

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**



**Recommendation CP(2013)2
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Latvia**

*adopted at the 10th meeting of the Committee of the Parties
on 15 February 2013*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Latvia on 1 July 2008;

Having examined the Report concerning the implementation of the Convention by Latvia, adopted by GRETA at its 15th meeting (26-30 November 2012) in the framework of the first evaluation round;

Having examined the comments of the Latvian Government on GRETA's report, submitted on 22 January 2013;

Welcoming the measures to combat trafficking in human beings taken by the Latvian authorities, and in particular:

- the appointment of a National Co-ordinator for Combating Trafficking in Human Beings and the setting up of the Inter-Institutional Working Group for co-ordination of the implementation of the National Programme for Prevention of Human Trafficking;
- the development of the national legal framework related to action against trafficking in human beings;
- the efforts to develop the aspect of prevention through awareness-raising campaigns, education in schools and training of professionals involved in action against human trafficking;
- the setting up of a multi-disciplinary commission of specialists for the identification of victims of trafficking;

- the availability of a six-month programme of State-funded social rehabilitation of victims of trafficking;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Latvia, in particular:

- strengthening the aspect of prevention of human trafficking through social and economic empowerment measures for vulnerable groups and ensuring the registration of all children at birth;
- improving the identification of victims of trafficking by setting up a formalised mechanism for their identification and referral to assistance, and by pursuing a proactive approach to victim identification, in particular as regards cases of trafficking for labour exploitation;
- providing all victims of human trafficking with effective access to assistance for the duration necessary to achieve their rehabilitation, taking into account their specific circumstances and regardless of their participation in criminal proceedings;
- ensuring that all victims of trafficking are systematically informed of the recovery and reflection period and are effectively granted such a period;
- facilitating access to compensation for victims of trafficking, including by providing them systematically with information on the right to compensation and ensuring their effective access to legal aid;
- taking measures to ensure that crimes related to human trafficking are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions.

1. Recommends that the Government of Latvia implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Latvia (see addendum);

2. Requests the Government of Latvia to inform the Committee of the Parties of the measures taken to comply with this recommendation by 15 February 2015;

3. Invites the Government of Latvia to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Latvia

Core concepts and definitions

1. GRETA urges the Latvian authorities to ensure that Article 1542, 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.
2. GRETA considers that stating explicitly the irrelevance of the consent of a victim to the intended exploitation where any of the means set forth in the definition of THB have been used could improve the implementation of the anti-trafficking provisions and provide victims with greater confidence in self-reporting to NGOs and public authorities.

Comprehensive approach and co-ordination

3. GRETA considers that the Latvian authorities should take further measures to:
 - strengthen co-ordination between all actors in the field of action against THB, including at local level;
 - encourage more effective participation of all public bodies involved in the implementation of anti-trafficking measures at the national and local levels; in this context, the issuing of procedural guidelines might be envisaged;
 - provide the Inter-Institutional Working Group with sufficient authority and enhance the level of representation of institutions with responsibilities under the National Programme to achieve their greater accountability in the implementation of the National Programme and the decisions of the Group;
 - step up action to combat trafficking for labour exploitation;
 - pay increased attention to prevention and protection measures addressing the particular vulnerability of children to trafficking.
4. In addition to the annual reports of the Ministry of the Interior, GRETA invites the Latvian authorities to consider commissioning an independent evaluation of the implementation of the National Programme as a tool for assessing the impact of the activities and for planning future policies to combat human trafficking.

Training of relevant professionals

5. GRETA considers that the Latvian authorities should ensure that all relevant professionals are trained periodically, throughout their careers, in preventing and combating THB, and in identifying, assisting and protecting victims. Such training should be designed taking full account of gender and child-specific aspects and should be provided to all relevant professionals.

Data collection and research

6. GRETA considers that the Latvian authorities should continue their efforts to develop and maintain a comprehensive and coherent information system on trafficking in human beings by compiling reliable statistical data from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). In this context, GRETA encourages the Latvian authorities to include statistical information on human trafficking victims collected by NGOs in the annual reports concerning THB.

7. GRETA considers that the Latvian authorities should conduct and support research on THB-related issues as an important source of information for future policy measures and for identifying areas where priority action is needed to prevent and combat THB.

Awareness raising, education and measures to discourage demand

8. GRETA considers that the Latvian authorities should step up their efforts to inform the general public about the problem of THB in its various forms. Awareness-raising measures should be designed in the light of impact assessment of previous measures and with a view to reaching out to vulnerable groups, such as children and young persons. Further, targeted awareness raising is necessary in areas inhabited by persons in economically disadvantaged situation with a view to enabling such persons to make well-informed decisions concerning employment, migration or marriage offers.

Social, economic and other initiatives for groups vulnerable to THB

9. GRETA considers that the Latvian authorities should pay particular attention to preventing child trafficking in the field of modelling notably by making all modelling agencies bound by the regulations concerning children and by ensuring that they comply with these regulations.

