



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

### **Recommendation CP(2017)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia**

*adopted at the 20th meeting of the Committee of the Parties  
on 10 March 2017*

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 6 March 2008;

Recalling Committee of the Parties' Recommendation CP(2013)2 of 15 February 2013 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia and the report of the Latvian authorities on measures taken to comply with this recommendation, submitted on 13 February 2015;

Having examined the second report concerning the implementation of the Convention by Latvia, adopted by GRETA at its 27th meeting (28 November – 2 December 2016), as well as the comments of the Latvian Government received 20 February 2017;

1. Welcomes the progress made since the first round of evaluation in the following areas:
  - the further development of the legal framework for combating trafficking in human beings, by expanding the definition of trafficking in human beings and introducing a provision concerning the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so;
  - the efforts made to provide training on human trafficking to relevant professionals and to expand the categories of staff targeted, in co-operation with NGOs and by promoting a multi-stakeholder approach;
  - the steps taken to further raise public awareness of human trafficking for different forms of exploitation, paying particular attention to children and young people;

- the adoption of policy documents and practical measures in the areas of preventing violence against women and children, socio-economic support for disadvantaged parts of the population and support for the integration of third-country nationals, which have the potential of preventing human trafficking by tackling the root causes of this phenomenon;
- the progress made in the area of providing assistance to victims of trafficking, thanks to increased public funding, amendments to the procedures for providing social rehabilitation services, and the development of strong partnerships with specialised NGOs;
- the efforts made in the area of international co-operation, both when investigating human trafficking cases and participating in projects aimed at researching new trends, improving prevention of trafficking and strengthening the protection of victims.

2. Recommends that the Latvian authorities take measures to address the following issues for immediate action identified in GRETA's report:

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

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- provide in the national legislation for a recovery and reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking, as provided for in Article 13 of the Convention, and ensure that all possible foreign victims of trafficking, including EU and EEA citizens, are effectively offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period;
  - adopt further measures to facilitate and guarantee access to compensation for victims of trafficking, including by:
    - ensuring that victims of trafficking are systematically informed in a language they can understand of the right to seek compensation and the procedures to be followed;
    - enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials, prosecutors and the judiciary;
    - making full use of the legislation on the seizure and confiscation of assets to secure compensation to victims of trafficking;
  - improve the implementation of the non-punishment provision of the Convention by:
    - extending the scope of the non-punishment provision to cover all offences that victims of trafficking were compelled to commit, including administrative and immigration-related offences;
    - ensuring that investigators and prosecutors exercise fully their discretion not to prosecute trafficked persons for trafficking-related offences they were compelled to commit;
    - strengthening their efforts to ensure compliance with the principle of non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, including by promoting the existing guidance, and developing such guidance where there is none, amongst police staff, legal professionals, prosecutors and judges.
3. Requests the Government of Latvia to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **10 March 2018**.
4. Recommends that the Government of Latvia takes measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of Latvia to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.