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GROUP OF EXPERTS ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (GRETA)

Reply to the Questionnaire from Latvia

This reply has been made public at the request of the Latvian authorities.

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Preliminary questions

Question 1:

Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire. Please specify the name and professional title of the person heading this State body/agency. Please indicate if this person is the "contact person" appointed by your country to liaise with GRETA or a different person.

The Ministry of the Interior was responsible State institution for coordinating and collecting replies to this questionnaire. State Secretary Ms Ilze Pētersone is a person heading the Ministry of the Interior. She is not the "contact person" appointed by Latvia to liaise with GRETA.

Question 2:

Which State bodies/agencies contributed to responding to this questionnaire? Please indicate the main responsibilities and/or fields of competence of each of these bodies/agencies.

The Ministry of the Interior[1]: is the leading institution in home affairs sector which includes such subsectors as fight against crime, protection of public order and security, protection of individual rights and lawful interests, state border security, fire safety, fire security, rescue, civil protection, record keeping and documentation of population, as well as migration and citizenship.
The Ministry of Justice[2]: in the field of legal system formulates and implements State policy in the field of state law, administrative law, civil law, commercial law, criminal law and religious law, as well as in the field of procedural rights; co-ordinates and controls the adoption of the European Community law; in the field of the court system formulates and implements State policy in the field of the court system; in the field of penal system and execution of criminal penalties formulates and implements State policy in the field of criminal and administrative penalties and in the field of the penalty execution; organises the execution of criminal penalties and the operation of the probation system; etc.
The Ministry of Welfare[3]: is the leading institution of the State administration in the areas of labour, social security and gender equality. The main task 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, gender equality thus creating the opportunities to everybody to secure a sufficient life quality themselves in any given situation.
The Ministry of Foreign Affairs[4]: is the State institution which develops and implements a unified foreign policy of the state. In accordance with the 1963 Vienna Convention on Consular Relations it exercises consular functions in Latvia and abroad. As well as carries out the functions of the State Protocol; prepares and issues licenses for the import, export and transit of goods of strategic significance; informs Latvian society regarding European Union issues and coordinates Latvian upcoming presidency in the European Union.

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[1] By-law of the Ministry of the Interior, Cabinet Regulation No 240, adopted 29.04.2003. ("Official Gazette", 70 (2835), 13.05.2003.) [into force since 14.05.2003.]; http://www.likumi.lv/doc.php?id=74751
[2] By-law of the Ministry of Justice, Cabinet Regulation No 234, adopted 29.04.2003. ("Official Gazette", 70 (2835), 13.05.2003.), [into force since 14.05.2003.; http://www.likumi.lv/doc.php?id=74748
[3] 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
[4] By-law of the Ministry of Foreign Affairs, Cabinet Regulations No 237, adopted 29.04.2003., ("Official Gazette", 70 (2835), 13.05.2003.) [into force since 14.05.2003.], http://www.likumi.lv/doc.php?id=74754

The Ministry of Health[5]: is a leading State institution in the health sector which contains sub-sectors of public health, health care, pharmacy and legal movement of drugs. The ministry of Health is responsible for the development, management and coordination of health policy.
The Ministry of Education and Sciences[6]: it is a leading State institution in the sectors of education, science and sports, as well as youth and state language policy. The Ministry is responsible for the development of education, science, sports, youth and state language policy, and for management and coordination of the implementation of education, science, sports, youth and state language policy.
The State Inspectorate For Protection Of Children's Rights[7]**:** is an institution of direct administration supervised by the Minister for Welfare that provides the supervision and control of the observance of regulatory enactments in the field of protection of the rights of the child. The Inspectorate supervises and controls the observance of the Protection of the Rights of the Child Law and other regulatory enactments that regulate the protection of the rights of the child; analyses the situation in the field of protection of the rights of the child; ensures the operation of a hotline telephone service in the field of protection of the rights of the child; provides suggestions to the State and local government institutions and other institutions in order to ensure and improve the protection of the rights of the child; co-operates with the officials of the State and local government institutions, as well as non-governmental organisations in the field of protection of the rights of the child; and performs other functions determined in the regulatory enactments that regulate the protection of the rights of the child.
The General Prosecutor's Office[8]: The Office of the Prosecutor is an institution of judicial power, which independently carries out supervision of the observance of law within the scope of the competence. The task of the Office of the Prosecutor shall be to react to a violation of law and to ensure the deciding of matters relating to such in accordance with the procedures prescribed by law. The functions of the Office of the Prosecutor are: to supervise the work of investigative institutions and the investigatory operations of other institutions; to organise, manage, and conduct pre-trial investigations; to initiate and conduct criminal prosecution; to maintain charges of the State; to supervise the execution of sentences; to protect the rights and lawful interests of persons and the State in accordance with the procedures prescribed by law; to submit a complaint or a submission to a court in cases provided for by law; and to take part in the adjudication of matters by a court in the cases provided for by law.
The State Police[9]: is a State direct administration institution under the supervision of the Minister for the Interior, which in accordance with the competence implements State policy in the field of crime combating and the protection of public order and safety, as well as in the field of protection of the rights and legitimate interests of persons. The legal basis for State Police operations, tasks, and functions are laid out in the Law on Police[10].
The State Border Guard[11]: is a State direct administration institution under the supervision of the Minister for the Interior, which implements the State border safety policy and in accordance with the competence implements State migration policy. The legal basis for State Border Guard

[5] By-law of the Ministry of Health, Cabinet Regulations No 286, adopted 13.04.2004. ("Official Gazette", 60 (3008), 16.04.2004.) [into force since 17.04.2004.], http://www.likumi.lv/doc.php?id=87141
[6] By-law of the Ministry of Education and Sciences, Cabinet Regulations No 528, adopted 16.09.2003. ("Official Gazette", 129 (2894), 19.09.2003.) [into force since 01.10.2003.], http://www.likumi.lv/doc.php?id=79100
[7] By-law of the State Inspectorate for Protection of Children's Rights, Cabinet Regulations No 898, adopted 29.11.2005., ("Official Gazette", 191 (3349), 30.11.2005.) [in force since 01.12.2005.], http://www.likumi.lv/doc.php?id=122431&from=off
[8] Office of Prosecutor Law, adopted 19.05.1994., ("Official Gazette", 65 (196), 02.06.1994.) [into force since 01.07.1994.], http://www.likumi.lv/doc.php?id=57276
[9] By-law of the State Police, Cabinet Regulations No 46, adopted 18.01.2005. ("Official Gazette", 12 (3170), 21.01.2005.) [into force since 22.01.2005.], http://www.likumi.lv/doc.php?id=99940&from=off
[10] Adopted 04.06.1991., (Ziņotājs, 37, 24.09.1992.), [into force since 04.06.1991.], http://www.likumi.lv/doc.php?id=67957
[11] By-law of the State Border Guard, Cabinet Regulations No 122, adopted 15.02.2005. ("Official Gazette", 28 (3186), 18.02.2005.) [into force since 19.02.2005.], http://www.likumi.lv/doc.php?id=101888&from=off

operations, tasks, and functions are laid out in the Border Guard Law[12]. The Border Guard is armed, and the functions thereof are to ensure the inviolability of the State border and the prevention of illegal migration.

The Citizenship and Migration Affairs[13]: is a State direct administration institution under the supervision of the Ministry of Interior of Republic of Latvia and is responsible for issue of identity documents and travel documents, maintenance of the Population Register, implementation of state migration policy, including development and implementation of repatriation and asylum policy. The Office of Citizenship and Migration Affairs is the sole institution authorized to solve the issues related to naturalization or loss of citizenship**.**

The Information Centre of the Ministry of the Interior[14]: is a direct administrative institution subordinate to the Ministry of the Interior. The purpose of the activities of the Centre is to facilitate the prevention and combating of crime and the protection of public order and safety by utilising the means of information processing and analysis. The Centre organises and manages the operation of the information systems under the responsibility of the Centre; maintains the functionality of such information systems the technical resource holder of which is the Centre; ensures the accumulation, registration, utilisation and preservation of files (documents and data) of the Ministry and institutions subordinate thereto that are intended for long-term and permanent storage until the transfer thereof to the State Archive.

The Court Administration[15]: is a direct administrative institution subordinated to the Ministry of Justice which organises and provides the organisational management of district (city) courts, regional courts and Land Registry Office. The Court Administration is responsible for human resource management for the courts and Land Registry Offices, organization of trainings for judges and budget planning, providing of material-technical needs, IT management in courts and Land Registry Offices.

Question 3:

Did any non-governmental organisations (NGOs) or other entities of civil society contribute to responding to this questionnaire? If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed.

The NGO Society "Shelter "Safe House"": develops support services to victims of human trafficking, legal immigrants, including asylum seekers, refugees and persons granted subsidiary protection status by ensuring the individual's right to receive adequate assistance and defense; promoting rehabilitation and reintegration of victims of human trafficking into the society; creating interactive forms of training, and expanding cooperation with state and local government institutions, public and Christian organizations in Latvia and worldwide. The NGO "Shelter "Safe House"" has acquired the right to provide state financed social rehabilitation services to victims of human trafficking. The NGO "Shelter "Safe House"" provides statistics on victims of human trafficking.

[12] Adopted 27.11.1997., ("Official Gazette", 329/330 (1044/1045), 16.12.1997.) [into force since 01.01.1998.], http://www.likumi.lv/doc.php?mode=DOC&id=46228

[13] By-law of the Office of Citizenship and Migration Affairs, Cabinet Regulations No 811, adopted 03.10.2006., ("Official Gazette", 160 (3528), 06.10.2006.) [into force since 07.10.2006.], http://www.likumi.lv/doc.php?mode=DOC&id=145116

[14] By-law of Information Centre of the Ministry of the Interior, Cabinet Regulations No 526, adopted 08.06.2004., ("Official Gazette", 94 (3042), 11.06.2004.) [into force since 12.06.2004.], http://www.likumi.lv/doc.php?id=89861

[15] By-law of the Court Administration, Cabinet Regulations No 720, adopted 16.12.2003. ("Official Gazette", 180 (2945), 19.12.2003.) [into force since 01.01.2004.], http://www.likumi.lv/doc.php?id=82323

I. Integration of the core concepts and definitions contained in the Convention in the internal law of the parties

Section I.1. Integration of the Human Rights approach to action against trafficking in human beings

Question 4:

Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below).

As there was no separate chapter on human rights and fundamental freedoms in the *Satversme* (the Constitution) of 1922, on 19.12.1991 the Supreme Council adopted the Constitutional Law 'On rights and obligations of a person and a citizen' which defined fundamental rights according to international human rights standards. On 15.10.1998, the *Satversme* was amended by adding a new Chapter 8 entitled Fundamental Human Rights which is based on internationally recognized human rights standards. With its entry into force, the Constitutional Law of 10.12.1991 lost its force. The principles encompassed in the Constitution are enforced through national legislative acts (laws, Cabinet (Government) Regulations, etc.). All institutions belonging to legislative power, executive power or judiciary must observe human rights in the performance of their functions. Institutions for the promotion and protection of human rights have been established at all levels.

The Constitution of the Republic of Latvia[16], Chapter VIII Fundamental Human Rights provides that:
Paragraph 94. Everyone has the right to liberty and security of person. No one may be deprived of or have their liberty restricted, otherwise than in accordance with law.
Paragraph 95. The State shall protect human honour and dignity. Torture or other cruel or degrading treatment of human beings is prohibited. No one shall be subjected to inhuman or degrading punishment.
Paragraph 106. Everyone has the right to freely choose their employment and workplace according to their abilities and qualifications. Forced labour is prohibited. Participation in the relief of disasters and their effects, and work pursuant to a court order shall not be deemed forced labour.

The Criminal Law Chapter XV Criminal Offences against Personal Liberty, Honour and Dignity includes a person's liability for human trafficking and the title of Chapter clearly points to the fact that this offence is considered as a human rights violation.

Question 5:

Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (for example, constitutional protection, positive obligation of the state, priority examination, etc.).

The Criminal Procedure Law Section 12 provides that criminal proceedings shall be performed in compliance with internationally recognised civil rights and without allowing for the imposition of unjustified criminal procedural duties or excessive intervention in the life of a person. Civil rights may be restricted only in cases where such restriction is required for public safety reasons, and only in accordance with the procedures specified by this Law according to the character and danger of the criminal offence. The application of safety measures related to the deprivation of liberty, the infringement of the immunity of publicly inaccessible places, and the confidentiality of

[16] Adopted by the Constitutional Assembly of Latvia on 15 February 1922, ("Official Gazette", 43, 01.07.1993.) [into force since 07.11.1922.]; last access 01.08.2011. http://www.likumi.lv/doc.php?id=57980

correspondence and means of communication shall be permitted only with the consent of the investigating judge or court. An official, who performs the criminal proceedings, has a duty to protect the confidentiality of the private life of a person and the commercial confidentiality of a person. Information regarding such confidentiality shall be obtained and used only in the case where such information is necessary in order to clarify conditions that are to be proven. A natural person has the right to request that a criminal case does not include information regarding the private life, commercial activities, and financial situation of such person or the betrothed, spouse, parents, grandparents, children grandchildren, brothers or sisters of such person, as well as of the person with whom the relevant natural person is living together and with whom he or she has a common (joint) household, if such information is not necessary for the fair regulation of criminal legal relations.

The Criminal Procedure Law Section 14 provides that each person has the right to the completion of criminal proceedings within a reasonable term, that is, without unjustified delay. The completion of criminal proceedings within a reasonable term is connected with the scope of a case, legal complexity, amount of procedural activities, attitude of persons involved in the proceedings towards fulfilment of duties and other objective conditions. A person directing the proceedings shall choose the simplest type of criminal proceedings that complies with the concrete conditions, and shall not allow for unjustified intervention in the life of a person and unfounded expenditures. Criminal proceedings against an underage person shall have preference, in comparison with similar criminal proceedings against a person of legal age, in the ensuring of a reasonable term.

The Criminal Procedure Law Section 40 provides that an investigating judge shall be the judge whom the chairperson of the district (city) court has assigned, for a specific term in the cases and in accordance with the procedure specified by law, the control of the observance of human rights in criminal proceedings.

The Criminal Procedure Law Section 450 provides that a criminal case shall be tried in an open court session, but a court may determine a closed court session with a reasoned decision in a criminal case regarding a criminal offence committed by a person who has not reached sixteen years of age; in a criminal case regarding a criminal offence against morals and sexual inviolability; in order to not disclose intimate circumstances of the lives of persons involved in criminal proceedings; in order to protect a professional secret or commercial secret; in order to ensure protection of persons involved in criminal proceedings. Persons involved in criminal proceedings shall participate in a closed court session.

The Criminal Procedure Law Chapter 17 provides provisions for special procedural protection.

The Criminal Procedure Law Section 299 Content of Special Procedural Protection provides the protection of the life, health, and other lawful interests of a victim, witness, and other persons who testify or have testified in criminal proceedings regarding serious or especially serious crimes, as well as of a minor who testifies regarding the crimes provided in the Criminal Law for Section 161. Sexual Connection, Pederasty and Lesbianism with a Person who has not attained the Age of Sixteen Years, Section 162. Leading to Depravity, Section 174. Cruelty Towards and Violence against a Minor, and of a person the threat to whom may influence the referred to persons.

The Criminal Procedure Law Section 308 provides special features of the course of procedural actions in pre-trial proceedings. A person for whom special procedural protection has been determined shall be summoned to an interrogation through the intermediation of a special protection institution. In recording in documents procedural actions wherein a protected person participates for whom personal identity data has been supplemented with a pseudonym, a person directing the proceedings shall only indicate a pseudonym in place of the identity data of such person. If an indication of the address of the receipt of a consignment is necessary, the address of a special protection institution shall be indicated. In performing procedural actions wherein several persons participate and wherein the prevention of the possibility of identifying a person under special procedural protection is necessary, technical means that do not allow for an identification of such person shall be used. Persons under protection have the right to not answer questions, if the answers may provide the opportunity to determine the identity thereof. With the consent of the Prosecutor General, criminal proceedings against an accused for whom special procedural protection has been determined may be isolated in separate records. The address of a special protection institution shall be indicated instead of the address of a person under special procedural protection in the list of persons to be summoned to a court session. Only the pseudonym of a

person whose personal identity data have been substituted with a pseudonym, and the address of a special protection institution, shall be entered.
The Criminal Procedure Law Section 309 provides that 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 Performance of an Investigative Action by Using Technical Means, if the person him or herself is located outside of the court room.
The Criminal Procedure Law Section 143 provides that during the course of the occurrence of an investigative action, the performer of the investigative action may record sound and image in a recording.

Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international cooperation

Question 6:

Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims, and to criminalise THB and prosecute traffickers.

Criminal Law
Criminal Procedure Law
Latvian Administrative Violations Code
Protection of the Rights of the Child Law
Law on Social Services and Social Assistance
Special Protection of Persons Law
Law on State Compensation to Victims
Law On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia
Immigration Law
State Ensured Legal Aid Law
Medical Treatment Law
Education Law
Support for Unemployed Persons and Persons Seeking Employment Law
Personal Data Protection Law
Cabinet Regulations No 889 Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings
Cabinet Regulations No 291 Requirements for Social Service Providers
Cabinet Regulations No 1046 Procedure for Organizing and Financing of Medical Treatment
Cabinet Regulations No 1613 Procedures for Providing the Necessary Assistance for the Child Suffered from Unlawful Activities
Cabinet Regulations No 553 Regulations Regarding Work Permits for Third-country Nationals
Cabinet Regulations No 564 Regulations regarding Residence Permits

Question 7:

Does your country have a comprehensive national policy and/or a National Action Plan to combat THB? If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.

Implementing Convention's Article 29 Paragraph 2 the Government of Latvia according to the UN Recommended Principles and Guidelines on Human Rights and prevention of Trafficking in human beings had developed and implemented the first National Action plan (NAP)[17] ("National

[17] "National Action Plan for the Prevention of Human Trafficking 2004-2008" was approved in March 2004.

Programme for the Prevention of Human Trafficking 2004-208"). Both the competent state institutions and non-governmental organizations working in the field of THB prevention were involved in development and implementation of NAP.
The objective of National Programme for the Prevention of Human Trafficking 2004-208 was to promote the prevention and suppression of human trafficking by implementing focused preventive, educational and support activities for the victims of human trafficking and to unite the efforts of the state and society to eliminate human trafficking.
The Ministry of the Interior in cooperation with the involved institutions every year until 1 March had submitted informative report on implementation of anti-trafficking programs to the Government. This way success and progress in combating human trafficking was measured every year.
The most important results achieved by implementing the NAP:
1) State-funded social rehabilitation for victims of human trafficking was stipulated in the law, thereby one of the most important objectives of the NAP was implemented. During the implementation of the program the required modifications of regulatory acts that would allow the provision of services funded by the State to victims of human trafficking were performed in 2004, the system how and according to what criteria to do it was created in 2005, and the State started to provide the new services for the first time in 2006
2) The Criminal Law was amended by creating legislation with a punishment mechanism that is proportional to the committed criminal offence. The human trafficking is considered now as a serious violation of human rights and sentence for this crime is deprivation of liberty for up to 15 (fifteen) years;
3) Latvia has joined several international conventions - *the Council of Europe Convention on Action against Trafficking in Human Beings*, and has signed international cooperation agreements (for e.g. *Agreement on cooperation in combating terrorism, organized crime, illicit traffic in narcotic drugs, psychotropic substances and precursors and other crime)* with number of countries including such third countries as Uzbekistan, Moldova, Azerbaijan and Belarus, these agreements include cooperation in combating human trafficking;
4) Many informative events and campaigns were organized and successfully implemented which have increased the understanding of the society about the problem of human trafficking.

The second National Action Plan ("National Programme for the Prevention of Human Trafficking 2009-2013"); the objective and sub-goals of the NAP – to plan and implement activities to facilitate prevention and combating of human trafficking by improving awareness of society about human trafficking, providing support services for victims of human trafficking, promoting cooperation between public entities and NGOs, enhancing work of law enforcement institutions. The Ministry of the Interior and the Ministry of Welfare are designated as responsible authorities for the implementation of the National Programme for the Prevention of Human Trafficking 2009 – 2013 (NAP).[18] The aim of the NAP is to implement targeted and preventative education on THB issue to the society. Although the focus has so far been on trafficking for sexual exploitation, it was acknowledged that capacity would be created to address the issue of trafficking for forced labour. The National Action Plan is a concise document. It comprises a short summary, the listing of goals and expected results and a timetable detailing tasks and responsible bodies in charge for implementation. The Programme prescribes the implementation of four sub-goals and five directions – data collection and researches, improvement of the legal acts, implementation of preventive measures, improvement of the cooperation between the State institutions and NGOs, improvement of the actions of law enforcement institutions and subordinated 26 tasks for achievement of results of the Programme. According to the Programme the Ministry of the Interior coordinates the introduction of the Programme every two years collecting information provided by institutions responsible for the implementation of tasks of the Programme and submitting the Assessment Report (Informative Report) to the Cabinet of Ministers. The first Informative Report[19] (Interim Assessment Report) on the implementation of the Programme contains information about progress of implementation of tasks of the Programme during the period of assessment from

[18] http://polsis.mk.gov.lv/view.do?id=3135; Cabinet Decree No 590, adopted on 27.08.2009. This is the second Latvian NAP.
[19] Approved by the Government on 17.03.2011.; http://www.iem.gov.lv/eng/sector/reports/

January 1, 2009 until December 31, 2010 as well as on the perspectives of the implementation of tasks which are not accomplished or which are continuous.
In the implementation of NAP various governmental institutions and NGOs, international organization (IO) are involved: the Ministry of Foreign Affairs, the Ministry of Education and Sciences, the Prosecutor's Office of Liepaja City, the Ministry of Health, the State Border Guard, the Ministry of Economics, the Ministry of Welfare, the General Prosecutor's Office, the Ministry of Justice, Riga City Council, the State Police, the Riga Municipal Police, the Office of Citizenship and Migration Affairs, the Ministry of the Interior, the State Labour Inspectorate, the State Employment Agency, International Organization for Migration (IOM) Riga bureau, Society "Shelter "Safe House"", Society "Resource Centre for Women "Marta"".

In order to coordinate the activities of governmental agencies, municipal institutions and non-governmental organizations within the implementation of the Programme for Prevention of Human Trafficking 2009-2013 and to ensure the efficient exchange of information and coordinated actions related to the issues of the prevention and combating the human trafficking and the issues of providing the support of social services for the victims of human trafficking on March 3, 2010 an inter-institutional working group (National Task Force) by the Decree[20] of the Prime Minister was established. The National Task Force and experts who are invited but are not members of the National Task Force is a well organized system which is able to deal with any challenge involving the changes related to the development of criminal offences related to human trafficking.
Considering the tendencies of THB the decision about expanding the National Task Force was taken. The improved composition of National Task Force was approved by the Prime Minister's Decree No.207 on June 10, 2011[21]. At the present National Task Force consists of 20 members.

