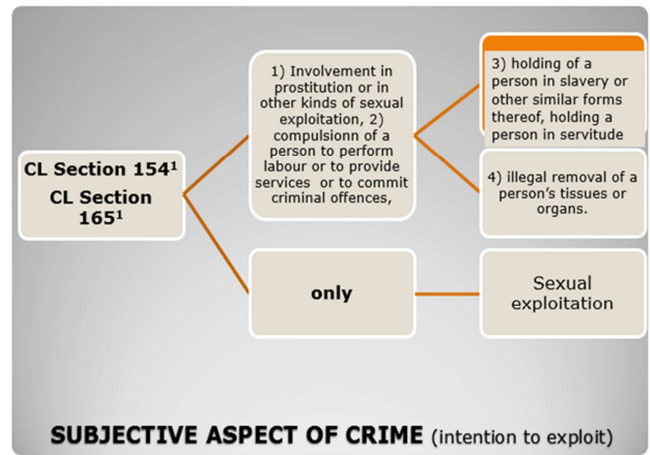
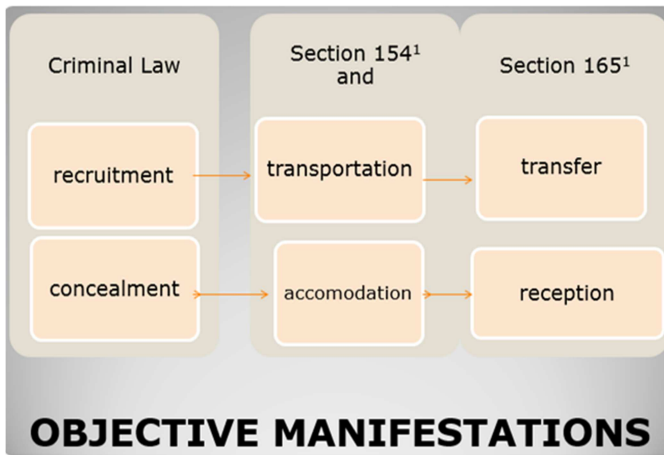
Section 165<sup>1</sup> "Sending a Person for Sexual Exploitation" of the Criminal Law – sending a person with his or her consent for sexual exploitation, that is, any act, which facilitates legal or illegal movement, transit or residence of a person for such purpose within the territory of one country or several countries. The Section was included in the Criminal Law with the Law of 18 May 2000, abiding by the international commitments following from UN 4 May 1990 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Initially only sending a person with his or her consent for sexual exploitation abroad was criminalised which was not suitable for practical needs, and with the Law of 13 December 2007 this reference was deleted.

In 47 cases of 51 analysed the recruited persons (women) were sent with their consent for sexual exploitation abroad:

- to Germany – 25 cases;
- to United Kingdom and the Netherlands – 4 cases each;
- to Denmark – 3 cases;
- Belgium, France, Italy, Ireland, Norway, Spain and Switzerland also were target countries.

In three cases the crime was committed internally, when persons were recruited in the territory of Latvia and sent for sexual exploitation to Riga. In one case Latvia was the target country – persons were recruited in Belarus and sent with their consent for exploitation to Latvia.

Section 154<sup>1</sup> "Human Trafficking" of the Criminal Law – the Section was included in Criminal Law with the Law of 25 April 2002 in accordance with UN Convention of 13 December 2000 against Transnational Organised Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, initially, likewise, envisaging liability for human trafficking to a foreign state. With the Law of 28 December 2004 this initial reference was deleted, thus envisaging liability also for human trafficking within the territory of Latvia.



**Number of judgments resulting in the confiscation of assets.**

*Such data is not registered and/or collected.*

**Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.**

*Such data is not registered and/or collected.*

**Number of convictions for the use of services of a victim of THB.**

*N/A*