10. GRETA considers that the Latvian authorities should further strengthen the aspect of prevention of THB through social and economic empowerment measures for groups vulnerable to THB. Such measures should be based on the identified root causes of THB (such as difficult economic and social conditions, absence of employment opportunities, inadequate education, etc.) and should aim to decrease and ultimately eliminate these causes.

11. GRETA urges the Latvian authorities to ensure the registration of all children at birth as a prevention measure against trafficking. Further, GRETA urges the Latvian authorities to take steps to secure the registration of all persons from vulnerable groups for social services, both as a prevention measure and in order to avoid re-trafficking.

Measures to discourage demand

12. GRETA considers that the Latvian authorities should step up their efforts to discourage demand for the services from persons trafficked for any form of exploitation.

Border measures and measures to enable legal migration

13. GRETA considers that further efforts should be made to:

- improve detection of THB cases in the context of border control;
- ensure systematic training of frontline staff of the State Border Guard on identification and referral of potential victims of THB.

Identification of victims of trafficking in human beings

14. GRETA urges the Latvian authorities to review the current victim identification procedure and in particular to:

- set up a formalised national referral mechanism for the identification of victims of THB and ensure that all actors involved in it are adequately trained and have full knowledge of their respective roles;
- pursue a proactive approach to the identification of victims of trafficking, in particular victims of trafficking for labour exploitation and provide frontline staff with operational indicators, guidance and toolkits for the identification of victims;
- pay particular attention to identification of victims of trafficking among children;
- ensure that the identification of victims of trafficking whether by the police or by the multi-disciplinary commission of specialists is not solely aimed at enabling criminal investigation, but primarily at referring victims to appropriate assistance and protection.

Assistance to victims

15. GRETA urges the Latvian authorities to take further measures aimed at providing victims and potential victims of THB with adequate assistance, and in particular to:

- provide all victims of THB with effective access to assistance for the duration necessary to achieve their rehabilitation, taking into account their specific circumstances and regardless of their participation in criminal proceedings;
- adopt minimum standards for the services provided to victims of THB and ensure the provision of adequate funding to maintain them;
- ensure that all victims of THB are informed of the assistance to which they are entitled;
- improve the assistance provided to child victims of trafficking, including accommodation and medium- and long-term support programmes tailored to their needs;
- provide adequate assistance measures, including appropriate accommodation, to male victims of THB;
- facilitate the reintegration of victims of trafficking into society and prevent re-trafficking by providing them with vocational training and access to the labour market.

Recovery and reflection period

16. GRETA urges the Latvian authorities to ensure that the recovery and reflection period provided for in Article 13 of the Convention is fully reflected in Latvian legislation and practice, and in particular, to:

- ensure that all victims of THB, regardless of their nationality and immigration status, are systematically informed of the recovery and reflection period and are effectively granted such a period;
- raise the awareness among the law enforcement officials regarding the purpose of and the need to grant recovery and reflection period.

Residence permits

17. GRETA considers that the Latvian authorities should take steps to ensure that victims of THB can take full advantage of the right to be granted a temporary residence permit.

18. GRETA encourages the Latvian authorities to consider granting residence permits to victims who, for various reasons, do not co-operate with the law enforcement authorities, but their stay would be necessary owing to their personal situation, as envisaged by Article 14 of the Convention.

Compensation and legal redress

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

- ensure that victims of trafficking have effective access to legal aid in practice;
- improve access of victims of THB to compensation, including by systematically informing them about various possibilities for compensation.

Repatriation and return

20. GRETA considers that the Latvian authorities should review the institutional and procedural framework for the repatriation and return of victims of trafficking in order to ensure that return is conducted with due regard to the rights, safety and dignity of the person and the status of legal proceedings.

Substantive criminal law

21. GRETA invites the Latvian authorities to consider criminalising the use of services of a person with the knowledge that the person is a victim of trafficking regardless of the form of exploitation, regardless the person's nationality and immigration status.

Non-punishment of victims of THB

22. GRETA encourages the Latvian authorities to provide for the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so.

Investigation, prosecution and procedural law

23. GRETA urges the Latvian authorities to take measures to identify gaps in the investigation procedure related to THB cases and the presentation of cases in court, inter alia, with a view to ensuring that crimes related to THB are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions.

24. GRETA considers that the Latvian authorities should improve the knowledge and sensitivity of judges, prosecutors, investigators and lawyers about THB, the rights of victims, the applicable legislation and the case law, including the need to apply a human rights-based approach to action against THB on the basis of the Convention and the case-law of the European Court of Human Rights. Training programmes should be designed with a view to enabling professionals to identify victims of trafficking, to assist and protect them, and to secure convictions of traffickers. Particular attention should be paid to overcoming entrenched negative attitudes and prejudices vis-à-vis victims of trafficking.

Protection of victims and witnesses

25. GRETA considers that the Latvian authorities should make full use of the available measures to protect victims and to prevent intimidation during the investigation and during and after the court proceedings.