Up that time the framework of cooperation in terms of information exchange and issue's coordination on human trafficking problem, definition and implementation of activities in order to prevent and combat trafficking in human beings as well as provide assistance to victims of trafficking in human beings had been enforced on *ad-hoc* meeting basis organized by the Ministry of Interior. During these meetings the representatives of informal inter-institutional working group had evaluated the progress implementing tasks of "National Programme for the Prevention of Human Trafficking 2004-208". In this informal inter-institutional working group the representatives of international organizations, NGOs, law enforcement institutions as well as ministerial level representatives have participated permanently.

Questions concerning specialised authorities, co-ordination of actors and actions against THB and international co-operation (Articles 29, 32 to 35):

Question 8:

In your country are there persons or entities specialised in the fight against THB and the protection of victims? If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities? Please specify the financial resources (in euros) allocated to this training.
The Trafficking in Human Beings Investigation Unit within the State Police has been established since year 2003 on the basis of the Vice Squad which had carried its duties successfully since year 1999. The unit is staffed by 19 full-time police officers in Riga. Additionally there are 4 full-time police officers located at regional boards of the State Police who are responsible for issues regarding human trafficking prevention and combating in the region, as well as implementation of the principle *training the trainees* in the area of fight against and prevention of trafficking in human beings in the region.

[20] The Prime Minister's Decree No 77 from 3rd of March 2010, published "Official Gazette" No.37 on 5 March 2010 http://www.vestnesis.lv/body_print.php?id=206123
[21] The Prime Minister's Decree No 207, adopted 10.06.2011., ("Official Gazette", 92 (4490), 14.06.2011.) [into force since 10.06.2011.], http://www.likumi.lv/doc.php?id=231550

The Prosecutor's Office set up a specialized unit in 2001 to fight organized crime with about 10 prosecutors responsible for human trafficking cases. When implementing functions vested by law, Prosecutor's Office supervises pre-trial investigation, commences and performs prosecution and brings charges on behalf of the State in court proceedings, including *inter alia* charges for committing crimes involving violations of fundamental human rights.
The State Police has developed the Criminal investigation's Tactical level's Group for Tasks and Coordination which decided to elaborate tactical assessment on criminal activities related to prostitution, soutenerism, human trafficking and related unlawful activities. The Regional Offices of the State Police collect information which should be sent to the 3rd Unit for Fight against Human Trafficking and Soutenerism of Organized Crime Enforcement Board of the Main Criminal Police Board each month.
In 2008, a separate unit consisting of 6 specially trained police officers was established within the State Police in Riga. This unit investigates sexual offences against children; each case of involvement of a minor in prostitution is carefully investigated. In 2010 this unit consisted of 8 police officers. The officials of the State Border Guard in cooperation with the officials of the Office for Citizenship and Migration Affairs, the State Police and the State Labor Inspectorate carry out spot checks at companies to control observation of foreigners' employment requirements and to detect foreigners who reside in country illegally and who probably could be victims of human trafficking with purpose for forced labor.
On September 1, 2009 the specialized unit – Tourism unit was created in Riga Municipal Police with the aim to provide help for foreign citizens in non-standard situations and to control administrative violations done by foreign tourists. The personnel of the Tourism unit can communicate in English language; additionally some officials can speak fluently in German, Italian, Russian and other languages. The police officers of the Tourism unit patrols mainly in the central part of the city where are situated the places frequently visited by tourists, but in the case of necessity the police officers of the Tourism unit can serve all the territory of the city in order to provide help and assistance in the incidents in which foreign tourists are involved. The special hotline (phone number 67181818) was introduced in Riga Municipal Police to get information about incidents with the guests of the city. Hotline is available 24 hours a day and it is possible to receive a consultation of police officer, to request the help of police, to provide information about possible unlawful action etc. in English language. Information about this hotline is published in brochure distributed in tourism agencies and hotels.

Implementing Convention's Article 29 Paragraph 3 The Ministry of the Interior, the Ministry of Foreign Affairs, the State Police and the Ministry of Welfare within their resources have organized educational events for specialists from different branches:

- consular trainings: annual regional trainings of consular officials of Latvia for the consular officials working in the member states of Schengen and for the consular officials working in countries outside Schengen (training was organized within funding of the European External Borders Fund of the Framework Programme for Solidarity and Management of Migration Flows for 2007 – 2013, 25% – Latvian co-financing), as well as for diplomats and consular officials working in foreign diplomatic missions in Riga;
- trainings for law enforcement officials to enhance their awareness about human trafficking, their role in prevention of human trafficking and to improve their skills to identify possible victims of human trafficking: in these trainings police officers, border guards, officials of the Office of Citizenship and Migration Affairs, prosecutors from Riga and the regions of Latvia, Riga municipal police officers, judges, officials of the State Employment Agency and the State Labor Inspectorate have participated;
- trainings for specialists of social issues branch: the chairmen and officials of orphan courts from Riga and the regions of Latvia, officials of social assistance services form Riga and regions of Latvia, officials of the State Inspectorate for Protection of Children's Rights have participated.

Strengthening the knowledge of officials in human rights the State Police College[22] realizes program of vocational education, the program of professional higher education of first level, and offers to acquire courses of professional development and various programs for the professional training and further education of the State police officers.
In content of program of vocational education subject “Police Rights” is included in which inter alia cadets acquire understanding about police activities in the field of human rights and child protection. Accordingly program of professional higher education of the first level composed from several courses in which students acquire in-depth understanding about protection system of the rights of the child and the application of international and national law.
In addition within education of professional development the State Police College organizes professional development courses “The Protection of the Rights of the Child” for police officers daily working with children as well as courses in “Observance of human rights at State police work” and “Human rights. Problems of racism”.
Consequently within the study programs of the State Border Guard College there are presented the themes about human and citizens' constitutional rights and liberties, entry and residence of foreign minors in Republic of Latvian and the rights and obligations of asylum-seekers (unaccompanied minors). According to strategic and overall objectives of this study, it includes principles of human rights and humanism.Also in professional standard for the State Border Guard officials (Cabinet Regulations No 552 Regulations on professional standards of senior officers of the State Border Guard[23], and Cabinet Regulations No 551 Regulations on professional standards of junior officers of the State Border Guard[24] which were into force until 30.07.2011.) the knowledge of the essence of constitutional law and human rights on the level of understanding was prescribed as one of the most necessary knowledge.
The State Border Guard College has not the specific educational program on issues on human trafficking, but these issues are discussed in the framework of following subjects:

- “Immigration Control” – topic “International legal acts”;
- “Border Checks” – discussing legal acts providing tasks of border guards in regard to human trafficking, for example, the Law on the State Border of the Republic of Latvia;
- “Framework of the rights and the legislation” – issues on human trafficking are discussed within the topic “Organized Crime”;

“Profiling and Interviewing” and “Technical Means” – border guards are acquainted with technical means by which to detect illegally moved people. Within the topic on smuggling the places are discussed where people could be hidden and carried.

The State Police College has organized several seminars for the officers of the State Police for the improvement of necessary skills for prevention, combating and investigation of the criminal offences related to human trafficking, investigation of cases of human trafficking/pimping, international searching of missing persons. The State Police College has developed professional development training plan for the police officers of the regional offices of the State Police in year 2011. The professional development training plan consists of 6 training courses. Each training course provides an education of 20 police officers in each regional office and 40 police officers in Riga. During these trainings police officers will be educated who do not deal with issue of human trafficking in their daily work (officers on duty, inspectors of minors’ prevention, criminal police officers), but who could face the cases of human trafficking. Acquired knowledge would help identify possible cases of human trafficking and to take decision appropriately and forward

[22] According to the Cabinet Decree No 521 on 13.07.2006 the State Police College was established, providing that it is the educational institution under the authority of the State Police. The College's mission is to train police officers for professional service in the national police, according to the requirements and order of the State Police, as well as the implementation of the State Police staff professional development system in conjunction with the course of future progress. On 22.05.2008 Council of Higher Education unanimously decided to grant program accreditation for 6 years to the State Police College as an institution of higher education and open-ended accreditation to the authority.
[23] Cabinet Regulations No 552, adopted 04.07.2006., ("Official Gazette", 106 (3474), 06.07.2006.) [into force since 07.07.2006.; to be void 30.07.2011.], http://www.likumi.lv/doc.php?id=139269&from=off
[24] Cabinet Regulations No 551, adopted 04.07.2006., ("Official Gazette", 106 (3474), 06.07.2006.) [into force since 07.07.2006.; to be void 30.07.2011.], http://www.likumi.lv/doc.php?id=139268

information to respective institution, as well as to educate colleagues according to the principle "train the trainers". On December 2010 in Riga the first training course was implemented in which 22 police officers of Riga Regional Board of the State Police have participated.
In 2009, the State Police College hosted seminars for the State Police officials to improve the necessary skills on the following subjects:
– the international search of missing persons ;
– the aspects of prevention, combating and investigation of crimes related to human trafficking.
In 2010, the State Police College has organized a seminar for State Police officers to improve necessary skills on the topic "Investigation of Human Trafficking/Soutenerism cases".
In 2008, 330 policemen have acquired a program "Children Rights Protection". Until September 2008, 81 public prosecutors acquired different programs and courses including on issues of domestic violence against women and children, as well as on minor offenders. Foundation of Latvian Judicial Training Centre has organized lectures on sexual exploitation of children for 155 judges altogether in 2008.

Specialists of the State and local government institutions who examine cases that are related to the protection of the rights of the child acquire special knowledge in the field of protection of the rights of the child according to the Cabinet Regulations No 729 Regulations regarding Procedures for the Acquisition of Special Knowledge in the Field of Protection of the Rights of the Child and the Content of Such Knowledge[25]. These Regulations prescribe the procedures by which specialists of the State and local government institutions who examine cases that are related to the protection of the rights of the child acquire special knowledge in the field of protection of the rights of the child, and the content of such knowledge.
In order to acquire special knowledge in the field of protection of the rights of the child, a specialist shall acquire a training programme of 40 academic hours in length. The training programme shall cover the following topics:
- the system for the protection of the rights of the child and regulatory enactments regarding the matters of protection of the rights of the child;
- application of the international legislative acts in the protection of the rights of the child;
- the rights and duties of parents and children;
- violence against a child, the types and indications thereof, inter-institutional co-operation if violence has occurred; and
- the basic principles of communication in correspondence with the features of the child's age phase.
A specialist shall acquire a training programme within a period of one year after he or she has taken up a position or has been hired. A specialist shall improve his or her knowledge in the field of protection of the rights of the child every five years by acquiring a training programme the length of which is 24 academic hours. Education and trainings are regularly provided for professionals involved in issues related to the protection of the rights of the child (police officers, representatives of the Orphan's Court, social workers, prosecutors, judges, medical personnel, and teachers).

The biggest municipality of Latvia – Riga Municipality is involved in the National Task Force and in the implementation of the Programme providing real financial support in the providing of preventive measures. Within funding 2`770 LVL (~ 3`957 EUR) granted from the Fund for providing public order in Riga a project "Preventive measures for the elimination of human trafficking" was implemented: two seminars, each of three days, during which 60 social workers have got knowledge about identification of victims of human trafficking, psychological assessment, stigmatization, needs, problems, providing of assistance, legal standards and provisions. The brochure "Human trafficking prevention" was developed and published in Latvian and Russian languages in 20`000 copies.

The trainings for judges about issues on human trafficking actually have not been realized during last years, because wide trainings on topic about human trafficking there were organized for judges in 2005, 2006 and 2007. On December 7, 2010 there was a Day of Criminal Justice during which

[25] Cabinet Regulations No 729, adopted 27.09.2005., ("Official Gazette", 157 (3315), 04.10.2005.) [into force since 05.10.2005.], http://www.likumi.lv/doc.php?id=117974

the qualification of sex crimes was one of the discussed issue inter alia human trafficking was one of the four discussed types of criminal offences. 70 officials of court system took part in this event. Foundation Latvian Judicial Training Centre has informed that the special trainings for judges about issues of human trafficking prevention are not planned because substantial amendments in legal acts in this field have not been done. It is planned that the joint trainings for judges, prosecutors and police officers on issues of human trafficking will be organized in 2012.

All the mentioned activities are organized within the financial resources of relevant institutions allocated from the State budget.

Question 9:

Is there, within your governmental structure, a national body responsible for coordinating all national actors and actions against THB (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)? If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences. If there is currently no such co-ordinating body, are there any plans to set one up in the near future? If so, please give details.

Implementing Convention's Article 29 Paragraph 4 the National Coordinator of THB (NC) is based at the Ministry of the Interior. The post is at the level of Director of Sectoral Policy Department and it is not full time position. The office of the National Coordinator is allocated two staff members based at the Ministry of Interior. The National Coordinator of Latvia is considered an alternative mechanism to the National Rapporteur. The National Coordinator as a coordinating body for the implementation of anti-trafficking policies organizes meetings of experts at all levels (governmental institutions, law enforcement institutions, nongovernmental and international organizations) in order to deal with the problems of implementation of NAP, represents the interests of stakeholders in the field of prevention and combating human trafficking in the Government and in the Parliament. The National Coordinator is also in charge for ensuring communication in this field with foreign embassies and IOs. The National Coordinator is in charge for comprehensive data gathering, monitoring activities and reporting on human trafficking and anti-trafficking efforts, defining findings and recommendations regarding elimination of human trafficking in Latvia at national level. The establishment of a separate institution of National Rapporteur is not planned in the nearest future, because the existing coordination mechanism is considered as alternative mechanism of National Rapporteur which ensures the functioning of the system of coordination of measures against human trafficking.

Question 10:

Is this co-ordinating body also responsible for the co-ordination of the collection of administrative data or population survey data on THB? If not, please specify which body/entity has this responsibility.

The **Information Centre of the Ministry of Interior**, which is a direct administration authority subordinate to the Ministry, is operating several Information Systems[26]. The aim of the Information Centre is to facilitate the prevention and combating of crime and the protection of public order and safety by utilising the means of information processing and analysis.[27]
The Information System *"Persons Committed Criminal Offences"* includes

[26] In total, the Information Centre operates 14 Information Systems. For a detailed overview see: http://www.ic.iem.gov.lv/?q=en/node/145

[27] Statistical information on the crime level in Lithuania, Latvia and Estonia is available here http://www.ic.iem.gov.lv/?q=en/node/381

- information regarding the physical persons who were: arrested, suspected, prosecuted, convicted, acquitted for committing a criminal offence, against whom criminal proceedings have been terminated in the Republic of Latvia;
- information regarding legal persons to which a coercive measure has been applied;
- information regarding legal persons registered in Latvia, citizens of Latvia, non-citizens of Latvia[28], foreigners who have received permanent residence permits in Latvia, stateless persons and refugees, who have committed criminal offences and administrative violations in other states.

The latest statistical data is available for the year 2010. The information about registered persons committed criminal offences is available since the year 2006.

The Information System *"Register of Criminal Offences"* includes:
- information regarding all initiated criminal cases on reported crimes in the Republic of Latvia and on initiated criminal cases received from abroad on which pre-trial investigation will take place in Latvia (e.g. number, nature, spread of crimes, location and date of initiation of criminal cases)
- information regarding legal and physical persons for whose interests the criminal offence was committed by other physical persons (number of persons, characterizations, personal data, qualification of crime);
- information regarding the results of pre-trial investigation (relevant decisions taken in criminal cases and those date);
- information regarding the procedural movement of the criminal cases.

The latest statistical data is available for the year 2010. The information about registered criminal offences is available since the year 2005.

In September 2010 the development of Criminal Proceedings Information System[29] was finished which contains a specific Database on victims suffered from criminal offences. The following information about a person will be, amongst others, available:
- formal information (personal data: name, surname, identification number, date of birth, nationality, gender, place of residence);
- characterizing information (marital status, minor victim's guardianship/custody, and family situation, education, occupation);
- information about the circumstances in which the person has suffered;
- information about the relationship between victim and offender;
- the type of assistance provided for victim;
- the data on the performed expertise (determination of the health damage);

the compensation amount applied by the victim during pre-trial criminal proceeding and the reimbursed amount of compensation. The Criminal Proceedings Information System collects data on criminal proceedings initiated since 01.01.2011.

The **General Prosecutor's Office** provides the Ministry of the Interior with the numbers of prosecuted criminal cases, among which are the cases of human trafficking according to the Latvian Criminal Law. This information is made public in the annual report of the Ministry of the Interior. Furthermore, the General Prosecutor's Office is also publishing data referring to human trafficking cases in its annual reports. These reports are available in Latvian for the years 2004 – 2010.

The Courts Information System is superintended by **the Ministry of Justice** and the holder of this System is **the Court Administration**. One of the main tasks of this system is to provide computerized data exchange with other State information systems. The users of this system are

[28] In parallel to the status of Latvian citizen, the status of a non-citizen was created in 1995, as a special temporary status for former USSR citizens and their descendants living in the Republic of Latvia who do not have Latvian or any other state's citizenship. Latvia's non-citizens are not considered as stateless persons within the meaning of the 1954 Convention relating to the Status of Stateless Persons, given the much wider scope of non-citizens' rights; in relation to such individuals Latvia has undertaken particular obligations – it guarantees *ex lege* residence in Latvia, consular protection abroad, as well as the right to return to Latvia and the right not to be expelled from Latvia. Non-citizens enjoy most of the rights guaranteed to Latvian citizens. Every non-citizen has the right to acquire Latvian citizenship through naturalization.

[29] Cabinet Regulations No 850, adopted 14.09.2010., ("Official Gazette", 148 (4340), 17.09.2010.) [into force since 18.09.2010.], http://www.likumi.lv/doc.php?id=217945

officials of judicial system. The System contains information regarding civil cases, administrative cases, administrative violation cases, criminal cases, materials which are considered in the order of criminal proceedings. The System contains publicly accessible statistical data on:

- convicted persons (according the Criminal Law Sections);
- exonerated persons (according the Criminal Law Sections);
- number of convicted persons and sentences (according the Criminal Law Sections; combinations of sentences);
- suspended sentences within criminal cases (according the Criminal Law Sections);
- persons against whom criminal cases are terminated (according the Criminal Law Sections);
- persons which criminal cases are retried (according the Criminal Law Sections);
- persons which cases are sent for the performing of procedural actions (according the Criminal Law Sections);
- number of convicted persons who have committed an offence in organized groups (according the Criminal Law Sections).

Various Latvian **NGOs** are collecting data on the victims of human trafficking assisted by them. Between 2002 and December 2008 the Resource Centre "**Marta**" has supported and assisted female victims of human trafficking for sexual exploitation. In December 2008, services for victims of human trafficking as well as a help hotline established by "Marta" had to be closed down due to lack of finances. However, the hotline is operated again since January 2010. Data on victims assisted by "Marta" is obtainable on the organisation's website[30] for the year 2008.[31] Additionally, the Shelter "**Safe house**" was founded in 2007 specifically to provide assistance to victims of human trafficking. The NGO "Shelter "Safe House"" collects statistical data on victims of human trafficking.

The **State Border Guard**. One of the Latvian Border Guard's main tasks is to control the entry and residence of foreigners in Latvia. In the framework of this competency, the Border Guard also identifies victims of human trafficking and their perpetrators and collects data, which is forwarded to the Ministry of the Interior. In cooperation with the Office of Citizenship and Migration Affairs, the State Labour Inspectorate, the State Revenue Service and the involvement of the State Police, the Border Guard also performs spot-checks to detect violations of foreigners employment rules. Therefore, the Border Guard also gathers information on possible human trafficking cases for labour exploitation.

The **Office of Citizenship and Migration Affairs** (PMLP) was established in 1991 under the Latvian Ministry of the Interior and is responsible for the issuance of identity and travel documents and the implementation of the state migration policy. Furthermore, PMLP is tasked with the issuance and registration of (temporary) residence permits. Since 2002, figures on the issued (temporary) residence permits and the number of persons repatriated are collected and published by PMLP on an annual basis. Although the statistics also contain the number of (temporary) residence permits granted to victims of human trafficking and the victims repatriated, data is only available in an aggregated form giving an overview on the total number of cases and persons receiving residence permits and being repatriated. PMLP is a National Contact Point of the European Migration Network[32]. The task of the network is to collect actual and reliable data and information from different sources and exchange existing data and information and to analyse these data and information and provide them in readily accessible format. The annual reports about migration and asylum situation in Latvia are available since the reference year 2004.

The **Ministry of Welfare** collects data on the number of persons, who receive state funded social rehabilitation services under the 30-days reflection period or the temporary residence permit as well as other categories of the victims receiving assistance. This set of data is forwarded to the Ministry of the Interior and published in its regular reports.

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[30] http://www.marta.lv/page.php?lang=en&id=51&lapa=254.

[31] Disaggregated data is available on the age (18, 18-25, 26-35), the country victims were exploited, by whom the victims were referred to the NGO and on the type of assistance offered to them. As stated above, information is only accessible for 2008.

[32] http://www.emn.lv/en/

Question 11:

Do NGOs have full membership status in your national co-ordinating body? If so, how many? Please describe the criteria for NGO membership.

Yes.
Implementing Convention's Article 29 Paragraph 2 4 representatives of NGOs and IOs were included in the National Task Force operated from March 3, 2010 until June 10, 2011: 1 – IOM Riga bureau, 1 – Society "Shelter "Safe House"", 2 – Society "Resource Centre for Women "Marta"".
5 representatives of NGOs and IOs are included in the National Task Force operated from since June 10, 2011: 1 – IOM Riga bureau, 2 – Society "Shelter "Safe House"", 2 – Society "Resource Centre for Women "Marta"".

There are no formal criteria for NGOs to be the members of the National Task Force. The members of the National Task Force are NGOs and IO which are dealing with issues of human trafficking, particularly in providing assistance for the victims of human trafficking.

Society "Shelter "Safe House"", Society "Resource Centre for Women "Marta"" and IOM Riga bureau are the main non-governmental actors in Latvia which activities are directly related to supporting and assisting victims of human trafficking. Their counter-trafficking activities are geared toward the prevention of human trafficking, particularly women and children, and the protection of migrant's rights, carrying out information campaigns, providing counselling services, conducting researches on human trafficking and migration issues, providing safe and dignified return and reintegration assistance to victims of trafficking, facilitating gender equality and protection the rights of women in Latvia, cooperating with government entities to improve legal system to counter trafficking and processes of political development.

Besides "Memorandum of cooperation between the Ministry of the Interior and NGOs" was signed on November 8, 2007. The objective of Memorandum is to enable the development of public safety by involvement of society in the decision making process, to support balance of interests for providing of social stability thereby promoting implementation of effective state administration corresponding to the interests of society. Implementing this objective the cooperation of Parties is based on generally recognized legal principles considering dividing of competences and framework of actions stated by legal acts and Parties' resources. The main task of the Memorandum is to provide comprehensive cooperation of the Ministry of the Interior with NGOs in facilitating policy of society's safety and any interested NGO may join up the Memorandum. In May 21, 2008 NGO "Shelter "Safe House"", the Resource Centre for Women "Marta", the Latvian Red Cross and the Missing Child Search Society have acceded to the Memorandum. These NGOs take part in the process of the implementation of the Memorandum in the field of human trafficking issues within their specific competence.
For the implementation of the Memorandum an Advisory Council of Public Security of the Ministry of the Interior is established. The Council is chaired by the Minister of the Interior and as the permanent members of the Council the authorized representatives of NGOs who have signed the Memorandum and who have expressed a desire to act in the Council. Within the Council the parties by delegating their representatives not less than quarterly jointly discuss the implementation of the Memorandum and consider the actual challenges (including issues of human rights), which urge to find further solutions, as well as provide suggestions and recommendations in the issues essential for the national and public security (including drafting and development of laws and regulations).

Question 12:

Are there any other national or international entities or bodies participating in your national co-ordinating body? If so, please specify.

The National Task Force is represented by officials of the Ministry of Foreign Affairs, the Ministry of Education and Sciences, the Prosecutor's Office of Liepaja City, the Ministry of Health, the State Border Guard, the Ministry of Economics, the Ministry of Welfare, the General Prosecutor's Office, the Ministry of Justice, Riga City Council, the State Police, the Riga Municipal Police, the Office of Citizenship and Migration Affairs, the Ministry of the Interior.

Question 13:

Please describe the legal basis for international co-operation between your country and other countries in the fight against THB:
□□national legislation;
□□international instruments/agreements (bilateral and/or multilateral).
Please indicate the title of the legal instruments.

The Criminal Procedure Law Article 812 indicates that in the pre-trial proceedings, the Office of the Prosecutor General shall examine and decide a request of a foreign state, and up to the commencement of criminal prosecution the State Police shall also examine and decide such request.

The international cooperation in the criminal-legal field is described by the Criminal Procedure Law Part C where Section 673 provides that Latvia shall request international co-operation in criminal matters from a foreign state, and shall ensure such co-operation:
1) in the extradition of a person for criminal prosecution, trial, or the execution of a judgment, or for the determination of compulsory measures of a medical nature;
2) in the transfer of criminal proceedings;
3) in the transfer of a convicted person for the execution of a sentence of deprivation of liberty;
4) in the execution of procedural actions;
5) in the recognition and execution of a judgment;
6) in other cases provided for in international treaties.

It should be taken into account, that judicial co-operation has been regulated by various laws. For instance, judicial co-operation among the European Union Member States mostly has been regulated by the European Union secondary legislation (Decisions and Framework Decisions before Lisbon Treaty; Regulations and Directives after Lisbon Treaty).
In the international judicial co-operation, bilateral (trilateral) international treaties signed by Latvia have a significant role, and they has been implemented on the basis of provisions of an international treaty that may differ in view of the provisions of the respective agreement. Therefore, judicial co-operation with certain countries has been performed on a larger scale, including judicial co-operation in criminal cases and civil cases, while agreements concluded with other countries provide for legal cooperation only regarding extradition matters, or they cover mutual co-operation among the countries in respect of criminal law matters.
International judicial co-operation regulations result also from a number of international multilateral conventions, for example, European Convention on mutual legal assistance.
Latvian legislation on international judicial cooperation does not specify the list of crimes, which are the basis for cooperation.
The Criminal Procedure Law Section 675 provides that the competent authorities that are specified in regulatory enactments shall send and received requests for criminal-legal co-operation, and such institutions shall regulate international co-operation in criminal matters. A Latvian competent authority may agree with a foreign competent authority regarding the direct communication between courts, Prosecutor's Offices, and investigating institutions. If an agreement with a foreign state does not exist, the Minister for Justice and the Prosecutor General have the right, within the

framework of the competence specified in this Part of this Law, to submit to the foreign state a request for judicial co-operation, or to receive a request from the foreign state for judicial co-operation. The Minister for Justice and the Prosecutor General may request from, or submit to, a foreign state a confirmation that reciprocity will be observed in judicial co-operation, that is, that the co-operation partner will hereinafter provide assistance, observing the same principles.

Latvia has joined several **international documents in the field of legal assistance**:

Convention on Mutual Assistance in Criminal Matters and its Protocol
1. Adopted by: Saeima (Parliament) 24 Mar 1997
2. Status: in force 31 Aug 1997

Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
1. Adopted by: Saeima (Parliament) 29 Jan 2004
2. Status: in force 01 Jul 2004

European Convention on the Transfer of Proceedings in Criminal Matters
1. Adopted by: Saeima (Parliament) 24 Mar 1997
2. Status: in force 03 Sep 1997

Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the EU
1. Adopted by: Saeima (Parliament) 29 Apr 2004
2. Status: in force 23 Aug 2005

European Convention on Extradition and its two Protocols
1. Adopted by: Saeima (Parliament) 24 Mar 1997
2. Status: in force 31 Jul 1997

International convention against the taking of hostages
1. Status: in force 14 Dec 2002
2. Publication: Official Gazette Nr.145 09 Oct 2002

United Nations Convention against Transnational Organized Crime
1. Adopted by: Saeima (Parliament) 17 May 2001
2. Status: in force 29 Sep 2003

Convention between the Member States of the European Communities on the Enforcement of Foreign Criminal Sentences
1. Adopted by: Saeima (Parliament) 07 Apr 2004
2. Status: provisional application 13 Nov 2004

Rome Statute of the International Criminal Court
1. Adopted by: Saeima (Parliament) 20 Jun 2002
2. Status: in force 01 Sep 2002

European Convention on the International Validity of Criminal Judgements
1. Adopted by: Saeima (Parliament) 05 Jun2003
2. Status: in force 30 Oct 2003

Latvia has signed **bilateral agreements on legal assistance in criminal matters** with several countries:

Agreement between the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania on Legal Assistance and Legal Relations
1. Date of conclusion: 11 Nov 1992
2. Adopted by: Cabinet of Ministers 15 Dec 1992
3. Status: in force 03 Apr 1994

Agreement on recognition and enforcement of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty between the Government of the Republic of Latvia and the Government of the Kingdom of Norway
1. Date of conclusion: 28 Apr 2011
2. Adopted by: Cabinet of Ministers 19 Apr 2011
3. Status: not in force

Agreement Between the Republic of Latvia and the Kyrgyz Republic on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters

1. Date of conclusion: 10 Apr 1997
2. Adopted by: Saeima (Parliament) 21 May 1998
3. Status: in force 24 Mar 2001

Treaty between the Republic of Latvia and the People's Republic of China on Mutual Judicial Assistance in Criminal Matters

1. Date of conclusion: 15 Apr 2004
2. Adopted by: Saeima (Parliament) 16 Sep 2004
3. Status: in force 18 Sep 2005

Agreement between the Republic of Latvia and the Republic of Belarus on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters

1. Date of conclusion: 21 Feb 1994
2. Adopted by: Saeima (Parliament) 26 Jan 1995
3. Status: in force 18 Jun 1995

Agreement between the Republic of Latvia and the Republic of Moldova on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters

1. Date of conclusion: 14 Apr 1993
2. Adopted by: Saeima (Parliament) 21 Sep 1995
3. Status: in force 18 Jul 1996

Agreement between the Republic of Latvia and the Republic of Poland on Legal Assistance and Legal Relations in Civil, Family, Labour and Criminal Matters

1. Date of conclusion: 23 Feb 1994
2. Adopted by: Saeima (Parliament) 26 Jan 1995
3. Status: in force 05 Sep 1995

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Uzbekistan on Legal Assistance and Legal Relations in Civil, Family, Labour and Criminal Matters

1. Date of conclusion: 23 May 1997
2. Adopted by: Saeima (Parliament) 19 Sep 1996
3. Status: in force 12 May 1997

Agreement between the Republic of Latvia and the Russian Federation on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters

1. Date of conclusion: 03 Feb 1993
2. Adopted by: Supreme Council 01 Jun 1993
3. Status: in force 28 Mar 1995

Agreement between the Republic of Latvia and the Ukraine on Legal Assistance Relations and Legal Relations in Civil, Family and Criminal Matters

1. Date of conclusion: 23 May 1995
2. Adopted by: Saeima (Parliament) 12 Oct 1995
3. Status: in force 11 Aug 1996

Treaty between the Government of the Republic of Latvia and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters

1. Date of conclusion: 13 Jun 1997
2. Adopted by: Saeima (Parliament) 01 Oct 1997
3. Status: in force 17 Sep 1999

Protocol to the Treaty between the Government of the Republic of Latvia and the Government of the United States of America on Mutual Assistance in Criminal Matters

1. Date of conclusion: 07 Dec 2005
2. Adopted by: Saeima (Parliament) 08 Jun 2006
3. Status: in force 01 Feb 2010

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:

Agreement between the Government of the Republic of Latvia and the Government of the Czech Republic On Co-operation in Combating Terrorism, Illicit Trafficking In Narcotic Drugs and Psychotropic Substances and Organised Crime

1. Date of conclusion: 14 Nov 2000
2. Adopted by: Cabinet of Ministers 02 Feb 2000
3. Status: in force 29 Jan 2001

Agreement between the Government of the Republic of Latvia and the Government of the Federal Republic of Germany on Cooperation in Struggle Against the Organised Criminality, Terrorism and the Increased Dangerousness Crimes

1. Date of conclusion: 30 Mar 1995
2. Adopted by: Cabinet of Ministers 23 Aug 1994
3. Status: not in force

Agreement between the Government of the Republic of Latvia and the Government of Georgia on Co-operation in Combating Terrorism, Illicit Drug Trafficking and Organized Crime

1. Date of conclusion: 26 Oct 2001
2. Adopted by: Cabinet of Ministers 17 Oct 2001
3. Status: in force 09 Apr 2004

Agreement between the Government of the Republic of Latvia and the Government of the Kingdom of Belgium on Police Cooperation

1. Date of conclusion: 16 Oct 2001
2. Adopted by: Cabinet of Ministers 11 Oct 2001
3. Status: in force 05 Apr 2005

Agreement between the Republic of Latvia and the Kingdom of Spain on Cooperation in Combating Terrorism, Organised Crime, Illicit Traffic in Narcotic Drugs, Psychotropic Substances and Precursors and Other Crime

1. Date of conclusion: 24 Nov 2003
2. Adopted by: Cabinet of Ministers 11 Nov 2003
3. Status: in force 30 Apr 2005

Agreement between the Government of the Republic of Latvia and the Council of Ministers of the Republic of Albania in Co-operation in Combating Terrorism, Organized Crime, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors

1. Date of conclusion: 16 Dec 2009
2. Adopted by: Saeima (Parliament) 10 Jun 2010
3. Status: in force 22 Jul 2010

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Armenia on Cooperation in Combating Terrorism, Organised Crime, Illicit Traffic in Narcotic Drugs, Psychotropic Substance and Precursors and Other Crime

1. Date of conclusion: 10 Dec 2009
2. Adopted by: Saeima (Parliament) 06 May 2010
3. Status: in force 29 Oct 2010

Agreement between the Government of the Republic of Latvia and the Austrian Federal Government on Police Cooperation

1. Date of conclusion: 20 Jan 2004
2. Adopted by: Cabinet of Ministers 15 Oct 2002
3. Status: in force 01 Apr 2004

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Azerbaijan On Co-operation in Combating Terrorism, Illicit Trafficking In Narcotic Drugs, Psychotropic Substances and Precursors and Organised Crime

1. Date of conclusion: 03 Oct 2005
2. Adopted by: Cabinet of Ministers 27 Sep 2005
3. Status: in force 19 Apr 2006

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Co-operation in Combating Organised Crime, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors, Terrorism and Other Crime

1. Date of conclusion: 17 May 2007
2. Adopted by: Cabinet of Ministers 08 May 2007
3. Status: in force 21 Nov 2007

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Croatia on Cooperation in Combating Terrorism, Illicit Drug Trafficking and Organized Crime

1. Date of conclusion: 23 Feb 2001
2. Adopted by: Cabinet of Ministers 21 Feb 2001
3. Status: in force 15 Aug 2003

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Cyprus on Co-operation in Combating Terrorism, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Organized Crime

1. Date of conclusion: 11 Apr 2005
2. Adopted by: Cabinet of Ministers 05 Apr 2005
3. Status: in force 26 Feb 2006

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Estonia on Cross-Border Cooperation in Combating Crime

1. Date of conclusion: 07 Jun 2006
2. Adopted by: Saeima (Parliament) 28 Sep 2006
3. Status: in force 16 Nov 2006

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Finland on Cooperation in Crime Prevention

1. Date of conclusion: 27 Jun 1996
2. Adopted by: Cabinet of Ministers 02 Jul 1996
3. Status: in force 05 Mar 1997

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Hungary on Cooperation in Combating Terrorism, Illicit Drug Trafficking and Organized Crimes

1. Date of conclusion: 06 Mar 1997
2. Adopted by: Cabinet of Ministers 26 Feb 1997
3. Status: in force 14 Dec 1997

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Kazakhstan On Co-operation in Combating Terrorism, Illicit Trafficking In Narcotic Drugs and Psychotropic Substances and Organized Crime

1. Date of conclusion: 08 Oct 2004
2. Adopted by: Cabinet of Ministers 05 Oct 2004
3. Status: not in force

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on Cooperation in Combating Organised Crime and Other Offences and on Joint Actions in Border Regions

1. Date of conclusion: 07 Jun 2006
2. Adopted by: Saeima (Parliament) 12 Oct 2006
3. Status: in force 15 Jul 2007

Agreement between the Government of the Republic of Latvia and the Government of Malta on Cooperation in Combating Terrorism, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Organized Crime

1. Date of conclusion: 24 Jul 2008
2. Adopted by: Saeima (Parliament) 04 Dec 2008
3. Status: in force 23 Jan 2009

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Moldova on Co-operation in Combating Terrorism, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Organized Crime

1. Date of conclusion: 29 May 2003
2. Adopted by: Cabinet of Ministers 24 Apr 2003
3. Status: in force 19 Dec 2003

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Slovenia on Co-operation in Combating Terrorism, Organized Crime, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Other Serious Crimes

1. Date of conclusion: 13 Sep 2005
2. Adopted by: Cabinet of Ministers 06 Sep 2005
3. Status: in force 25 May 2006

Cooperation Agreement between the Government of the Republic of Latvia and the Government of the Republic of Turkey on Fighting against International Illicit Trafficking in Narcotic Drugs, Psychotropic Substances, International Terrorism and Organized Crim

1. Date of conclusion: 04 Jun 1997
2. Adopted by: Cabinet of Ministers 04 Jun 1997
3. Status: in force 08 Oct 1997

Agreement between the Government of the Republic of Latvia and the Government of the Republic of Uzbekistan on Co-operation in Combating Organized Crime, Terrorism, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors

1. Date of conclusion: 17 Jun 2002
2. Adopted by: Cabinet of Ministers 11 Jun 2002
3. Status: in force 25 Sep 2003

Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on Cooperation in Combating Crime, in Particular in Its Organized Forms

1. Date of conclusion: 20 Dec 2010
2. Adopted by: Saeima (Parliament) 16 Jun 2011
3. Status: in force 15 Jul 2011

Agreement between the Government of the Republic of Latvia and the Government of the Slovak Republic on Co-operation in Combating Terrorism, Illicit Drug Trafficking and Other Organized Crime

1. Date of conclusion: 24 May 1999
2. Adopted by: Cabinet of Ministers 20 Apr 1999
3. Status: in force 18 Jun 1999

Agreement between the Government of the Republic of Latvia and the Government of the State of Israel on Cooperation in Combating Illicit Trafficking and Abuse of Narcotic Drugs, Psychotropic Substances and Precursors, Terrorism and other Serious Crimes

1. Date of conclusion: 27 Jul 1998
2. Adopted by: Cabinet of Ministers 22 Jul 1998
3. Status: in force 29 Dec 1998

Agreement between the Republic of Latvia and Swiss Confederation on Police Cooperation in Combating Crime

1. Date of conclusion: 23 May 2005
2. Adopted by: Cabinet of Ministers 16 Nov 2004
3. Status: in force 26 Jul 2006

Agreement between the Government of the Republic of Latvia and the Government of the United States of America on Enhancing Cooperation in Preventing and Combating Serious Crime

1. Date of conclusion: 29 Sep 2008
2. Adopted by: Cabinet of Ministers 29 Sep 2008
3. Status: in force 20 Jul 2010

Agreement between the Government of the Republic of Latvia and the Cabinet of Ministers of Ukraine on Co-operation in Combating Terrorism, Illicit Trafficking of Drugs, Psychotropic Substances, Precursors and Organized Crimes

1. Date of conclusion: 24 Feb 2000
2. Adopted by: Cabinet of Ministers 23 Feb 2000
3. Status: in force 13 Dec 2007

Question 14:

What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international cooperation on action against THB, as provided for in Article 34 of the Convention?

The Criminal Procedure Law Article 812 indicates that in the pre-trial proceedings, the Office of the Prosecutor General shall examine and decide a request of a foreign state, and up to the commencement of criminal prosecution the State Police shall also examine and decide such request. After transfer of a case to a court, the Ministry of Justice shall examine and decide a request of a foreign state.
According to the Criminal Procedure Law Section 814 the competent authority (State police, General Prosecutor's Office or the Ministry of Justice) decides whether to accept or not the request immediately, but not later than within a term of 10 days after the receipt thereof. And also the central authority determines the institution that will fulfil the request terms for the execution.
In adjudicating a request of a foreign state, a competent authority shall take one of the following decisions:
1) regarding the possibility of the execution of the request, determining the institution that will fulfil the request, terms, and other conditions;
2) regarding a refusal to fulfil the request or a part thereof, substantiating the refusal.
The Criminal Procedure Law Section 815 provides that an investigating institution, the Prosecutor's Office or a court shall fulfil a request of a foreign state under the assignment of a competent authority. The institution fulfilling a request of a foreign state shall, in a timely manner, inform the foreign state, on the basis of an order of a competent authority, regarding the time and place of the performance of a procedural action. The competent authority shall send to the foreign state the materials obtained as a result of the execution of the request. If a procedural action has not been performed or has been performed partially, a foreign state shall be notified regarding the reasons for the non-execution of a request. If, in fulfilling a request of a foreign state, facts are acquired for the further examination of which the performance of other emergency procedural actions are necessary, the executor of the request is entitled, in accordance with the procedures specified in this Law, to perform such activities, notifying the initiator of the request thereof. The executor of a request of a foreign state, having determined during the execution of the request objects and documents, the circulation is prohibited by law and seizure of which is not justified in the request, shall seize such objects and documents, and write a separate protocol regarding such seizure.
The Criminal Procedure Law Section 675 provides that the competent authorities that are specified in regulatory enactments shall send and received requests for criminal-legal co-operation, and such institutions shall regulate international co-operation in criminal matters. A Latvian competent authority may agree, in criminal-legal co-operation, with a foreign competent authority regarding the direct communication between courts, Prosecutor's Offices, and investigating institutions. 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 this Part of this 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.

Question 15:

Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention? If so, please indicate how such information is transmitted and which authorities are involved.

Yes, it is possible to spontaneously provide information, without prior request, to authorities of another country. The competent authorities such as the State Police, the Prosecutor's Office and

courts are the authorities that are involved in criminal proceedings, thus these authorities may exchange of information.

The Law on the Exchange of Information for the Prevention, Detection and Investigation of Criminal Offences[33] ensures the swift exchange of information between Latvia and other Member States within the framework of co-operation of law enforcement authorities, in order to prevent, detect and investigate criminal offences. The Law prescribes the order how the data should be requested and provided for a competent authority of a Member State. This Law does not regulate international cooperation in the criminal legal field. The Cabinet Regulations No 886 Regulations on Content and Form of Application Forms for Provision of Information for the Prevention, Detection and Investigation of Criminal Offences[34] provide the content and form of forms for provision and request of information for the prevention, detection and investigation of criminal offences. These legal acts provide implementation of the legal provisions of Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.

The State Police cooperates with Interpol and Europol providing information, as well as participate in the elaboration of the risk and threat assessments organized by Interpol and Europol and which contain information about human trafficking with the purpose of sexual exploitation, about overall situation in the field of human trafficking, about money laundering of means obtained from human trafficking and illegal immigration.

Question 16:

Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis, with the police forces from other parties to fight THB? If so, please describe the action taken and provide an assessment of its impact. If not, please describe any plans for joint action or obstacles to joint action.

The State Police cooperates with the countries of destination of the victims of human trafficking from Latvia. In the framework of the cooperation the State Police provides the exchange of information and the performance of joint actions on the basis of international agreements signed by Latvia.
The organized crime groups in Latvia are not actively involved in trafficking in human beings. In the mostly cases recruiters are coincidental persons who have not been involved in recruitment before or who have had a request to assist and find persons in Latvia who would like to prostitute legally in brothels. 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. In fact the transportation does not happen because the State Police in order to not assume possible cases of human trafficking using efficient legislation of Latvia overtakes a commitment of crime and almost in all cases uses specially trained police officers women undercover and in cooperation with officials of the Criminal Investigation units of the State Border Guard detains recruiters at the state border.
Considering the best practice and experience of joint cooperation it is important to mention the fruitful cooperation with the relevant agencies of Germany and the liaison officer of Germany in Riga during 2008-2011 implementing joint actions resulting in conviction of 3 German citizens for human trafficking in Germany and 5 Latvian citizens for human trafficking in Latvia.
As the most important example of the international cooperation of the State Police in 2009 can be mentioned criminal procedure, when in 2008 there was interrupted attempt of the group of persons

[33] Adopted 12.03.2009., ("Official Gazette", 51 (4037), 01.04.2009.; Ziņotājs, 9, 14.05.2009.) [into force since 15.04.2009.], http://www.likumi.lv/doc.php?id=190004&from=off

[34] Cabinet Regulations No 886, adopted 11.08.2009., ("Official Gazette", 129 (4115), 14.08.2009.) [into force since 15.08.2009.], http://www.likumi.lv/doc.php?id=196127

to send two 16 and 17 years old persons from Latvia to United Kingdom for sexual exploitation. In cooperation with the liaison officer of the State Police of the Republic of Latvia in the United Kingdom, on 17.09.2008 there was initiated common investigation with the Police of the United Kingdom in accordance with the Paragraph 2 of the Section 154[1] of the Criminal Law of the Republic of Latvia on human trafficking, in respect to a minor. The liaison officer of the State Police of Latvia in the United Kingdom substantially facilitated and hastened international judicial cooperation, information exchange and implementation of legal assistance requests. During the common pre-trial investigation and within the framework of legal assistance request to the United Kingdom, information appeared that an owner of Latvian model agency with a purpose of enrichment has regularly sent from Latvia to foreign countries several adults and 3 minors for sexual exploitation. On suspicion of commitment of the above mentioned crime in 2009 previously unpunished citizen of Latvia was detained, who was declared as a suspect of the commitment of the crime and a security measure – custodial arrest was applied. The person's actions were qualified and he was adjudged as suspect in commitment of the crimes in accordance with the Paragraph 2 of the Section 154[1] and the Paragraph 2 of the Section 165[1] of the Criminal Law. Officials of the State Police have sent the criminal procedure for inception of prosecution to Specialised Prosecutor's Office of Organised Crimes. In the United Kingdom concerning these criminal offences the legal process took place against citizen of Russia.

Section I.3. Definition of "THB" and of "victim" in the internal law of the parties

Question 17:

Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law? Please describe how they have been integrated in your internal law.

Yes, the national legal definition of human trafficking established by the Criminal Law contains all three components (action, means and purpose) contained in Article 4a of the Convention.

Implementing Convention's Article 4a The Criminal Law[35] Article **Section 154.[2] Meaning of Human Trafficking**[36] provides that (1) Human trafficking is the recruitment, transportation, transfer, concealment 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 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.
(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 or to provide services, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or the 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.

Implementing Convention's Article 4c The Criminal Law **Section 154.[2] Meaning of Human Trafficking** provides that (2) The recruitment, transportation, transfer, concealment 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.

[35] Adopted by the Parliament 17.06.1998., ("Official Gazette", 199/200 (1260/1261), 08.07.1998.) [into force since 01.04.1999.], http://www.likumi.lv/doc.php?id=88966
[36] Section 154.² Meaning of Human Trafficking and Section 154¹ Human Trafficking were amended to the Criminal Law on 25.04.2002., ("Official Gazette", 69 (2644), 09.05.2002.) [into force since 23.05.2002.]

Implementing Convention's Article 4d Protection of the Rights of the Child Law[37] Section 3. The Child and the Principle of Equality Regarding the Rights of the Child provides that (1) A child is a person who has not attained 18 years of age, excepting such persons who have been declared to be of legal age in accordance with the law or have entered into marriage before attaining 18 years of age.

Question 18:

Please indicate which of the following forms of THB are recognised under your internal law:
national;
transnational;
linked to organised crime;
not linked to organised crime.

The Criminal Law Section 3, Section 4 and Section 154.¹ provide a person's criminal liability for the commitment of offences of human trafficking and it does not depend on in which country human trafficking offence is committed – on national level (within the territory of a country) or between several countries.
A person's criminal liability for human trafficking is provided apart from whether human trafficking is connected with organized crime or not. The Criminal Law Section 154.¹ is developed providing more severe punishment if the criminal offence is committed by organized group.

Question 19:

Under your internal law, is a "victim of THB" any natural person who is subject to THB as defined in Article 4e of the Convention? Please provide the definition of a "victim of THB" under your internal law. Please provide (a translation of) the legal text(s) in English or in French.

Implementing Convention's Article 4e Law on Social Services and Social Assistance[38] provides definition of "victim of THB": Section 1 29) **victim of trafficking of human beings** — a person who has been recognised as a victim in the criminal offence of trafficking of human beings or who the State Police has issued a statement that he or she is a victim of trafficking of human beings in a foreign state, as well as a person who has been recognised as conforming to victim of trafficking of human beings criteria by a social service provider (a social service provider is NGO).
The Criminal Procedure Law Section 95 provides that a victim in criminal proceedings may be a natural person or legal person to whom harm was caused by a criminal offence, that is, a moral injury, physical suffering, or a material loss.

Question 20:

Does your internal law recognise as victims of THB:
- women;
- men;
- children?

Yes, the victim of human trafficking can be a child, a woman and a man.
As it is stated in Law on Social Services and Social Assistance Section 1 that victim of trafficking of human beings is a person who has been recognised as a victim in the criminal offence of trafficking of human beings or who the State Police has issued a statement that he or she is a victim of trafficking of human beings in a foreign state, as well as a person who has been recognised as

[37] Adopted on 19.06.1998., ("Official Gazette", 199/200 (1260/1261), 08.07.1998.) [into force since 22.07.1998.], http://www.likumi.lv/doc.php?id=49096
[38] Adopted by the Parliament 31.10.2002. ("Official Gazette", 168 (2743), 19.11.2002.) [into force since 01.01.2003.], http://www.likumi.lv/doc.php?id=68488

conforming to victim of trafficking of human beings criteria by a social service provider. “Person” means “Individual” according to Legislation Glossary[39]. In the framework of civil rights a natural person is a man (human being) as a legal subject and carrier of rights and duties.

Question 21:

To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognised as a victim of THB under your internal law? Please specify if your internal law contemplates the consent of the three categories of victims: women, men, children. Please provide examples.

According to Cabinet Regulations No 889 Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings the process to identify a potential victim of THB can be initiated and a person may receive social rehabilitation services for the State budget funds on the basis of the following documents:
- a written submission of the person or the legal representative thereof to the provider of services; and
- a decision of the performer of the criminal procedure, according to which the person is recognised the victim in a criminal matter regarding the traffic in human beings, or a statement of a law enforcement institution that the person has suffered from the traffic in human beings in a foreign state, or a person’s assessment report of the provider of services, in which the compliance of the person with the criteria of a victim of the traffic in human beings has been specified.

Accordingly a person can have a status of a victim of human trafficking out of criminal proceeding and to receive all the state funded rehabilitation services provided for a victim of human trafficking.

The Criminal Procedure Law Section 96 Paragraph 3 provides that 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 Criminal Procedure Law Section 95 provides that a victim in criminal proceedings may be a natural person or legal person to whom harm was caused by a criminal offence, that is, a moral injury, physical suffering, or a material loss.

II. Implementation by the parties of measures aimed to prevent THB, protect and promote the rights of victims of THB and prosecute traffickers

Section II.1. Implementation of measures to prevent THB

Question 22:

Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years? If so, was it based on research for determining effective prevention methods? Was it addressed to a particular group of potential victims? Which bodies, governmental or non-governmental, were in charge of implementing it? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If more than one campaign or programme was carried out please provide the details for each of them. If there are currently plans for launching a new campaign or programme, please provide details.

[39] Legislation Glossary (Likumdošanas aktu terminu vārdnīca) published by “Senders R”, 1999, page 322.

National Programme for the Prevention of Human Trafficking 2009 – 2013 (NAP). The aim of the NAP is to implement targeted and preventative education on human trafficking issue to the society. The Programme prescribes the implementation of five directions – data collection and researches, improvement of the legal acts, implementation of preventive measures, improvement of the cooperation between the State institutions and NGOs, improvement of the actions of law enforcement institutions. Implementing the NAP during last years the significant informative campaigns and activities to inform society were organized and implemented in cooperation between the Ministry of the Interior, the State Police, the General Prosecutor's Office, the Ministry of Foreign Affairs, the State Employment Agency, the society "Shelter "Safe House"", the society "Resource Centre for Women "Marta"":

- about fake marriages (marriages in convenience) as a form of human trafficking and risks;
- safe traveling and risks of illegal employment;
- what should be borne in mind using services provided by licensed private employment companies;
- what should be borne in mind of pupils and students who after graduating secondary schools and universities would like to travel abroad to study or to find a job;
- about safe traveling and behavior in emergency situations;
- about the Consular Register;
- how to apply for consular assistance in cases when inhabitants of Latvia have got into trouble in foreign countries;
- about a role of governmental institutions and NGOs in elimination of human trafficking and providing the assistance for victims of human trafficking.

Since the beginning of September, 2009 the State Police is implementing a campaign "Safe days at schools" during which among other issues of legal education pupils are informed and educated about risks and threats of human trafficking. Preschools, primary schools, secondary schools, specialized and professional education institutions were involved in the campaign throughout Latvia: in year 2009 in Riga region – 213 educational institutions, in Kurzeme region – 104, in Latgale region – 144, in Vidzeme region – 130, in Zemgale region – 106. During 2010 within a campaign "Safe days at schools" 2996 preventive measure were realized. In this campaign during 2010 1073 preschools, 1578 primary and secondary schools, 259 specialized and professional education institutions were involved. During 2010 in total 5129 preventive measures were realized by the State Police.

In year 2010 within the project "Challenging Gender Roles for Prevention of Trafficking!" the society "Resource Centre for Women "Marta"" has started the implementation of several informative activities and social campaigns in order to make society aware about issues on prevention of human trafficking, legalization of prostitution, punishing of buyers of sexual services. Within the social campaign "Buy a girl – save the county!" web sites www.meitenes24.lv, www.izglabvalsti.lv and www.seksapolicija.lv were launched. Within the campaign the society "Resource Centre for Women "Marta"" invited politicians, experts from areas of education, health care, economy and law enforcement to discuss legal regulation of prostitution.

The competent institutions of Latvia had participated in the development of regional research "Human Trafficking in Baltic Sea Region: coopertion between state and civil society in the field of assistance and protection of victims of human trafficking" conducted by United Nations Office on Drugs and Crime (UNODC) and Council of Baltic Sea States Task Force against Trafficking in Human Beings (CBSS TF-THB). The objective of the research was to assess actual mechanisms of cooperation between public institutions, law enfircement agencies and civil society in providing assistance for victims of human trafficking in the CBSS region. In this assessment a separate chapter about Latvia is available where concrete spheres are highlighted to which Latvia should pay more attention. The representatives of Latvian competent institution actively were involved in the development of this chapter. The research is acsessible on websites www.cbss.org/tfhb and www.unodc.org/unodc/en/human-trafficking/publications.html .

In 2010 CBSS TH-THB has started an assessment about data collection mechanisms in all CBSS TF-THB member states. The objective of this assessment was to assess how existing information on data collection on human trafficking in the Baltic Sea Region is identified, systematised and analysed. The research Hard data is accessible on websites www.cbss.org/tfhb.

The campaign "Fake marriage – a trap!" took place from October 22 until December 23, 2009 and was organized by the NGO "Shelter "Safe House"". During this campaign 2-3 serious cases of the marriage of convenience (situations which demanded urgent assistance for the victims) were registered every week and the State Police was informed about these cases. 30 persons received assistance by e-mail regularly. Since the beginning of the campaign information about the problem of marriage of convenience was disseminated in Internet (in 19 web pages – Latvian and international) and about 819 persons had acquainted with that information every day, in total the information was read 47`486 times. The aim of the campaign was to inform and to warn the society about possible consequences of the marriages of convenience. The campaign was financed by the NGO "Shelter "Safe House"".
The informative campaign „Fake marriage – a trap!"[40] organized by the NGO "Shelter "Safe House"", supported by the Ministry of the Interior, the Ministry of Foreign Affairs and the Riga City Council, was started with a press conference on January 18, 2011 during which it was announced that the amendments in the Criminal Law which would allow punishing of organizers of marriages of convenience are necessary urgently[41]. During the press conference the representatives of the NGO "Shelter "Safe House"" emphasized that in order to fight the increasing problem of human trafficking the public, municipal and NGO sectors have joined together as well as entrepreneurs who have supported the organization of press conference and informative campaign financially. During the informative campaign „Fake marriage – a trap!" the society was informed about the risks of human trafficking concluding marriages of convenience with or without reward with the third countries citizens without a purpose to develop a family as well as a survey was done to assess the awareness of society regarding such marriages. The wide interactive activities were organised at the main traffic hubs from which people travel from Latvia. The informative campaign „Fake marriage – a trap!" was supported by Philip Morris Latvia, Tallink Hotel Riga, Joint-Stock Company Riga International Bus Station, State Joint-Stock Company Latvia's Railway, State Joint-Stock Company „International airport „Riga", Joint-Stock Company Riga Passengers' Port.

A screen shot "Fake marrige – a trap?" from web page of the society "Shelter "Safe House"" (http://www.patverums-dm.lv/index.php?lang=en&id=110) .

[40] Fake marriage – a trap!, http://www.patverums-dm.lv/index.php?lang=en&id=97

[41] Latvia has recognized the marriages of convenience (definition given by Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience (a 'marriage of convenience' means a marriage concluded between a national of a Member State or a third-country national legally resident in a Member State and a third-country national, with the sole aim of circumventing the rules on entry and residence of third-country nationals and obtaining for the third-country national a residence permit or authority to reside in a Member State)) as the potential risk of human trafficking. In order to stop facilitation of such marriages and to punish organizers and traffickers the amendment in Criminal Law is elaborated which provides that for intentional ensuring or organizing of a person's illegal residence in the European Union Member States, Member States of the European Economic Area or the Swiss Confederation, the applicable punishment is deprivation of liberty for a term not exceeding five years. The proposal for amendments is submitted to the Government for consideration and further submitting to the Parliament for approval.



On February 6 – 8, 2009, and February 5 – 7, 2010, the Consular Departament of the Ministry of Foreign Affairs participated in the international tourism exibition “Balttour 2009” and “Balttour 2010”.
During exibition visitors were informed about the role of consular service and consular assistance in emergency situations abroad. Visitors were invited to take the leaflets with information on safe travel, advices on how to act in emergency situations, and about the Consular Register. The consultations with consular officials were available at the Departments stand in the exhibition hall.
In March and April, 2009, the Ministry of Foreign Affairs organised the campaign “Safe travel month”. During this campaign the representatives of the Consular Department of the Ministry of Foreign Affairs visited various schools and Universities in Riga and other cities of Latvia (for example, Jelgava, Rezekne, Daugavpils, Valmiera, Liepaja) informing about the principles of safe travel. At the Universities they focused on marriages of convinience and issues of illegal employment. As well as the leaflets were distributed.

In 2009 the Ministry of Foreign Affairs held several press conferences and seminars for mass media, informing about the actions to be taken in emergency situations abroad. With the help of mass media the Ministry and Embassies warned people about the key point to be aware of before going abroad – these are: know the destination, who is a employer, how long the travel document is valid for, an insurance policy, does family know about travelling plans and contact information. Special attention was paid to marriages of convenience issue because in many cases through such marriages women become the victims of trafficking. Since there was a notable tendency of such marriages in Ireland, the Latvian Embassy in Ireland initiated two publications in the newspaper “Diena”, some publications in Latvian regional newspapers, on-line media and Latvia and Ireland.

From October 21 until November 28, 2009 the Ministry of Foreign Affairs in cooperation with the State Employment Agency organized the informative campaign “Know before accepting to work

abroad!" The representatives of the Consular Department of the Ministry of Foreign Affairs informed about the most common risks and problems that Latvian citizens face in foreign countries. The State Employment Agency had informed about issues related to agencies providing work placement services. The campaign started with a press conference in Riga and the lectures and seminars were held in ten biggest cities of Latvia (Valmiera, Saldus, Jekabpils, Jelgava, Ventspils, Liepaja, Madona and Rēzkne). During these seminars visitors were informed about the action in emergency situation, problems of fake marriages.

In 2009 a separate section of the website of the Ministry of Foreign Affairs had been introduced – "For Travellers". It contains information and recommendations for those, who intend to travel abroad, including the procedure for obtaining visas, documents to be taken with, warnings for travellers and information about the Consular Register. It also contains links to the relevant region's Latvian and foreign authorities' web-sites.
On February 6th 2009, the Ministry of Foreign Affairs introduced a toll free information line for travellers – 800 05 905, where anyone can get a consultation regarding any consular matter. The consultations are available at the Consular Department of the every working day during public hours or at any Latvian diplomatic or consular mission abroad.

The State Police using the mass media regularly informs inhabitants of Latvia about trafficking in human beings, gives recommendations on how to avoid becoming a victim of human trafficking and how to act in the case of human trafficking as well as about possibilities to receive assistance in Latvia and in foreign countries. The Press and Public Relation Bureau of the State Police in collaboration with other structural units of the State Police and non-governmental organizations (e.g. the Resource Center for Women "Marta", "Dardedze Centre") developed a web page "Sargi sevi" (safeguard yourself) www.sargi-sevi.lv, where the information about these risks and threats is updated regularly.

Issues such as the rights of the child, about the rights of the child to be protected from violence, abuse and other unlawful activities turned against the child's safety, health and sexual inviolability have been included in the content of primary education as well as secondary education according to the Cabinet Regulations No 1027 Regulations on the State Basic Education Standard and the Basic Education Subjects Standards[42]. These issues are discussed in Social Science lessons throughout grades one to nine. Furthermore, different human rights issues, including child trafficking, pornography and prostitution are discussed in the Politics and Rights lessons and the Health leassons throughout upper secondary school. While discussing the mentioned issues, pupils develop consciousness about human trafficking and similar crimes. In addition, pupils adopt the knowledge how to act when dealing with such problems. Moreover, pupils are encouraged to be cautious when providing his or her personal information on the Internet and elsewhere.
The main objectives of the Cabinet Regulation No 1027 are to 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.

Since 2003 the society „Dardedze Center" is implementing Džimba Safety program which is child focused program for reducing child victimization. In the framework of this program a child receives instructions on personal safety that are positive, comprehensive and effective as well as parents and educators receive support and guidelines on how to teach personal safety to their children.

The Ministry of Education and Sciences during year 2010 in order to improve professional competences of teachers 215 specialists (teachers and heads of education institutions) of

[42] Cabinet Regulations No 1027, adopted 19.12.2006., ("Official Gazette", 204 (3572), 22.12.2006.) [into force since 23.12.2006.], http://www.likumi.lv/doc.php?id=150407&from=off

secondary schools and professional education institutions were trained in informative and educative seminars and in eight professional development programmes about issues of prevention of human trafficking with the purpose for sexual exploitation.

Question 23:

Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.

Following the Decree No 132 of the Cabinet of Ministers issued on 3.03.2004. National Programme for the Prevention of Human Trafficking 2004-2008 was approved. The objective of the National Programme was to promote the prevention and suppression of human trafficking by implementing focused preventive, educational and support activities for the victims of human trafficking and to unite the efforts of the state and society to eliminate human trafficking.

Following the Decree No 590 of the Cabinet of Ministers issued on 27.08.2009 a Programme on prevention of trafficking in human beings for the years 2009-2013 was approved. Its main goal is to plan and implement measures in order to promote the prevention of trafficking in human beings.

In cases when a child is involved in trafficking in human beings, its protection is considered essential. Following the Decree No 605 of the Cabinet of Ministers issued on the 3.09.2009 a Program on prevention of juvenile crime and protection of juveniles against criminal offences for the years 2009-2011" was approved. Its goal is to reduce juvenile crime, prevent factors that encourage crime, as well as to improve safety of children by protecting them against any threats to their health or life.

Trafficking in human beings often is a part of the organized crime. Following the Decree No 390 of the Cabinet of Ministers issued on the 31.05.2006 a State programme on prevention, reduction and fight against organized crime for the years 2006-2010 was approved. Its goal is to make the prevention and fight against criminal offences that are linked with organized crime more effective, as well as to reduce the influence of organized crime by creating a beneficial environment for law enforcement institutions in order to fight organized crime.

The Ministry of Education and Sciences takes part in the implementation of the Programme "Information and Communications for Education Quality, 2007-2013" (adopted on 20.10.2006, by the Decree No 812 of the Cabinet of Ministers) to ensure that utilization of information technologies and communications has a positive effect on the quality of education. The Programme states that it is necessary to provide computer literacy, extend the possibilities for using information technologies and communications in education process, upgrade teachers' competences and skills, develop secure and effective information technologies and communications infrastructure in education institutions of all types and levels and in the educational management institution.

Following the Decree No 581 of the Cabinet of Ministers issued on 25.08.2009. Action Plan to protect minors from criminal offences against morals and sexual inviolability 2010-2013. This Action Plan includes four main directions which require comprehensive approach and complex development. The aim of the Action Plan is to minimize threat of criminal offences against morals and sexual inviolability of juveniles and activities to reach this aim are set out in the Action Plan itself. These activities are related to:
- educating and involving society in the prevention of criminal offences against morals and sexual inviolability of juveniles, organizing society information campaigns;
- improving the penal policy;
- improving the supervision and treatment of persons who have committed criminal offences against morals and/or sexual inviolability of juveniles, and improving the support provided to the victims of such offences;
- developing the institutional cooperation.

Following the Decree No 185 of the Cabinet of Ministers issued on 31.03.2004. the Strategic document (guidelines) "Latvia suitable for children" was approved. The Strategic document is elaborated to provide a single national policy on the rights of the child, as well as the adoption of appropriate long-term program and to protect children from all forms of violence, criminality, use and distribution of addictive substances, impact of gambling, to provide effective solving of the problems of street children. This document is a long-term policy planning document which contains the basic principles of the national policy, the objectives and the priorities of the implementation of the children's rights policy. This document was developed in cooperation with children, more than hundred local governments of Latvia, governmental institutions and NGOs.

According to the Concept on Protection of Children's Rights on the Internet, which was adopted by the Decree No 643 of the Cabinet of Ministers issued on 07.11.2002., it is advisable to use filter in local computer networks at schools to ensure the use of the Internet resources for educational purposes and to eliminate any harmful information that can be accessed online, including child pornography. The Concept also advises to improve general and higher education curricula, including topics on secure Internet use and ethics.

Question 24:

What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting?

The information about national/regional informative campaigns and national programmes to alert the potential victims of human trafficking about the various forms of exploitation, the potential risks and threats of human trafficking is provided in answers of Question 22 and Question 23.

Within the framework of the European Union programme "Safer Internet 2009-2013" project "Net-Safe Latvia", starting with 10.02.2009, children and teenagers can call to the children's and teenagers' hotline 116111 operated by the State Inspectorate for Protection of Children's Rights, and to inform about the cases, when the child's security on the Internet is under threat. During the conversation, consultants of the hotline provide not only psychological assistance but also inform how to act in the specific case. Reports about child's security offences on the Internet environment are registered and forwarded to the responsible institutions. Hotline's operational hours are 8am to 11pm on working days, 8 am to 10pm on Saturdays and 10am to 10pm on Sundays. According to the data provided by the

In 2010 within the project "Challenging Gender Roles for Prevention of Trafficking!" of the society "Resource Centre for Women "Marta"" and Åland Islands Peace Institute, the project is financed by Central Baltic „INTERREG IV A" programme 2007-2013, the society "Resource Centre for Women "Marta"" has started the implementation of weekly activities of youth groups. Throughout Latvia and in Riga in total 14 youth groups are established whose members are 13 – 16 years old. The objective of group activities is using various informal educative and interactive methods to prevent risks of human trafficking among young people. The informative campaign "Kāda šķirba? Liela šķirba" ("What a difference? A big difference") was started in May 2010 with the aim to change the traditional gender roles among the youth and to reduce the risks of human trafficking. The informative materials – stickers, posters and badges- were distributed at schools and stamping-grounds for young people. The web page www.lielaskirba.lv was developed. On this web page juveniles and young people can obtain information about stereotypes about women and men, what is right for a girl or a boy to do and to behave, different theories about gender roles, and an interactive test. This web page calls young people to realize that it is important to be who the person is and it is good to be different.
In the framework of this informative campaign a discussion is begun with school principals and teachers how to find the best way to talk to young people so that they can build self-confident behaviour. In autumn 2010 when the school year will start the informative materials of the campaign will be distributed at schools in Latvia again.
A screen shot from the web page www.lielaskirba.lv :



In order to eliminate the demand for child sexual exploitation involving a child in producing of pornographic materials the units of the State Police in cooperation with, the Latvian National Bureau of Interpol, the Latvian National Bureau of Europol and NGOs actively combats crimes related to dissemination of criminalized pornography in cyberspace (sexual exploitation of children, zoophilia, and necrophilia). Europol the production and distribution of organized child pornography has classified like organized crime, while Interpol – as a kind of human trafficking.

Question 25:

Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot easily forged.

Implementing Convention's Article 8 and Article 9 Personal Identification Documents Law[43] specifies the documents identifying persons and their legal status, as well as the types, content and procedures for use, return and removal thereof.
The Cabinet Regulations No 775 Regulations on Passports[44] prescribe the specimen, procedures for the issue, procedures for the return, term of validity of a citizen's passport, an aliens passport, a stateless person travel document, a refugee travel document and a travel document of a person, to whom a subsidiary protection status has been granted and additional information to be included.
The introduction of the passports in Latvia complies with following documents:

1. Council Regulation (EC) No 2252/2004 (13 December 2004) on standards for security features and biometrics in passports and travel documents issued by Member States.
2. Council Regulation (EC) No 444/2009 (28 May 2009) amending Council Regulation (EC) No 2252/2004 (13 December 2004) on standards for security features and biometrics in passports and travel documents issued by Member States.
3. Resolution of the representatives of the Governments of the Member States, meeting within the Council of 8 June 2004 supplementary to the resolutions of 23 June 1981, 30 June 1982, 14 July 1986 and 10 July 1995 concerning the introduction of a passport of uniform pattern.

[43] Adopted 23.05.2002., ("Official Gazette", 84 (2659), 05.06.2002.) [into force since 01.07.2002.], http://www.likumi.lv/doc.php?mode=DOC&id=62793
[44] Cabinet Regulations No 775, adopted 13.11.2007., ("Official Gazette", 185 (3761), 16.11.2007.) [into force since 20.11.2007.], http://www.likumi.lv/doc.php?id=166435

4. The European Commission Decision 2005/II/28 laying down the technical specifications for security features and biometrics in passports and travel documents issued by member states.
5. International Civil Aviation Organization - ICAO Standards Doc.– 9303 "Machine Readable Travel Documents", Six Edition – 2005, Part 1, "Machine Readable Passports", Volume 1, Machine Readable Passports without additional data storage" un Part 1 Volume 2 "Machine Readable Passports, Specifications for Electronically Enabled Passports with Biometric Identification Capability".

Taking into consideration the insufficient level of security amendments to the Cabinet Regulations No 775 Regulations on Passports were done by the Cabinet Regulations No 449 (amended on 17.06.2008., into force since 28.06.2008.) which provide that the Latvian citizen's passport which has been issued within a period of time from 1 July 1992 until 30 June 2002 shall not be valid for travel starting from 1 July 2008, such passports are valid for use only within the territory of Latvia. The Latvian citizen's passport which has been issued within a period of time from 1 July 2002 until 19 November 2007 and which the period of use is 50 years, and the Latvian non-citizen's passport which has been issued within a period of time from 10 April 1997 until 19 November 2007 and which the period of use is 50 years, shall not be valid for travel starting from 1 November 2010, except for travel to countries which apply Scgengen aquis requirements on the abolishment of border control on the internal borders.

The passports that comply with the requirements of the European Union and international standards are issued starting with 20 November 2007.

The passport microchip contains:
- information on the bearer and the document in a letter-number format showing name, last name, passport expiry date, etc.
- individual biometric information: the holder's photo, the holder's fingerprints (index fingers of the right and left hand) (since the middle of 2008).

The information embedded in the microchip is protected by a security mechanism and a unique electronic signature of the issuing institution that verifies the authenticity of the information. This information is accessed by special document reading equipment when crossing borders, for example.
Microchips containing biometric information are incorporated in all 7 types of passports issued by Latvia:
- citizen passport;
- non-citizen passport;
- diplomatic passport;
- service passport;
- travel document for a stateless individual;
- travel document for a refugee;
- travel document for an individual having been granted alternative status.

The Cabinet Regulations No 878 Regulations regarding the Invalid Document Register[45] prescribe the types of invalid documents and blank forms thereof to be included in an invalid document register, the procedures by which the information regarding these documents and forms is included in the register, as well as the procedures for the formation, maintenance and use of the register.
The Invalid Document Register is the State information system in which the information regarding invalid personal identification documents of the persons of the Republic of Latvia and foreign persons, documents certifying rights and the standard forms thereof are included. The Information Centre of the Ministry of the Interior is the manager and holder of the register.
The following institutions, in accordance with their competence, participate in the formation of the content of the Invalid Documents Register:

[45] Cabinet Regulation No 878, adopted 22.11.2005., ("Official Gazette", 189 (3347), 25.11.2005.) [into force since 26.11.2005.], http://www.likumi.lv/doc.php?id=122156

the State Police – the information regarding events registered in the territory of the Republic of Latvia and abroad;
the State Border Guard – the information regarding the events that are registered during the carrying out of border control and during the controlling persons who reside in the State, as well as regarding events registered abroad involving foreign documents;
the Office of Citizenship and Migration Affairs – the information regarding the events involving documents of the Republic of Latvia;
diplomatic and consular posts of the Republic of Latvia abroad – the information regarding the events involving foreign documents and information regarding the events registered abroad involving documents of the Republic of Latvia;
the State Protocol – the information at the disposal thereof regarding the events involving identity cards of employees of diplomatic and consular posts, international organisations and honorary consular posts accredited in the Republic of Latvia;
the Naturalisation board – the information regarding the documents of the Republic of Latvia not returned in accordance with the specified procedures if the holders of the documents have lost the citizenship of Latvia;
the Seamen's Register – the information regarding the events involving seaman's books of the Republic of Latvia;
the general registry offices – the information regarding documents of the Republic of Latvia that have not been returned after the death of the holder thereof.

Question 26:

Please specify the measures taken by your country to detect cases of THB at its borders, *inter alia* by means of border surveillance teams and intelligence measures.

The duty of the State Border Guard is to organize and carry out control of foreigners' immigration, residence, emigration and transit in the territory of Latvia. The border guards have the right to operate on borderland, border control points, border crossing points and rest of the territory in order to carry out preventive work and supervise compliance with rules that regulate foreigners' immigration, residence, emigration and transit. The persons that cross the external border in order to enter the Republic of Latvia or leave are placed under checks in border crossing points. The border guards forbid persons who cannot produce valid travel documents from entering the country. Foreigners staying in borderland are obliged to confirm their identity and present a valid travel document, as well as documents that confirm the residence status that he or she has in the Republic of Latvia upon the request of a Border Guard's representative. One of the most important legislative acts that regulate the actions of the State Border Guard is Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). The Section 6 of the Preamble states that "Border control should help to combat illegal immigration and trafficking in human beings". 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.
In year 2009 as the separate structural units the contact points on Latvian-Lithuanian and Latvian-Estonian state borders were reorganized. The contact points ensure the exchange of operative information, especially in the matters of fighting cross border crime.

The State Border Guard cooperates with National Bureaus of Europol and Interpol performing exchange of intelligence information about criminal offences and organized criminal groups.

In order to improve efficiency of combating the human trafficking which is a cross border problem the State Border Guard continues actively cooperate with competent institutions of neighboring countries: the Republic of Lithuania, the Republic of Estonia, the Republic of Belarus and the

Federation of Russia – on the ground of annual bilateral agreements and protocols on cooperation, which require more active exchange of information on illegal immigration with special focus on nationals from Central and South-East Asia, Middle East, as well as Africa who are smuggled over the state border especially over the state border between Latvia and Russian Federation, and to increase preventive measures with regard to illegal immigration and human trafficking.

Since February of the year 2009 the State Border Guard is the manager of the Automated Fingerprint Identification System AFIS according to Cabinet Regulation No.99 Regulations on the amount and application procedures of the information incorporated in the Automated Fingerprint Identification System (AFIS)[46]. The state information system contains data on asylum seekers in the Republic of Latvia and the foreigners detained by the State Border Guard. The system data is used for identification of persons while performing checks on control of obedience of the rules regarding foreigner immigration, emigration, residence and transit. The system provides information exchange with fingerprint comparison system EURODAC according to the provisions of the Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of EURODAC for the comparison of fingerprints for the effective application of the Dublin Convention.

The Cabinet Regulations No 721 Procedures by which Children Cross the State Border[47] prescribes the special requirements regarding the procedures by which children shall cross the State border of the Republic of Latvia and the relevant documents which shall be presented. A child who is a national of Latvia within these Cabinet Regulations shall be understood as a child who is a citizen of Latvia, non-citizen of Latvia or a stateless person to whom the status of stateless person has been granted in the Republic of Latvia. A child who is a national of Latvia exiting from the State independently shall present a notarially certified consent of at least one parent, a child accompanied by an authorised person shall present a notarially certified authorisation of at least one parent. If none of the parents of a child, who is a national of Latvia, is not a citizen of Latvia, a non-citizen of Latvia, a citizen of a European Union Member State, European Economic Area State or Swiss Confederation or a stateless person to whom the status of the stateless person has been granted in the Republic of Latvia, European Union Member State, European Economic Area State or Swiss Confederation, the child, upon exiting from the State independently, shall present a notarially certified consent of at least one parent, but, upon exiting from the State accompanied by an authorised person, he or she shall present a notarially certified authorisation by at least one parent for the exit from the State accompanied by this authorised person. If a child, who is a national of Latvia, exits from the State accompanied by a parent, a travel document of the parent with an entry regarding the relationship of the child to the parent accompanying the child; or the child's birth certificate or a notarially certified copy thereof if in the travel document of the parent accompanying the child there is no entry regarding relationship with the child should be presented. The Office of Citizenship and Migration Affairs upon request of an educational institution submits and approves the list of travellers for school trips in the European Union, if a child living in the Republic of Latvia, who does not have citizenship of any of the European Union Member State, is going on an excursion with a children's group to a European Union Member State which applies Council Decision of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3 (2) (b) of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (94/795/JHA).

In order to detect border crossing by use of counterfeit documents the State Border Guard's Border Control Points have access to the following information resources:

- Information system „Register of Specimens of Documents" which includes the information regarding samples of personal identification documents and documents certifying rights issued in the Republic of Latvia, abroad or by international institutions, their security elements and

[46] Cabinet Regulation No 99, adopted 03.02.2009., ("Official Gazette", 21 (4007), 06.02.2009.) [into force since 07.02.2009.], http://www.likumi.lv/doc.php?id=187421&from=off

[47] Cabinet Regulations No 721, adopted 03.08.2010., ("Official Gazette", 128 (4320), 13.08.2010.) [into force since 14.08.2010.], http://www.likumi.lv/doc.php?id=214902

requisites, samples of stamps and seals; descriptions of the resolved forgeries (disparity to established sample of document or stamp), image and statistical information on resolved cases of the use of forged documents and stamps. The information from this Register is received on-line data mode. The technical maintenance of the Register is provided by the Information Centre of the Ministry of the Interior.
- iFADO (Intranet False and Authentic Documents Online): the access to iFADO is granted by the Head of the Information Centre of the Ministry of the Interior.
- Electronic descriptions of original and forged documents: this data base is developed by the Expertise Centre of the Headquarter of the State Border Guard. Information in the data base is entered and updated by the State Border Guard.
- In some Border Control Points (eg Border Control Point "Airport Riga") the specimens of original documents are available.
- Various catalogues of original and forged documents in paper version.
- Access to various national information systems, which contain information about valid and invalid personal identification documents and documents certifying rights issued in the Republic of Latvia.
- if necessary it is possible to contact he Expertise Centre of the Headquarter of the State Border Guard, which has access to the information system "Edison DISCS" of the Immigration and Naturalization Service of Netherlands (contains information (description of documents) of the documents of various countries – birth and death certificates, national identification cards, documents certifying marital status, citizenship, driving licenses etc.).

The State Police for the collection of information widely uses specialized analytical softwares for information collection, processing, elaboration of provisional schemes and hypotheses (Analyst's Notebook 6.0.13 and iBase SSE4). Information systems of Europol, Interpol and EU Memberstates are beeing used.

Implementing Convention's Article 7 Paragraph 3 and Paragraph 4 the Criminal Procedure Law Section 114.[2] Carriage of Persons to the Republic of Latvia without Travel Documentation provides that in the case of the carriage of citizens of such state that is not a Member State of the European Union or European Economic Area, from such states to the Republic of Latvia, if the referred to persons do not have the necessary travel documentation to cross the border of the Republic of Latvia and if the carrier has performed it by sea, air or land transport – a fine shall be imposed on a natural or legal person in an amount from LVL 1700 up to LVL 2800 for every person carried.

Question 27:

Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.

In the website of the Ministry of Foreign Affairs is a separate section: Information for Travellers – Entry into Latvia- where can be found all the relevant information regarding legal entry and stay in Latvia. The mentioned information also can be found in the websites of Latvian diplomatic and consular missions abroad.

In accordance with the Immigration Law the Section 3 Paragraph 1, the entry and residence of aliens in the Republic of Latvia are documented and controlled by the Office for Citizenship and Migration Affairs, the State Border Guard, diplomatic and consular missions of the Republic of Latvia and the Consular Department of the Ministry of Foreign Affairs in accordance with their competence. The Office for Citizenship and Migration Affairs verifies the identity of foreigners who address the Office for Citizenship and Migration Affairs in matters of its competency. The verification is performed by document checks and other checks of information on the person in all available data bases. The Office for Citizenship and Migration Affairs summarizes data on foreigners who reside in the Republic of Latvia twice a year (on the 1st of January, the 1st of July), as well as upon a request of other competent authorities.

In accordance with the Population Register Law[48] the Section 15 Paragraph 2, if a person who has Latvian nationality resides outside Latvia for a period exceeding six months, the person has a duty to notify the Office of the address of the place of residence thereof in the foreign country, as well as of other changes in the information included in the Register regarding himself or herself, his or her children who are under the age of 18 and regarding persons who are subject to the guardianship or trusteeship thereof (through the diplomatic or consular representation of Latvia), if these changes have been made in foreign institutions.

Question 28:

Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.

The Office of Citizenship and Migration Board extends short-stay visas (C visa) and long-stay visas (D visa). Actually the extension of visa is understood as issue of a new visa.
From 01.01.2008. until 05.04.2010. a short-stay visa (C visa) was issued according to the Cabinet Regulations N 217 Visa Regulations[49] Paragraph 25 which provided that the duration of stay shall be extended for an alien who stays legally in the Republic of Latvia by issuing a new visa of the same category if he or she has submitted documents to the Office of Citizenship and Migration Board which certify that circumstances have changed after the receipt of the previous visa and if the receipt of a new visa:
- conforms to international legal norms;
- conforms to the interests of the State of Latvia;
- is justified by *force majeure*; or
- is justified by humanitarian considerations.

From 01.01.2008. until 12.10.2010. (when the Cabinet Regulations No 958 Visa Regulations[50] entered into force) a long-stay visa (D visa) was issued according to the Cabinet Regulations N 217 Visa Regulations Paragraph 61 which provided that a long-stay visa shall be issued if an alien needs to stay in the Republic of Latvia for more than 90 days during one half year counting from the first day of entry, and the receipt of the visa:
- conforms to international legal norms;
- conforms to the interests of the State of Latvia;
- is justified by *force majeure*; or
- is justified by humanitarian considerations.

Since 05.04.2010. a short-stay visa is extended according to Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) Article 33 Paragraph 1 The period of validity and/or the duration of stay of an issued visa shall be extended where the competent authority of a Member State considers that a visa holder has provided proof of force majeure or humanitarian reasons preventing him from leaving the territory of the Member States before the expiry of the period of validity of or the duration of stay authorised by the visa; and Paragraph 2 The period of validity and/or the duration of stay of an issued visa may be extended if the visa holder provides proof of serious personal reasons justifying the extension of the period of validity or the duration of stay.
A long-stay visa (D visa) is issued/extended according to the Immigration Law Section 11 Paragraph 2 which provides that the period of stay in the Republic of Latvia provided for in a long-stay visa may exceed 90 days within six months from the date of first entry, if it complies with the

[48] Adopted 27.08.1998., ("Official Gazette", 261/264 (1322/1325), 10.09.1998) [into force since 24.09.1998.], http://www.likumi.lv/doc.php?id=49641
[49] Cabinet Regulations No 217, adopted 29.04.2003., ("Official Gazette", 65 (2830), 30.04.2003.) [into force since 01.05.2003.; to be void 16.10.2010.], http://www.likumi.lv/doc.php?id=74344
[50] Cabinet Regulations No 958, adopted 12.10.2010., ("Official Gazette", 164 (4356), 15.10.2010.) [into force since 16.10.2010.], http://www.likumi.lv/doc.php?id=219571

norms of international law, the State interests of Latvia, or if it is related to *force majeure* or reasons of a humanitarian nature.

Question 29:

Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)? If so, please specify.

Latvia constantly is considered as a country of origin of victims of human trafficking and there are no reasons to assert that Latvia has became a country of transit and/or country of destination for victims of human trafficking. During the last years not a single case of transit of human trafficking was recorded, as well as not a single case of human trafficking to Latvia or internal human trafficking according to the understanding of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) was recorded.

As the preventive measures to prevent internal trafficking should be considered effective legal regulation to combat human trafficking and the joint work of inter-institutional Task Force for the coordination of prevention and combatting of human trafficking. The informative work of relevant NGOs is essential to prevent internal trafficking.

As the important part of the prevention of internal trafficking is considered the efforts of the State Police to combat any activities of the third persons who promote prostitution for purposes of enrichment. In order to stop activities of souteners and their supporters in organization of prostitution the State Police detains and acknowledges as suspect persons not only souteners but also personnel and guards working at the hotel. Taking into account the rapid development of trafficking in human beings in other European Union Member States, Latvia has set a target to avoid becoming the country of destination of trafficking in human beings as well as avoid the possibility that international organized criminal groups of trafficking in human beings could consolidate in Latvia. The State Police has intensified the fight against prostitution since 2008, also special attention was drawn to work with such risk groups like prostitutes who work on the street or in apartments. As a result of these efforts the State Police has in year 2008 – 13 persons, in year 2009 – 28 persons, in year 2010 – 36 persons), and prevented them from continuing organization of prostitution. There was no case, which would involve persons who would be engaged in prostitution under compulsion by force or threats or have previously been victims of human trafficking. Also there was no case which would involve minor persons.

Question 30:

What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? Please specify amounts in euros.

All activities to prevent human trafficking, inter alia, internal human trafficking are covered by the relevant institutions allocated from the State budget.

Question 31:

Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out? If so, please specify the results of the assessment.

The policy of combating trafficking in human beings is one of the priorities of the Government of Latvia. Performing of complex of concrete measures in order to prevent sexual abuse and human trafficking in the country more actively is defined as the priority in the Government Declaration. The Government has adopted the second State Programme on prevention of human trafficking which implementation is considered successful. It helps promote action and national commitment to fight human trafficking.

Especially for the past seven years – since the adoption of the first National Action Plan on prevention of human trafficking – all involved state and municipal institutions as well as NGOs have established close and effective cooperation. This cooperation has been consolidated in the inter-institutional working group (the National Task Force) which was established by the Prime Minister in order to coordinate the participation of governmental and municipal authorities and NGOs in the implementation of the National Action Plan of prevention of human trafficking for the time period of 2009–2013, as well as to ensure the effective information exchange and harmonized action in prevention of human trafficking and providing social assistance to victims of human trafficking, and measuring progress and results.

The Ministry of the Interior as the main institution responsible for the coordination has set the prevention and fight against human trafficking as one of its primary tasks. The Ministry of the Interior is providing continuous coordination of the issues related to identification and recognition of the victims of human trafficking, the analysis of the procedures of pre-trial investigation, prosecution and conviction, the elaboration of recommendations, as well as the awareness raising activities to gain the common understanding of society about human trafficking as a serious and dangerous crime against the human rights..

The Ministry of the Interior prepares annual assessment of the implementation of the National Action Plan, the State Police, the State Border Guard and the General Prosecutor's Office prepare annual reports on results of performed activities. Latvia's Contact Point of European Migration Network administrated by the Office of Citizenship and Migration Affairs once per year prepares a report where situation in migration and asylum areas including statistics and policy development data are included. Report of policy on situation in Latvia about migration and asylum prepared every year includes overview on development and changes of legislative acts of migration and asylum policy. This report also provides information about the implementation of European migration and asylum pact.

Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings

Question 32:

At what moment and by whom is the process to identify a potential victim of THB initiated (for example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)?

According to Cabinet Regulations No 889 Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings[51] the process to identify a potential victim of THB can be initiated and a person may receive social rehabilitation services for the State budget funds on the basis of the following documents:

- a written submission of the person or the legal representative thereof to the provider of services; and
- a decision of the performer of the criminal procedure, according to which the person is recognised the victim in a criminal matter regarding the traffic in human beings, or a statement of a law enforcement institution that the person has suffered from the traffic in human beings in a foreign state, or a person's assessment report of the provider of services, in which the compliance of the person with the criteria of a victim of the traffic in human beings has been specified.

[51] Cabinet Regulation No 889 adopted 31.10.2006., ("Official Gazette", 176 (3544), 03.11.2006.) [into force since 01.01.2007.], http://www.likumi.lv/doc.php?id=147113

Person's Assessment Report

1. Person's
given name
surname
personal identity number [ ] [ ] [ ] [ ] [ ] [ ] [ ] -[ ] [ ] [ ] [ ] [ ]

2. Migration----------

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3. Employment----------

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4. Safety----------

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5. Objective characteristics----------

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6. Social ties----------

AssessmentPerson complies/does not comply (underline the appropriate) with the criteria of a victim of the traffic in human beings.

Commission of the specialists Person/legal representative
.....
(signature and full name) (signature and full name)
.....
(signature and full name)
.....
(signature and full name)
.....
(signature and full name)

- Date _____

Additionally statement about the identified potential victim of human trafficking may be received by the Latvian consular official of diplomatic or consular representation.

In 05.10.2010. was a meeting of Head of Riga Social Service, Head and personnel of Social Work Section and the representatives of the society "Shelter "Safe House"". During this meetinh a previous and further cooperation was discussed and an verbal agreement was achieved that in case of necessity Riga Social Service will contact the society "Shelter "Safe House"" about persons who have suffered from human trafficking or there are suspicious about such case, as well as the society "Shelter "Safe House"" will immediately contact Social Work Section if there will be a victim of human trafficking living in Riga Municipality, and will plan further cooperation in providing help and assistance for a person suffered from human trafficking.

Question 33:

Have any common criteria been defined in your internal law for granting the legal status of victim of THB? If so, please specify.

In Latvia a formal procedure to identify and grant the status of victim of trafficking and determine access to social rehabilitation services for the State budget funds is currently in place – it is provided by Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings. These Regulations prescribe the procedures, by which a person who has been recognised a victim of the trafficking in human beings shall receive social rehabilitation services for the State budget funds, and the criteria for the recognition of a person as a victim of the trafficking in human beings.
Victims of trafficking can be officially identified:

1) by the decision of law enforcement agencies (the State Police, the Prosecutor's Office) and the Court as the performer of the criminal procedure;
2) by the statement of law enforcement agencies abroad;
3) by the assessment report of the Commission of experts leaded by the NGO which is a state funded rehabilitation services provider in cases when the service provider is the first point of contact of a presumed trafficked person or the criminal proceeding is not initiated or due to the various reasons a person is not identified as a victim.

In case the service provider is the first point of contact of a presumed trafficked person, an identification commission must be convened at the initiative of the NGO. The identification commission comprises a social worker, a psychologist, a lawyer representing the presumed victim, a general practitioner, police officials, and other specialists depending on the case.
The commission assesses whether the person is a victim of trafficking based on a set of official regulations. The identification process is based on the examination of documents.
The identification procedure has to be completed within three days at the latest and the information communicated to the Ministry of Welfare. The Ministry of Welfare can take up to three additional days to decide what services are to be provided.
The commission recognises a person a victim of the traffic in human beings, if the 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;
- 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;
- 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
- 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.

In emergency cases however, access to shelter services has been granted based on an informal procedure initiated by the NGO in direct contact with the Ministry of Welfare in charge for authorizing the provision of services until the identification commission could be summoned and could complete the process. In the past few years a mixed system of State-funded provisions and project-based services was in place. Currently the State sub-contracts the service provision to NGOs through a tender process administered by the Ministry of Welfare.
Since December 2008 there is only one NGO providing state funded assistance services to victims of human trafficking in Latvia – the society "Shelter "Safe House""[52]. Funds are allocated to the NGO on the basis of the provision of specific services to be administered to victims. Only victims identified through the actors and the procedures are eligible to receive state funded support and assistance services in Latvia.

Additionally implementing the Convention's Article 10:
In October and November 2008 in Warsaw and Stambul the Consular Department of the Ministry of Foreign Affairs of the Republic of Latvia held the annual trainings for Latvian consular officials, separately for those who work within the Schengen States territory, and those who work outside Schengen States. During the trainings Latvian consuls discussed as well as human trafficking issues.
On November 15, 2010 in Riga there was a training/exchange of experience video conference organized by the Embassy of the United States of America in Riga. The training was about the maintenance of "hotline" system for prevention of human trafficking and identification of human trafficking victims in order to provide that representatives of institutions and organizations who supervise/perform "functions of operators of hotline" in their daily work and who could identify possible cases of human trafficking and to support their further dealing (prevention, prosecution, assistance etc). In the trainings took part representatives from the State Police, emergency hotline 112, the Ministry of the Interior, the Ministry of Welfare, and the Consular Department of the Ministry of Foreign Affairs, the Tourism unit of Riga Municipal Police, the State Inspectorate for Protection of Children's Rights, the State Employment Agency and the society "Shelter "Safe House".
In Riga on November 29 – December 2, 2010 the training seminar about methods of identification of human trafficking cases and possibilities for victims of human trafficking to receive assistance was organized by International Organization for Migration and the Embassy of the United States of America in Riga. About 40 participants from Riga and the regions of Latvia took part in the training seminar: the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Defense, the Ministry of Welfare, the State Police, the Office of Citizenship and Migration Affairs, the Social Assistance service of Riga City Council, the Riga Municipal Police, prosecutors, the Orphan courts, NGOs: the society "Shelter "Safe House"", the foundation "Centre Dardedze" and the society "Resource Centre for Women "Marta"".
On December 8-10 and December 20-22, 2010 in Riga on initiative of the Department of Welfare of Riga City Council in cooperation with the society "Shelter "Safe House"", the Ministry of the Interior, the State Police and the General Prosecutor's Office two seminars, each of three days were implemented "Preventive measures for the elimination of human trafficking" during which 60 social workers have got knowledge about identification of victims of human trafficking,

[52] The society "Shelter "Safe House"" was established on August 6, 2007 with the aim to develop support services to victims of human trafficking, legal immigrants, including asylum seekers, refugees and persons granted subsidiary protection status by ensuring the individual's right to receive adequate assistance and defense; promoting rehabilitation and reintegration of victims of human trafficking into the society; creating interactive forms of training, and expanding cooperation with state and local government institutions, public and Christian organizations in Latvia and worldwide.
The NGO "Shelter "Safe House"" has acquired the right to provide state financed social rehabilitation services to victims of human trafficking. http://www.patverums-dm.lv/index.php?lang=en

psychological assessment, stigmatization, needs, problems, providing of assistance, legal standards and provisions.
In October and November 2009 in Budapest and Baku the Consular Department of the Ministry of Foreign Affairs organized annual regional trainings for consular officials of Latvia serving at the diplomatic missions of Latvia in Schengen and non-Schengen countries. Regional consular trainings addressed the various questions of interest for the consular officers according to the regional specific features.
In May and November 2010 the consular trainings for Latvian consular officials were organized in Riga, Berlin and Minsk.
In all the training programmes the issues of human trafficking and its combating, new trends, as well as assistance possibilities available for victims of human trafficking were included. The representatives of the competent institutions were invited as lecturers (the State Police, NGOs).
Implementing the strategic activity of the Council of Baltic Sea States Task Force against Trafficking in Human Beings of the period 2008-2010: trainings on human trafficking for diplomatic and consular officials in the Baltic Sea region, the Ministry of the Interior in cooperation with the Ministry of Foreign Affairs, CBSS TF-THB and the International Organization for Migration (IOM) on November 10, 2010 organized a seminar on human trafficking for foreign diplomatic and consular staff in Riga. The seminar was attended by 69 representatives: the embassies (Azerbaijan, Austria, Belarus, Belgium, Canada, China, Czech Republic, Denmark, Estonia, Finland, France, Greece, Great Britain, Germany, Hungary, Italy, Israel, Ireland, Japan, Lithuania, Netherlands, Norway, Poland, Russia, Slovakia, Spain, Sweden, Turkey, USA, Ukraine), the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Welfare, the State Police and the society “Shelter “Safe House””. The main purpose of this training seminar was to increase knowledge about trafficking in human beings among the staff responsible for consular matters and to provide participants with tools to better assist victims through collaborating with the police, social services, support organisations and others.

Question 34:

Which national authority(ies) grant(s) the legal status of victim of THB (for example, police forces, public prosecutor, judge, etc.)? Can such a decision be appealed?

According to the Cabinet Regulation No 889 Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings victims of trafficking can be officially identified by the decision of law enforcement agencies (the State Police, the Prosecutor’s Office) and the Court as the performer of the criminal procedure.

The decision can be appealed in the order provided by the Latvian Administration Violations Code.

The Criminal Procedure Law Section 96 Paragraph 3 provides that 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. In the most cases the victims of human trafficking readily cooperate with the State Police and bear testimonies against the organizers of trafficking in human beings. These persons also being in the status of witness can receive the social rehabilitation services provided by the State.

The decision can be appealed in the order provided by the Criminal Procedure Law.

Question 35:

Can a person be removed from your country during the process of identification as a victim of THB (for example, if he/she is present illegally)?

A foreigner who is not a Union citizen and has been recognized as a victim of human trafficking, as well as his/her accompanied minor children has the right to reside in the Republic of Latvia without

a visa or residence permit until a waiting period expires or it is terminated or a decision has come into force to issue the temporary residence permit.

Question 36:

Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?

Yes.

According to Cabinet Regulations No 889 Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings the process to identify a potential victim of THB can be initiated and a person may receive social rehabilitation services for the State budget funds on the basis of the following documents:

- a written submission of the person or the legal representative thereof to the provider of services; and
- a decision of the performer of the criminal procedure, according to which the person is recognised the victim in a criminal matter regarding the traffic in human beings, **or a statement of a law enforcement institution that the person has suffered from the traffic in human beings in a foreign state**, or a person's assessment report of the provider of services, in which the compliance of the person with the criteria of a victim of the traffic in human beings has been specified.

Question 37:

Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance.

The Ministry of Welfare provides social rehabilitation services for the State budget funds which are provided by a provider of services who is registered with the register of social service providers and complies with the requirements specified in the regulatory enactments regarding providers of social services[53]. A course of social rehabilitation services for the State budget funds for a person shall not be longer than 6 months. 5 post-trafficking specialist consultations are provided.

Implementing Convention's Article 12 Paragraph 1a, Paragraph 1d, Paragraph 1e, Paragraph 2 according to the Unit XVIII^2. Requirements for Social Service Providers who Provide Social Services for Victims of Trafficking in Human Beings of the Cabinet Regulations No 291 Requirements for Social Service Providers the social service provider shall ensure the getting of the client to the social service provider if the client cannot do it independently; a safe shelter and client accommodation, if necessary, co-operating with law enforcement institutions; protection of client confidentiality and data;. 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 the rehabilitation plan; support for the client during criminal proceedings and, if necessary, also afterwards; catering, possibilities to spend free time, as well as the possibility of the client to acquire or to improve self-care and self-service skills; the involvement of the client in training and education programmes, which facilitate the reintegration of the client into society; if necessary, five free of charge consultations for the client after the end of the social service course; and the appropriately installed premises: living rooms; recreation premises; premises for individual consultations; sanitary premises; dining premises; and premises and equipment for the washing and storage of clothing and bed clothes. The service provider shall co-operate with State security institutions, as well as during the period of the provision of services

[53] Requirements for Social Service Providers, Cabinet Regulations No 291, adopted 03.06.2003. ("Official Gazette", 85 (2850), 06.06.2003.) [into force since 07.06.2003.], http://www.likumi.lv/doc.php?id=75887; XVIII^2. Requirements for Social Service Providers who Provide Social Services for Victims of Trafficking in Human Beings was amended on 21 April 2008.

assist in the implementation of the representation of the victim in criminal proceedings if the client authorises him or her. The social services at the social service provider institution shall be provided by a social work specialist and psychologist. The head of the institution is entitled for ensuring social rehabilitation services to involve other specialists. The social service provider shall co-operate with the client local government social service office and other institutions, ensuring exchange of information.

Special Protection of Persons Law[54] 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. Special protection of persons is an aggregate of criminal procedural, operative and other protection measures that ensures the protection of the life, health and other legal interests of persons to be protected. If necessary, the provisions of this Law might be applicable to victims of human trafficking, witnesses or their family members.
Criminal Procedure Law Chapter 17 Special Procedural Protection provides the protection of the life, health, and other lawful interests of a victim, witness, and other persons who testify or have testified in criminal proceedings regarding serious or especially serious crimes, as well as of a minor who testifies regarding the crimes provided in the Criminal Law for Section 161. Sexual Connection, Pederasty and Lesbianism with a Person who has not Attained the Age of Sixteen Years, Section 162. Leading to Depravity, Section 174. Cruelty Towards and Violence Against a Minor, and of a person the threat to whom may influence the referred to persons.

Special protection of a person shall be ensured by utilising the investigatory operations activities specified in the Investigatory Operations Law, as well as the following special protection measures:
1) a security guard for the person to be protected;
2) the securing against unsanctioned wiretapping of the conversations of the person to be protected, the securing against unsanctioned control of his or her correspondence;
3) the movement of the person to be protected to other unknown (confidential) residential premises;
4) the issuance of a passport and other documents with different personal identity data;
5) the change of the permanent residence and place of work of the person to be protected;
6) the protection and non-issuance from State information systems of the data of the person to be protected;
7) the transfer of the person to be protected to another state in accordance with entered into international agreements or an agreement with such state;
8) if necessary, insurance of the property of the person to be protected; and/or
9) the change of the identity of the person.
The Cabinet Regulations No 960 Procedures how the Protected Person is provided with Maintenance, Consultations, Medical and Psychological Assistance[55] prescribe the amount and the procedure how the special protection institution provides a protected person with maintenance, consultations on legal and employment issues, medical and psychological assistance.

The Cabinet Regulations No 564 Regulations regarding Residence Permits[56] Paragraph 33 provides if a third-country national in accordance with the procedures specified in regulatory enactments has been recognised a victim of trafficking in human beings, a competent State institution shall present his or her valid travel document for the request of a residence permit and submit the documents, as well as a decision of a competent institution regarding recognition of the third-country national as the victim of trafficking in human beings and a statement regarding the necessity to receive a residence permit.

[54] Adopted 19.05.2005., ("Official Gazette", 85 (3243), 31.05.2005.) into force since 01.10.2005.], http://www.likumi.lv/doc.php?id=109241
[55] Cabinet Regulations No 960, adopted 20.11.2008., ("Official Gazette", 196 (3980), 17.12.2008.) [into force since 18.12.2008.], http://www.likumi.lv/doc.php?id=185274
[56] Cabinet Regulations No 564, adopted 21.06.2010., ("Official Gazette", 101 (4293), 29.06.2010.) [into force since 01.07.2010.], http://www.likumi.lv/doc.php?id=212441

Implementing Convention's Article 12 Paragraph 1b and Paragraph 3 according to Medical Treatment Law[57] Section 16. Everybody has the right to receive emergency medical care in accordance with procedures prescribed by the Cabinet [amended to the Law on 26.02.1998]. According to the Cabinet Regulations No 1046 Procedure for Organizing and Financing of Medical Treatment[58] Paragraph 10.9 provides that persons who receive emergency medical treatment provided by the emergency medical services are exempted from patient payments.

Implementing Convention's Article 12 Paragraph 1c the provider of the state-funded social rehabilitation services – the society "Shelter "Safe House"" is able to provide translation and interpration services, but providing of this service is not obligatory requirement for the social service provider.

Implementing Convention's Article 12 Paragraph 1a and Paragraph 4 regarding material assistance and access to the labour market Support for Unemployed Persons and Persons Seeking Employment Law[59] Section 2 provides that (2) a person who has a temporary residence permit in relation to the granting of victim of traffic of 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 [amended to the Law on 21.06.2007.]. Section 3 of the Law provides that (1) Active employment measures shall be as follows:
1) occupational training, retraining and raising of qualifications;
2) paid temporary works;
3) measures to increase competitiveness, especially measures for the improvement of social and functional skills and psychological support measures, measures for basic skills and abilities necessary for the labour market, as well as the acquisition of work finding techniques, acquisition of informal education, including the acquisition of the official language and the selection of further education, summer holiday employment measures for persons who are acquiring an education in general, special or vocational educational institutions, as well as other measures that facilitate the competitiveness of unemployed persons and persons seeking employment in the labour market;
4) measures for specified groups of persons, in particular for persons of age from 15 to 24 (inclusive) years; for persons for whom the invalidity has been determined; for persons six months after the end of parental leave (period of child care); for persons for whom not more than five years remain until reaching the age necessary for the granting of the State old age pension; for persons who have been in the records of the State Employment Agency for more than one year (hereinafter – long-term unemployed); persons after serving a sentence in institutions of deprivation of liberty, for persons addicted to alcohol, narcotics, psychotropic or toxic substances; for persons who care for a family member; for persons who are without work for longer than one year; other unemployed persons in conformity with the local labour market situation, as well as other target groups specified in policy planning documents;
5) measures to facilitate start-up of commercial activities and self-employment;
6) work practice in the workplace, which provides an opportunity to determine vocational suitability;
7) training with an employer;
8) complex support measures; and
9) other measures provided within the framework of European Union Structural Funds.
(2) The purpose of active employment measures is to put into effect labour market policy in order to reduce unemployment and to facilitate an increase in the economic activity of inhabitants, in particular to:
1) motivate unemployed persons, persons seeking employment and economically inactive inhabitants to seek employment more actively;

[57] Adopted 12.06.1997. ("Official Gazette", 167/168 (882/883), 01.07.1997.) [into force since 01.10.1997.], http://www.likumi.lv/doc.php?id=44108
[58] Cabinet Regulations No 1046, adopted 19.12.2006. ("Official Gazette", 208 (3576), 30.12.2006.) [into force since 01.01.2007.], http://www.likumi.lv/doc.php?id=150766&from=off
[59] Adopted 09.05.2002 ("Official Gazette", 80 (2655), 29.05.2002) [into force since 01.07.2002.], http://www.likumi.lv/doc.php?id=62539

2) promote the formation of a labour force that is trained and capable of adjusting to the conditions of the labour market;
3) promote an increase in the competitiveness of the individual; and
4) promote the creation of equal opportunities for persons who wish to enter the labour market.

According to the Cabinet Regulations No 553 Regulations Regarding Work Permits for Third-country Nationals[60] the Sub-paragraph 13.16 a third-country national is entitled to work with any employer in the Republic of Latvia, if he or she has received a temporary residence permit as a victim of human trafficking. The previous Cabinet Regulations No 44 from 20.01.2004. the Subparagraph 30.2.16. had provided that the Office of Citizenship and Migration Affairs issues a work permit (without approval of an employer's work invitation at a branch of the State Employment Agency) in conformity with the term specified in the temporary residence permit to a third-country national who is recognized as a victim of human trafficking in conformity with regulatory enactments regarding the procedures by which victims of traffic of human beings receive social rehabilitation services, and criteria for the recognition of persons as victims of traffic of human beings.

Implementing Convention's Article 12 Paragraph 1 Education Law[61] Section 3 provides that the equal rights to acquire education have Latvian citizen, Latvian non-citizen, the citizen of the European Union Member States, Member States of the European Economic Area or the Swiss Confederation, the resident of the European Community with a valid resident permit in Latvia, a stateless person who has a valid travel document for stateless person issued in Latvia, the third country national or a stateless person who has a valid residence permit in Latvia, refugee or a persons who has received alternative status, a person who has received temporary protection in Latvia, a minor of an asylum seeker and a minor asylum seeker has the rights to acquire primary and secondary education as well as after attaining majority to continue started education, a minor third country national or stateless person who has no legal grounds to reside in Latvia has the rights to acquire primary education within a period specified for voluntary departure or for the period for which expulsion has been postponed as well as during the detention. [amended to the Law on 04.03.2010.]. Until that time the legal requirement was following that every citizen of the Republic of Latvia and every person who has the right to a non-citizen passport issued by the Republic of Latvia, every person who has received a permanent residence permit, as well as citizens from European Union States who have been issued a temporary residence permit, and their children, have equal right to acquire education, regardless of their property or social status, race, nationality, gender, religious or political convictions, state of health, occupation or place of residence.

Implementing Convention's Article 12 Paragraph 5 according to the Cabinet Regulation No 889 Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings the Ministry of Welfare informs public organisations, law enforcement institutions, social service offices, medical treatment institutions and other institution involved regarding the possibilities of a person to receive services for the State budget funds.

Implementing Convention's Article 12 Paragraph 6 the Cabinet Regulations No 889 Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings Paragraph 5 provides that a person may receive services on the basis of the following documents:

[60] Cabinet Regulations 553, adopted 21.06.2010., ("Official Gazette", 100 (4292), 28.06.2010.) [into force since 01.07.2010.], http://www.likumi.lv/doc.php?id=212363&from=off
[61] Adopted 29.10.1998. ("Official Gazette", 343/344 (1404/1405), 17.11.1998) [into force since 01.06.1999.], http://www.likumi.lv/doc.php?id=50759

a written submission of the person or the legal representative thereof to the provider of services; and
a decision of the performer of the criminal procedure, according to which the person is recognised the victim in a criminal matter regarding the traffic in human beings, or a statement of a law enforcement institution that the person has suffered from the traffic in human beings in a foreign state, or a person's assessment report of the provider of services, in which the compliance of the person with the criteria of a victim of the traffic in human beings has been specified.
Consequently the legal acts do not require compulsorily a person to be recognized as a victim of human trafficking to receive assistance.

Implementing Convention's Article 12 Paragraph 7 regarding the rights of children Protection of the Rights of the Child Law Section 2 provides that (1) the rights and freedoms of a child and the protection therefor are 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 organise and monitor the protection of the rights of the child throughout the territory of the State. Section 3 provides that (2) 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 Cabinet Regulations No 1613 Procedures for Providing the Necessary Assistance for the Child Suffered from Unlawful Activities[62] prescribe the procedures according which necessary assistance for the State budget funds is provided to a child who is a victim of unlawful activities – criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or humiliating activity, to recover a child's physical and mental health and to integrate into society. These Regulations prescribe the procedures how the foundation "Latvian Children's Fund"[63] organizes social rehabilitation services for the State budget funds to children suffered from violence.

Question 38:

Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking.

According to the Cabinet Regulations No 889 Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings the differences in the assistance and protection measures for victims of transnational human trafficking and for victims of internal human trafficking are not envisaged.

[62] Cabinet Regulations No 1613, adopted 22.12.2009., ("Official Gazette", 205 (4191), 30.12.2009.) [into force since 01.01.2010.], http://www.likumi.lv/doc.php?id=202912

[63] Latvian Children's Fund is a public benefit organisation, which has been working since 1988 on behalf of all children in Latvia. In 1990 the Fund was registered in the United Nations Children's Fund UNICEF, but since 1991 it is the official representative of the Christian Children's Fund International in Latvia. In 2003 Latvia Children's Fund became a member of the NGO/UNICEF regional network for children in CE/EE, CIS & the Baltic States. The goal of the Fund is to improve the moral, legal, physical, mental, and material condition of children and adolescents, as well as their orientation towards common human values. The tasks of the activities are organisation of different Latvian and international children's health and protection programmes and campaigns, as well as participation in these events, and provision of support for minor residents with special needs and for children with long-term curable diseases, orphans, large families, and other families that need support.

Question 39:

Does your state budget allocate specific funding for these assistance and protection measures? Please indicate the amount (in euros), the criteria for receiving such funding and who receives it. Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?

The Ministry of the Welfare provides social rehabilitation services for the State budget funds. The Ministry of Welfare takes a decision regarding the provision of services or the refusal to provide services; enters into a contract with a provider of services regarding the provision of services, as well as control the implementation of the referred to contract and the compliance of the amount of the services provided with the contract entered into; controls the quality of the services provided; establishes a database of the services provided; and informs public organisations, law enforcement institutions, social service offices, medical treatment institutions and other institution involved regarding the possibilities of a person to receive services for the State budget funds.

In 2008 the allocated funding for the providing services of social rehabilitation for victims of human trafficking was 35`422 LVL (~ 50`603 EUR) for state funded social rehabilitation of 12 persons.
In 2009, the allocated funding for the providing of social rehabilitation services for victims of human trafficking was 17`000 LVL (~24`285 EUR). In September 25, 2009 the Ministry of Welfare had announced a tender on the rights to provide state funded social rehabilitation for victims of human trafficking in October, November and December 2009. The funding for providing of social rehabilitation services planned for 5 victims of human trafficking. The society "Shelter "Safe House"" had won the tender. Until October 1, 2009 12 persons had received state funded social rehabilitation services from which 7 victims of human trafficking had been identified in year 2008. All the identified victims of human trafficking were adult and Latvia was their country of origin. In the beginning of the allocated funding for social rehabilitation of 5 victims of human trafficking was 16`254 LVL (~23`220 EUR). In June 1, 2009 additional funding 6`502 LVL (~ 9`288 EUR) was allocated for providing of social rehabilitation of 2 victims of human trafficking. In November 1, 2009 was allocated additional funding 16`254 LVL (~23`220 EUR) for providing of social rehabilitation of 5 victims of human trafficking, which was divided respectively – 2009 – 5`508 LVL (~ 7`868 EUR) and 2010 – 10`746 LVL (~ 15`351 EUR). Wherewith the total allocated funding in 2009 was 28`264 LVL (~ 40`377 EUR) for social rehabilitation of 12 victims of human trafficking, and the funding 10`746 LVL (~15`351 EUR) for continuation of social rehabilitation of 5 victims of human trafficking had been diverted to year 2010. In 2010 the state funded social rehabilitation was provided for 14 persons, total allocated funding was 34`132 LVL (~ 48`760 EUR). The Agreement between the Ministry of Welfare and the society "Shelter "Safe House"" is signed for the providing of social rehabilitation services for 7 victims of human trafficking in 2011. The allocated funding is 22`680 LVL (~ 32`400 EUR).

According to the Special Protection of Persons Law the Prosecutor General or a court shall take a decision regarding special protection of a person testifying in criminal proceedings after becoming acquainted with a submission of the person, a proposal of the performer of procedures and the materials of the criminal matter, as well as, if necessary, shall hear the threatened person, his or her representative or counsel. A court may also take a decision regarding special protection of a person testifying in criminal proceedings on its own initiative if the necessity to prescribe special protection of the person has arisen during the adjudication procedure and the consent of such person or his or her legal representative has been received. The operation of special protection institutions shall be financed from State budget resources. The Cabinet Regulations No 887 List of Official Secret Objects[64] prescribe the list of information and other objects recognised as objects of official secrecy, and the scope and content thereof. According to this list Position No 2.7.16 states official secret object - The amount, allocation and actual utilisation of the funds provided for special procedural or special security purposes of persons; level of secrecy – secret, confidential, and

[64] Cabinet Regulations No 887, adopted 26.10.2004. ("Official Gazette", 171 (3119), 28.10.2004.) [into force since 29.10.2004.], http://www.likumi.lv/doc.php?id=95649

Position 2.7.15 - Operative measures to be performed for persons for special procedural or special security purposes, as well as the organisation, methodology and tactics of security guard units, residency in unknown living quarters, changes in the places of residence or employment and other security measures for persons to be safeguarded; level of secrecy – secret, confidential.
The Law on Official Secrets[65] Section 4 provides that information regarding the organisation, content, tactics and methods of investigatory operations, intelligence and counterintelligence, as well as regarding persons involved in the performance of investigatory operations and persons involved in the special procedural protection, is recognized as a State Secret.

Question 40:

Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims.

Implementing Convention's Article 13 Paragraph 1 Law On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia[66] provides promotion of the fight against trafficking in human beings, providing the conditions for the granting of the reflection period and termination of such period to the victim of trafficking in human beings, as well as the conditions in relation to his or her residence in the Republic of Latvia. The provisions of this Law do not apply to the citizens of the European Union. The Law contains legal norms arising from Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities. This Law provides that if a third-country national provides information that possibly might aid in the disclosure and elimination of trafficking in human beings, but it 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, investigative institution, performer of procedures 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 accordingly would obtain.
Section 3 provides that a third-country national 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 a submission regarding granting of the reflection period. The reflection period shall not be granted to the victim of trafficking in human beings if he or she has been recognised as the victim of a criminal offence that is related to trafficking in human beings (that means that a victim of human trafficking within the criminal procedure can receive a residence permit). If the examination of the submission is not within the competence of the relevant investigative institution or performer of procedures, the submission shall be immediately sent to the investigative institution or performer of procedures, in whose record-keeping the relevant criminal proceedings are located, and the victim of trafficking in human beings shall be informed thereof. The investigative institution or performer of procedures shall take the decision regarding granting of the reflection period or regarding refusal to grant the reflection period within a time period of five working days after the receipt of the submission and shall inform regarding the taken decision the victim of trafficking in human beings and the State Border Guard. The decision taken by the investigative institution or performer of procedures regarding granting of the reflection period shall give the right to the victim of trafficking in human beings to reside in the Republic of Latvia during the relevant time period. The decision of the investigative institution or

[65] Adopted 17.10.1996., ("Official Gazette", 181 (666), 29.10.1996.) [into force since 01.01.1997.], http://www.likumi.lv/doc.php?id=41058
[66] Adopted 25.01.2007, ("Official Gazette", 23 (3599), 08.02.2007. [into force since 22.02.2007.], http://www.likumi.lv/doc.php?id=152712

performer of procedures regarding refusal to grant the reflection period shall not be appealed. The reflection period shall be counted starting from the day when the investigative institution or performer of procedures takes the decision regarding granting of the reflection period. The reflection period shall be 30 days. A victim of trafficking in human beings, as well as a minor in the accompaniment thereof, have the right to receive the social rehabilitation services 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.

Immigration Law[67] Section 5 provides that (4) 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 has come into effect regarding the issue of a temporary residence permit.

Implementing Convention's Article 13 Paragraph 2 Law On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia Section 7 provides that the social rehabilitation service provider, in accordance with the regulatory enactments regarding the provision of social rehabilitation services, within 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 if 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, 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.

Implementing Convention's Article 13 Paragraph3 Law On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia Section 5 provides that the investigative institution or performer of procedures has the right to take the decision regarding termination of the reflection period at any time at least in one of the following cases:

1) it has been ascertained that the victim of trafficking in human beings actively, voluntarily and on his or her own initiative maintains contact with persons, who are suspected, accused or in relation to whom a judgement of conviction or a punishment prescription of a prosecutor regarding a criminal offence that is related to trafficking in human beings has come into force; or

2) there is a reason to consider that the victim of trafficking in human beings causes a threat to the national security or public order and safety.

The decision of the investigative institution or performer of procedures regarding termination of the reflection period shall not be appealed. The investigative institution or performer of procedures informs the Office of Citizenship and Migration Affairs, the State Border Guard and social rehabilitation service provider regarding termination of the reflection period.

[67] Adopted 31.10.2002 ("Oficial Gazette", 169 (2744), 20.11.2002.) [into force since 01.05.2003.], http://www.likumi.lv/doc.php?id=68522

Question 41:

What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention? Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal.

Implementing Convention's Article 14 Paragraph 1 and Paragraph 2 the Law On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia Section 6 provides that if the victim of trafficking in human beings provides information in writing that may help in the disclosure and elimination of cases of trafficking in human beings or has been recognised as a victim in a criminal offence that is related to trafficking in human beings, the performer of procedures during the reflection period or on the next working day after the end of the reflection period within a time period of three working days shall:

1) assess whether the further residence of the victim of trafficking in human beings in the Republic of Latvia is efficient (whether it promotes the investigatory process or court proceedings); and

2) verify whether the victim of trafficking in human beings does not maintain contact with persons, who are suspected, accused or in relation to whom the judgement of conviction or the punishment prescription of a prosecutor regarding criminal offence that is related to trafficking in human beings has come into force.

(2) The performer of procedures shall request 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 with an opinion regarding conformity of the victim of trafficking in human beings with the requirements referred to in Paragraph one of this Section.

(3) The performer of procedures, when requesting the Office 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).

(4) The performer of procedures may request that the Office of Citizenship and Migration Affairs prolongs the temporary residence permit, if the conditions referred to in Paragraph one of this Section continue to exist.

Immigration Law Section 23 Paragraph 6 provides that 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.

Immigration Law Section 23 Paragraph 7 provides that a foreigner who during his or her illegal residence in Latvia had been employed in particularly exploitative working conditions, as well as a minor foreigner who during his or her illegal residence in Latvia had been illegally employed, has rights to request temporary residence permit for time period which is necessary to for recovery of unpaid salary from the employer, but not longer than for one year if a foreigner had been employed at least six month and had approach the Court with the appropriate application. A temporary residence permit may be required repeatedly for time period which is necessary for recovery of unpaid salary from the employer, but not longer than for six months if the legal proceeding in the court of recovery of unpaid salary is completed, but the employer has not paid. The particularly exploitative working conditions are the working conditions and terms of employment which create a disproportionate difference between the working conditions of legitimate employment and terms of employment and working conditions and terms of employment of a foreigner who is not eligible to reside in Latvia as well as differences due to gender discrimination or other discrimination which affect foreigner's safety and health protection at work and violates his or her dignity [amended to the Law on 26.05.2011.].

Implementing Convention's Article 14 Paragraph 3 according to the Law On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia Section 9 the performer of procedures may request that the Office of Citizenship and Migration Affairs annuls the temporary residence permit that has been issued to the victim of trafficking in human beings at least in one of the following cases:

1) it has been ascertained that the victim of trafficking in human beings actively, voluntarily and on his or her own initiative maintains contact with persons, who are suspected, accused or in relation to whom a judgement of conviction or a punishment prescription of the prosecutor regarding a criminal offence that is related to trafficking in human beings has come into force;

2) it has been ascertained that the victim of trafficking in human beings has intentionally provided false information in the criminal proceedings; or

3) the performer of procedures has taken the decision regarding termination of criminal proceedings.

Implementing Convention's Article 14 Paragraph 4 the Cabinet Regulations No 564 Regulations regarding Residence Permits Sub-paragraph 4.2 provides that a third-country national is entitled to submit the documents to the Office of Citizenship and Migration Affairs referred to in these Regulations for the request of a residence permit if he or she who resides in the Republic of Latvia with a valid residence permit. Spouses and persons under guardianship of the third-country national referred to in Paragraph 4.2 of these Regulations are also entitled to submit documents to the Office of Citizenship and Migration Affairs for the request a residence permit [amended on 02.08.2011].

Implementing Convention's Article 14 Paragraph 5 Asylum Law[68] ensures the rights of persons in the Republic of Latvia to receive asylum, acquire refugee or alternative status or receive temporary protection in accordance with generally accepted international principles of human rights, and Latvia provides that granting of a residence permit is without prejudice to the right to seek and enjoy asylum.

Question 42:

Please describe how your internal law provides for the right of victims of THB to compensation. Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention.

Implementing Convention's Article 15 Paragraph 1 the Criminal Procedure Law Section 11 provides that if a person who has a rights to a defence, a victim and his or her representative, a witness, specialist, expert, auditor, as well as other persons who a person directing the proceedings has involved in the criminal proceedings does not speak the official language, such persons have the right to use the language that such persons understand during the performance of procedural actions, and to use the assistance of an interpreter free of charge, whose participation shall be ensured by the person directing the proceedings. In the pre-trial proceedings, the investigating judge or court shall provide for the participation of an interpreter in the hearing of issues that fall within the jurisdiction of the investigating judge or court. In issuing procedural documents to a person involved in the criminal proceedings who does not understand the official language, such person shall be ensured, in the cases provided for by law, a translation of such documents in a language understood by such person. A person directing the proceedings may perform a separate procedural action in another language by appending a translation of the procedural documents in the official language.

[68] Adopted 15.06.2009., ("Official Gazette", 100 (4086), 30.06.2009.) [into force since 14.07.2009.], http://www.likumi.lv/doc.php?id=194029

Implementing Convention's Article 15 Paragraph 2 State Ensured Legal Aid Law[69] provides promotion of the right of a natural person to a fair court protection by ensuring State-guaranteed financial support for the receipt of legal aid. Section 17 provides that 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 [amended to the Law on 12.06.2009.]. The main objective of this Law is to provide a fair court protection by ensuring State-guaranteed financial support for the receipt of legal aid to the natural persons who have obtained the status of low-income or needy person and the natural persons taking into account their special situation or state of property and income level is regarded as appropriate for the receipt of legal aid. The State provides legal aid out-of-court and in-the-court within civil matters, criminal matters, cross-border disputes and administrative matters in appeal proceedings within asylum procedure. Section 20 of the Law provides that a State-ensured advocate for the representation of a person in criminal proceedings shall be invited in the cases and according to the procedures specified in the Criminal Procedure Law.
If the rights of a minor and the protection of the interests thereof are encumbered or otherwise not ensured, or the representatives (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) submit a substantiated request, a person directing the proceedings shall take a decision on the retaining of an advocate as the representative of a minor victim. In exceptional cases, the person directing the proceedings shall take a decision on the retaining of the representative – advocate of a victim – poor or low-income person of legal age, if it is otherwise not possible to ensure the protection of the rights and interests of the person in criminal proceedings.
Accordingly the person directing the proceedings shall notify the decision on the necessity to ensure a representative in criminal proceedings to the elder of the sworn advocates of the territory of the relevant court process. Not later than within three working days after the receipt of the request of the person directing the proceedings, the elder of the sworn advocates shall notify the person directing the proceedings regarding the participation of the relevant advocate in criminal proceedings. In these cases the Legal Aid Administration is not obligated to ensure State-guaranteed financial support for the receipt of legal aid before commencement of criminal proceeding, but it is assumed to create a mechanism to clarify person's rights and opportunities, it means that 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.

Implementing Convention's Article 15 Paragraph 3 the Criminal Procedure Law Chapter 26 Section 350 provides that 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. 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. A court shall determine the amount of compensation by assessing the application of a victim, and by taking into account: the seriousness of a criminal offence, and the nature of the committing thereof; the caused physical suffering, permanent mutilation, or loss of ability to work; the depth and publicity of a moral injury; mental trauma.

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

[69] Adopted 17.03.2005., ("Official Gazette", 52 (3210), 01.04.2005.) [into force since 01.06.2005.], http://www.likumi.lv/doc.php?id=104831

1) an accused of legal age who has been found guilty of the committing of a criminal offence;

2) a minor who has been found guilty of the committing of a criminal offence, - subsidiary with the parents or persons who substitute for him or her, except the cases when it is the duty of office of such persons;

3) a person for whom a compulsory measure of medical nature is specified or who has been transferred into the charge of relatives or other persons;

4) a legal person, if, in the case of such legal person, a natural person has been found guilty of committing a criminal offence and such natural person committed such offence acting individually, as a member of a collegial authority of the relevant legal person, or based on the right to represent the legal person, act under the assignment thereof, or take decisions on behalf of the legal person, or in actualising control within the framework of the legal person, or being in the service of the legal person.

Implementing Convention's Article 15 Paragraph 4 Criminal Procedure Law[70] Section 22 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. Section 351 provides that 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, and the failure to ascertain a person being held criminally liable shall not be an impediment to the submission of a compensation application. Besides there is no obstacle to the victim's nationality if the criminal proceeding is commenced in Latvia it is under Latvia's jurisdiction, so it does not matter what the nationality victim has. Any victim shall be guaranteed equal rights to compensation.

Law on State Compensation to Victims[71] Section 1 provides that a natural person who, in accordance with the procedures specified 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 the criminal offence has resulted the death of the person or caused severe, moderate bodily injuries to the victim or the criminal offence has been directed against sexual inviolability of the person or the victim has been infected with human immunodeficiency virus, Hepatitis B or C. Compensation is paid to the victim by the Legal Aid Administration[72]. The State compensation is paid from the State budget funds that have been intended for the Legal Aid Administration.

Law on State Compensation to Victims provides, that the maximum amount of the State compensation to be paid to one victim of a criminal offence until 1 January 2013 shall be determined in the amount of three minimum monthly wages. In 2008 the maximum amount of the State compensation to be paid to one victim of a criminal offence was determined in the amount of five minimum monthly wages. The amount of the State compensation depends only on the consequences of a criminal offence. The compensation shall be paid:

1) if death of the person has occurred – in the amount of 100%;

2) if severe bodily injuries have been caused to the victim or sexual inviolability of the victim has been violated or the victim has been infected with the human immunodeficiency virus, Hepatitis B or C– in the amount of 70%; or

3) if moderate bodily injuries have been caused to the victim – in the amount of 50%.

[70] Adopted 21.04.2005., ("Official Gazette", 74 (3232), 11.05.2005.) [into force since 01.10.2005.], http://www.likumi.lv/doc.php?id=107820

[71] Adopted 18.05.2006., ("Official Gazette", 87 (3455), 06.06.2006.) [into force since 20.06.2006.], http://www.likumi.lv/doc.php?id=136683

[72] The Legal Aid Administration is the administration institution directly subordinated to the Minister of Justice and is responsible for the management of funds anticipated for state guaranteed legal aid and the management of funds anticipated for state compensation to victims.

Question 43:

Please describe the procedure established under your internal law for the repatriation and return of victims of THB.

Return of foreigners including victims of human trafficking take place in accordance with the human rights respecting persons dignity and safety. If a victim of human trafficking illegally staying in the Republic of Latvia the person is expelled from the country but the preference is for the voluntary return. Duty to leave the territory of the Republic of Latvia and to return back to the country of origin, the third country from which the person entered or the third country in which the person has the right to enter is mentioned in the departure order. In case the person is victim of human trafficking the entry ban to enter the Republic of Latvia or other Schengen states state is not set. If a victim of human trafficking doesn't have any travel documents it shall be given by the consular authority of his/her origin country (return certificate) or, if it is not possible, the State Border Guard of the Republic of Latvia provides the person with the travel document.

According to the Cabinet Regulation No 291 Requirements for Social Service Providers it is provided that social rehabilitation service provider shall ensure (Sub-paragraph 100.^{7}.3.) the getting of the client to the social service provider if the client cannot do it independently. The Cabinet Regulations No 1613 Procedures for Providing the Necessary Assistance for the Child Suffered from Unlawful Activities the Sub-paragraph 12.5 provides that the Social Service of local government if necessary provides the getting of the child to the social service provider.

On June 16, 2011 the Amendments of Immigration Law (adopted by the Parliament on May 26, 2011) entered into force which provide transposition of the requirements of the Article 17 Detention of minors and families of the Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. The new Section 50.□ of the Immigration Law provides the actions to be taken in case of identifying of unaccompanied minor considering the best interests of child. The Office of Citizenship and Migration Affairs and the State Border Guard detecting unaccompanied minor foreigner and who resides in Latvia illegally immediately inform the State Police and the Orphan's Court and act so as to ensure the rights and best interests of child throughout the removal procedure in accordance with the child protection regulatory laws and regulations. During the removal procedure unaccompanied foreigner minor's personal and property relations are represented by the Orphan's court or appointed guardian, or head of the childcare institution. If the identity and nationality or country of origin of unaccompanied foreigner minor is identified the State Border Guard cooperating with the Consular Department of the Ministry of Foreign Affairs shall contact diplomatic or consular mission, respective competent institutions or the NGOs of relevant country which are responsible for implementation of observance of the rights of child in the country, and shall ensure the implementation of a return decision or a removal order as well as unaccompanied foreigner minor's return to his or her family, a legal representative or representative of institution responsible for implementation of observance of the rights of child in the country.

Question 44:

Does a person, repatriated to your country as a victim of THB, continue having victim status? If so, please specify on which grounds such recognition is made (for example, declaration of the victim). What assistance measures are envisaged for such persons after repatriation?

Yes, if the person is repatriated to Latvia as a victim of human trafficking she/he has the rights to receive social assistance both offered by the State and NGOs.
According to Cabinet Regulations No 889 Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to

Victims of Trafficking in Human Beings a person may receive social rehabilitation services for the State budget funds on the basis of the following documents:
- a written submission of the person or the legal representative thereof to the provider of services; and
- a decision of the performer of the criminal procedure, according to which the person is recognised the victim in a criminal matter regarding the traffic in human beings, **or a statement of a law enforcement institution that the person has suffered from the traffic in human beings in a foreign state**, or a person's assessment report of the provider of services, in which the compliance of the person with the criteria of a victim of the traffic in human beings has been specified.
Person can receive all types of assistance described in Article 12 of the Convention which are provided to victims of human trafficking in Latvia. Detailed description of assistance measures is provided in answer of Question 37.

Question 45:

What are the grounds for the victim status to come to an end:
victim status claimed improperly;
victim's refusal to co-operate with the authorities;
return to the country of origin;
request of the victim;
other, please specify.
According to the Cabinet Regulations No 889 Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings Paragraph 12 the provision of services shall be terminated in the following cases:
- the person has received services on the basis of false information provided;
- the person or the legal representative thereof submits a written submission regarding the suspension of services;
- the person does not comply with or violates the requirements to co-operate in the implementation of the rehabilitation plan developed by the provider of services, as well as to comply with the procedures specified by the provider of services; or
- the course of service specified for the person has ended.

Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law

Question 46:

Is THB subject to a single criminal offence in your internal law? If so, please provide (a translation of) the legal text(s) in English or French. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB.

As for the legislative framework in Latvia regarding trafficking in human beings, there is a system of legislative acts that according to the specific needs of each branch regulates the issue of trafficking. In Latvia persons who have been engaged in trafficking in human beings are made criminally liable only by the Criminal Law[73]. The Section 1 Paragraph 1 states that only a person who is guilty of committing a criminal offence, that is, one who deliberately (intentionally) or through negligence has committed an offence which is set out in this Law and which has all the constituent elements of a criminal offence, may be held criminally liable and punished.

[73] Criminal Law in Latvian language with a link to the translation in English language, http://www.likumi.lv/doc.php?id=88966

Criminal Law Section 154.[1] Human Trafficking[74]

(1) For a person who commits human trafficking,
the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding eight years, with or without confiscation of property.
(2) For a person who commits the same acts if commission thereof is with respect to a minor, or if commission thereof is by a group of persons pursuant to prior agreement, or if commission thereof is repeated, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding twelve years, with confiscation of property.
(3) For a person who commits the same acts, if serious consequences are caused thereby or if commission thereof is with respect to an underaged person, or by an organised group, the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years, with confiscation of property, and with or without police supervision for a term not exceeding three years.

Section 165.[1] Sending a Person for Sexual Exploitation

(1) For a person who commits sending a person with his or her consent for sexual exploitation, that is, for any act which facilitate legal or illegal movement, transit or residence of a person for such purpose within the territory of one country or several countries -
the applicable punishment is deprivation of liberty for a term not exceeding six years.
(2) For a person who commits the same acts, if commission thereof is for purposes of enrichment or if commission thereof is by a group of persons pursuant to prior agreement, or if commission thereof is repeated,
the applicable punishment is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.
(3) For a person who commits the acts provided for in Paragraph one or two of this Section, if commission thereof is by an organised group,
the applicable punishment is deprivation of liberty for a term of not less than eight years and not exceeding fifteen years, with confiscation of property, and with police supervision for a term not exceeding three years.

The Section 165.[1] Sending a Person for Sexual Exploitation defines more extended explanation which provides the punishment for the sending of a person for sexual exploitation with person's consent, it means, for any activity which promotes legal or illegal movement, transit or stay of a person at the territory of one country or several countries. The most of the European countries do not have such legal regulation and the sending of a person for sexual exploitation with person's consent is not considered as the human trafficking. In the result of this regulation and determined measures of fighting of human trafficking Latvia has attained that traffickers of human beings refuse to perform recruitment, conveyance, transfer, concealment or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of fraud, or by taking advantage of the dependence of the person on the offender or of his or her state of 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. In order to bring to trial the organizers of human trafficking, the victim of human trafficking is not required. The State Police in order to not assume possible cases of human trafficking using extended definition of human

[74] According to the Criminal Law Section 7 Classification of Criminal Offences of the human trafficking is sub-divided as serious crime and especially serious crime:
(4) A serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding five years but not exceeding ten years, or an offence, which has been committed through negligence and for which this Law provides for deprivation of liberty for a term exceeding ten years.
(5) An especially serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding ten years, life imprisonment or the death penalty.

trafficking within criminal cases which are investigated for criminal offences prescribed in the Article 165.[1] Sending a Person for Sexual Exploitation, prevents perpetration of criminal offence in its begging and uses the specially trained police officers women undercover as the possible victims of human trafficking who legally are not victims, but they are witnesses within criminal proceeding. In 2009 48 specially trained police officers women undercover were used within special operations and in 2010 – 37 specially trained police officers women undercover who received a status of victim in further criminal proceeding. Accordingly during the time period (2009-2010) at least 85 women were not subjected to human trafficking according to the extended definition of human trafficking prescribed by the Republic of Latvia in Criminal Law by ratifying international legal acts.

Section 165.[1] Sending a Person for Sexual Exploitation as a progresive legal provision was acknowledged by Human Rights Council Working group on the universal periodic review during 11th session in Geneva, 2-13 May, 2011. United National General Assembly Draft report of the Working Group on the Universal Periodic Review. Latvia, 9 May 2011 (A/FRC/WG.6/11/L.7) point 69 “Latvia went beyond the Palermo Protocol, as the use of force against potential victims of sexual exploitation was not a pre-condition for instituing a criminal case against traffickers”.

Question 47:

Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention? 1 Article 19 of the Convention does not concern using the services of a prostitute as such and the criminalisation of her/his client (see paragraphs 229 to 236 of the Explanatory Report of the Convention).

The Criminal Law does not contain particular Section which provides liability for the use of services of a victim of human trafficking with the knowledge that the person is a victim of human trafficking.

Question 48:

Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB as provided for in Article 20c of the Convention?

Implementing Convention’s Article 20c The Criminal Law does not contain a special regulation to establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling human trafficking.
The Criminal Law establishes as a criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally.
The Criminal Law Section 274 provides that for a person who commits stealing, concealment, intentional destruction of or damage to a document conferring rights or a release from obligations, a seal or a stamp, or commits using or selling the stolen document, seal or stamp, the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding sixty times the minimum monthly wage. For a person who commits the same acts, if such have been committed for purposes of acquiring property, or have caused substantial harm to the State power or administrative order, or to rights and interests protected by law of a person, the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

Question 49:

Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22? What types of legal persons are subject to corporate liability for such offences?

Implementing Convention's Article 22 the Criminal Law since 01.10.2005. is amended with a legal provision VIII[1] Coercive Measures Applicable to Legal Persons Section 70.[1] where it is provided that for the criminal offences provided for in the Special Part of this Law, coercive measures may be applied to a legal person, if the criminal offence has been committed in the interests of the legal person by a natural person. In a legal person matter, a natural person who has committed a criminal offence acting as an individual or as a member of the collegial institution of the relevant legal person on the basis of a right to represent the legal person, to act on behalf of or to take decisions in the name of such legal person, or realising control within the scope of the legal person or while in the service of the legal person, shall be criminally liable therefor. For a legal person one of the following coercive measures may be specified: liquidation; limitation of rights; confiscation of property; or monetary levy, and the following additional coercive measures may be specified: confiscation of property; and compensation for harm caused.

Question 50:

Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions.

Other articles covering connected with trafficking in Criminal Law (e.g. forcing to prostitution, slavery, slavery like practices, domestic servitude, begging etc.) and Latvian Administrative Violations Code:

<u>According to the Criminal Law:</u>

Section 139. Illegal Removal of Tissue and Organs from a Human Being

For a person who commits illegal removal of tissue or organs from a living or deceased human being in order to utilise such for medical purposes, where commission thereof is by a medical practitioner,

the applicable punishment is deprivation of liberty for a term not exceeding five years, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding five years.

Section 163. Violation of Provisions Restrictive of Prostitution

For a person who commits a violation of provisions restrictive of prostitution, if commission thereof is repeated within a one-year period,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

Section 163.[1] Establishment, Maintenance, Management and Financing of Brothel

For a person who establishes, maintains, manages or finances a brothel (illegal place for organising and provision of prostitution services),

the applicable punishment is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding hundred times the minimum monthly wage.

Section 164. Involvement of a Person in Prostitution and Compelling Engaging in Prostitution

(1) For a person who commits involvement of a person in prostitution,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without confiscation of property.

(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,
the applicable punishment is deprivation of liberty for a term from two to five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without confiscation of property.
(3) For a person who commits activities provided for in Paragraphs one and two of this Section, if such acts have been committed repeatedly or by a group of persons, or commits inducing or compelling a minor to engage in prostitution, or commits providing premises to minors for purposes of prostitution,
the applicable punishment is deprivation of liberty for a term from five to eight years, with or without confiscation of property.
(4) For a person who commits encouraging or compelling an underaged person to engage in prostitution,
the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property.
(5) For a person who commits the acts provided for in this Section, if commission thereof is by an organised group,
the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property, and with police supervision for a term not exceeding three years.

Section 165. Living on the Avails of Prostitution
(1) For a person who commits taking advantage, for purposes of enrichment, of a person who is engaged in prostitution,
the applicable punishment is deprivation of liberty for a term not exceeding six years, with confiscation of property or without confiscation of property.
(2) For a person who commits the same acts if commission thereof is by a group of persons, or with respect to minors,
the applicable punishment is deprivation of liberty for a term not exceeding eight years, with confiscation of property.
(3) For a person who commits the same acts if commission thereof is by an organised group or if commission thereof is with respect to underaged persons,
the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property, and with police supervision for a term not exceeding three years.

Section 166. Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials
(1) For a person who commits violation of provisions regarding importation, production, distribution, public demonstration, playing or advertising of pornographic writings, printed publications, pictures, films, video and audio recordings or other pornographic materials, if commission thereof is repeated within a one year period,
the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding thirty times the minimum monthly wage.
(2) For a person who commits the downloading, acquisition, importation, production, public demonstration, advertising or other distribution of such pornographic or erotic materials as relate or portray the sexual abuse of children, sexual activities of people with animals, necrophilia or violence of a pornographic or erotic nature, or the keeping of such materials,
the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding fifty times the minimum monthly wage, with or without confiscation of property.
(3) For a person who commits involvement or utilisation of minors in the production (manufacturing) of pornographic or erotic materials,
the applicable punishment is deprivation of liberty for a term not exceeding six years, or a fine not exceeding eighty times the minimum monthly wage, with or without confiscation of property.

(4) For a person who commits involvement or utilisation of underaged persons in the production (manufacturing) of pornographic or erotic materials,
the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property.
(5) For a person who commits the acts provided for in Paragraph three or four of this Section, if commission thereof is by an organised group,
the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property, and with police supervision for a term not exceeding three years.

Section 274. Stealing and Destruction of a Document, Seal or Stamp
(1) For a person who commits stealing, concealment, intentional destruction of or damage to a document conferring rights or a release from obligations, a seal or a stamp, or commits using or selling the stolen document, seal or stamp,
the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding sixty times the minimum monthly wage.
(2) For a person who commits the same acts, if such have been committed for purposes of acquiring property, or have caused substantial harm to the State power or administrative order, or to rights and interests protected by law of a person,
the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

Section 275. Forgery of a Document, Seal and Stamp and Use and Sale of a Forged Document, Seal and Stamp
(1) For a person who commits forgery of a document conferring rights or a release from obligations, of a seal or a stamp, as well as commits using or selling a forged document, seal or stamp,
the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or by community service, or a fine not exceeding forty times the minimum monthly wage.
(2) For a person who commits the same acts, if commission thereof is repeated, or for the purpose of acquiring property, or by a group of persons pursuant to prior arrangement, or substantial harm is caused thereby to the State power or administrative order or to rights and interests protected by law of a person,
the applicable punishment is deprivation of liberty for a term not exceeding four years or community service, or a fine not exceeding sixty times the minimum monthly wage.

Until 12.07.2011. the following provision was into force:
Section 280. Violation of Provisions Regarding Employment of Persons
For a person who commits a violation of restrictions or provisions, as provided for by law, regarding employment of persons, where commission thereof is by the employer and repeated within a one year period,
the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.
Since 13.07.2011. the following provision is into force:
Section 280. Violation of Provisions Regarding Employment of Persons
(1) For a person who commits a violation of restrictions or provisions, as provided for by law, regarding employment of persons, where commission thereof is by the employer and if substantial harm is caused thereby,
the applicable punishment is custodial arrest, or community service, or a fine not exceeding hundred times the minimum monthly wage.
(2) For a person who employs a person who is not eligible to reside in the Republic of Latvia and who employs a minor or who employs more than five persons or a person is employed in particularly exploitative working conditions or if knowingly a victim of human trafficking is employed, where commission thereof is by the employer,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

According to Latvian Administrative Violations Code:

Section 172.[1] Involving of a Minor in Begging
In the case of involving or utilising a minor (up to the age of 16 years) in begging, if done by a person of legal age – a fine in an amount up to LVL 100 shall be imposed.
In the case of the same violations, if recommitted within a year after by a person on whom an administrative sanction regarding the violation specified in Paragraph one of this Section has been imposed – a fine in an amount up to LVL 250 shall be imposed.

Since October 7, 2009 a new legal regulation – the **Section 172.[3] Illegal Involving of Children in Events** is introduced in the Latvian Administrative Violations Code which prescribes that in the case of involving of a child in beauty contest or in an event, where the only thing that is valued is his or her outer appearance, if done by natural person a fine in an amount from 250 LVL up to 500 LVL shall be imposed, but if done by legal person a fine in an amount from 500 LVL up to 1500 LVL shall be imposed. For the violation of legal acts prescribing procedures by which children may be involved in activities (events) concerned with the demonstration of outer appearance a warning shall be issued or if done by natural person a fine in an amount from 100 LVL up to 250 LVL shall be imposed, but if done by legal person a fine in an amount from 250 LVL up to 1000 LVL shall be imposed.

Section 189. Employment without a Passport or Work Permit
In the case of the employment of a person, if he or she does not possess a valid passport or birth certificate (if the person is younger than 16 years old) – a fine in the amount from LVL 50 up to LVL 150 shall be imposed.
In the case of the employment of one or more persons (up to 5 people), if the person or persons do not possess work permits, the necessity of which is specified by regulatory enactments – a fine shall be imposed on a natural person in an amount from LVL 100 up to LVL 300, but for a legal person – from LVL 500 up to LVL 2500.
In the case of the employment of more than 5 people, if the persons do not possess work permits, the necessity of which is specified by regulatory enactments – a fine shall be imposed on natural persons in an amount from LVL 300 up to LVL 500, but for legal persons – from LVL 2500 up to LVL 10 000.

The Law on the Protection of the Body of Deceased Human Beings and the Use of Human Tissues and Organs in Medicine[75] protects the body of a deceased human being from undignified and illegal actions with it. This Law prescribes the procedures by which the tissues and organs of living or deceased human beings may be used for scientific researches and study purposes, transplantation, manufacture of medicinal preparations and bioprothesis. In Latvia both live and dead human body tissue and organ removal and use serves for medical progress, and it has a non-profit 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. Accumulation and use of tissues and organs voluntarily donated by people and acquired in a lawful way shall be permissible in accordance with the procedures specified by the Cabinet in the extraction and storage centres of tissues and organs referred to in a special list.
The Cabinet Regulations No 208 Procedures for Banking, Storage and Utilisation of Human Tissues and Organs[76] prescribe the procedures for banking, storage and utilisation of human tissues and organs.

[75] Adopted 15.12.1992., (Ziņotājs, 1, 14.01.1993.), [into force since 01.01.1993.], http://www.likumi.lv/doc.php?mode=DOC&id=62843
[76] Cabinet Regulations No 208, adopted 27.03.2007., ("Official Gazette", 54 (3630), 30.03.2007.) [into force since 31.03.2007.], http://www.likumi.lv/doc.php?id=155224&from=off

Implementing Convention's Article 23 Paragraph 3 according to the Criminal Procedure Law Section 355 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; has him or herself engaged in criminal activities in relation to child pornography or sexual abuse of children, or maintains constant relations with a person who is involved in such activities.
The Criminal Procedure Law Section 240 Paragraph 1 provides that a judgment or decision on the termination of criminal proceedings shall indicate what shall be done with material evidence and documents, that is:
- the instrumentalities of a criminal offence owned by a suspect or accused shall be confiscated, but if they do not have any value – destroyed;
- criminally obtained property and documents shall be confiscated;
- objects which were intended or had been used for commission of a criminal offence shall be confiscated, but if they do not have any value – destroyed.

Implementing Convention's Article 31 Jurisdiction according to the Constitution of the Republic of Latvia everyone has the right to freely depart from Latvia. Everyone having a Latvian passport shall be protected by the State when abroad and has the right to freely return to Latvia. A citizen of Latvia may not be extradited to a foreign country, except in the cases provided for in international agreements ratified by the *Saeima* if by the extradition the basic human rights specified in the Constitution are not violated.
The Criminal Procedure Law Section 673 provides that (1) Latvia shall request international co-operation in criminal matters from a foreign state, and shall ensure such co-operation:

1) in the extradition of a person for criminal prosecution, trial, or the execution of a judgment, or for the determination of compulsory measures of a medical nature;

2) in the transfer of criminal proceedings;

3) in the transfer of a convicted person for the execution of a sentence of deprivation of liberty;

4) in the execution of procedural actions;

5) in the recognition and execution of a judgment;

6) in other cases provided for in international treaties.

(2) Criminal-legal co-operation with international courts and with courts and tribunals established by international organisations shall provide for the transfer of persons to international courts, for procedural assistance for such courts, and for the execution of the adjudications of international courts.
The Criminal Law Section 1 provides that only a person who is guilty of committing a criminal offence, that is, one who deliberately (intentionally) or through negligence has committed an offence which is set out in this Law and which has all the constituent elements of a criminal offence, may be held criminally liable and punished. To be found guilty of committing a criminal offence and to impose a criminal punishment may be done by a judgment of a court and in accordance with law. In the cases provided for by law, a person shall be found guilty of committing a criminal offence and a punishment determined also by a public prosecutor by drawing up an injunction regarding the punishment.
Section 2 provides that the liability of a person who has committed a criminal offence in the territory of Latvia shall be determined in accordance with this Law. If a foreign diplomatic representative, or other person, who, in accordance with the laws in force or international agreements binding upon the Republic of Latvia, is not subject to the jurisdiction of the Republic of Latvia, has committed a

criminal offence in the territory of Latvia, the issue of this person being held criminally liable shall be decided by diplomatic procedures or in accordance with bilateral agreements of the states.
Section 3 provides that a person who has committed a criminal offence outside the territory of Latvia, on an aircraft, or a sea or river vessel or other floating means of conveyance, if this means of conveyance is registered in the Republic of Latvia and if it is not provided otherwise in international agreements binding upon the Republic of Latvia, shall be held liable in accordance with this Law.
Section 4 provides that (1) 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 regardless of whether it has been recognised as criminal and punishable in the territory of commitment.
(2) Soldiers of the Republic of Latvia who are located outside the territory of Latvia shall be held liable for criminal offences in accordance with this Law, unless it is provided otherwise in international agreements binding upon the Republic of Latvia.
(3) 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.
(4) 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, 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.

Question 51:

Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?

Implementing Convention's Article 25 the Criminal Law Section 48 Aggravating Circumstances Sub-paragraph 1 provides, that the criminal offence which was committed repeatedly or constitutes recidivism of criminal offences may be considered to be aggravating circumstances.

Question 52:

Please describe how your internal law provides for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as provided for in Article 26 of the Convention.

Implementing Convention's Article 26 the Criminal Law Section 1 provides basis of criminal liability. Only a person who is guilty of committing a criminal offence, that is, one who deliberately (intentionally) or through negligence has committed an offence which is set out in this Law and which has all the constituent elements of a criminal offence, may be held criminally liable and punished. If a person has committed a criminal offence because a person was forced to do so, then a person cannot be prosecuted because a person's will was affected (deformed). In such situation it is impossible to identify all the constituent elements of a criminal offence, so the person cannot be held criminally liable.

Question 53:

Does your internal law provide for the initiation of legal proceedings by the victim and/or *ex officio* (for example, by the public prosecutor)?

The Criminal Procedure Law Section 6 provides that the official who is authorised to perform criminal proceedings has a duty within his or her competence to initiate criminal proceedings and to lead such proceedings to the fair regulation of criminal legal relations provided for in the Criminal Law in each case where the reason and grounds for initiating criminal proceedings have become known. Criminal proceedings shall be performed in the interests of society regardless of the will of the person to whom the harm was inflicted. The prosecution function in criminal proceedings on behalf of the State shall be implemented by a public prosecutor.

Question 54:

Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? Please specify the conditions for this participation as well as their legal status during these proceedings.

The Criminal Procedure Law Section 104 provides that a victim – natural person of legal age may be represented by any natural person of legal age and with the capacity to act, on the grounds of the authorisation of the victim, which is drawn up as a notarially certified power of attorney. If the victim has expressed the authorisation orally, the person directing the proceedings shall draw it up in writing. Such power of attorney shall be signed by the victim and the representative, and the person directing the proceedings shall certify the signatures of the parties. An oral authorisation expressed during a court session shall be recorded in the minutes of the court session. A warrant shall certify the right of an advocate to participate in the criminal proceedings as a representative.
If harm has been caused to a minor person, the victim shall be represented by a representative of such non-governmental organisation that performs the function of protecting the rights of children.

Question 55:

Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings.

Implementing Convention's Article 11 Paragraph 1 Lavia has adopted the Law on The Council of Europe Convenction for the Protection of Individuals with regard to Automatic Processing of Personal Data[77] on 05.04.2011.

According to Criminal Procedure Law Section 375 during criminal proceedings, the materials located in the criminal case shall be a secret of the investigation, and the officials who perform the criminal proceedings, as well as the persons to whom the referred to officials present the relevant materials in accordance with the procedures provided for in this Law, shall be permitted to familiarise themselves with such materials. Section 450 Paragraph 3 provides cases when a criminal case shall be tried in a closed court session, for example, in a criminal case regarding a criminal offence against morals and sexual inviolability; in order to not disclose intimate circumstances of the lives of persons involved in criminal proceedings; in order to ensure protection of persons involved in criminal proceedings. These legal provisions of the Criminal Procedure Law provide protection of the identity of victim.

Personal Data Protection Law[78] protects the fundamental human rights and freedoms of natural persons, in particular the inviolability of private life, with respect to the processing of data regarding

[77] Adopted 05.04.2001., ("Official Gazette", 59 (2446), 12.04.2001.) [into force since 12.04.2001.], http://likumi.lv/doc.php?id=7040&from=off

natural persons. Considering Section 11 the processing of sensitive personal data (sensitive personal data - personal data which indicate the race, ethnic origin, religious, philosophical or political convictions, or trade union membership of a person, or provide information as to the health or sexual life of a person) is prohibited.

Implementing Convention's Article 11 Paragraph 2 in order to protect, as appropriate, the privacy and identity of child victims and taking measures to avoid the inappropriate dissemination of information that could lead to the identification of child victims Protection of the Rights of the Child Law Section 71 provides that (1) 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 self-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; (2) 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; (4) 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, 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.

The Criminal Procedure Law Section 97 Paragraph 9 provides that 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.

[78] Adopted 23.03.2000., ("Official Gazette", 123/124 (2034/2035), 06.04.2000.) [into force since 20.04.2000.], http://www.likumi.lv/doc.php?id=4042

Statistics on THB

Question	Table 1: Victims of THB	2008				2009				2010			
		women	men	children[79]	total	women	men	children	total	women	men	children	total
	Article 10 - Identification of the victims												
T1	**Number of victims identified[80] during the year**	10		2	12	13			13	12			12
T2	**Types of exploitation identified victims of THB were subject to:**												
	- sexual exploitation	10		2	12	13			13	11			11
	- forced labour or services									1			1
	- slavery or practices similar to slavery												
	- servitude												
	- removal of organs												
	- other, please specify												
T3	**Number of persons whom the competent authorities had reasonable grounds to believe were victims of:**												
	- national trafficking			1	1								
	- transnational trafficking	12			12	13			13	12			12
	Article 12 - Assistance to victims												
T4	**Number of victims of THB who received assistance of any type**				12				13				12
T5	**Number of victims of THB who refused assistance which was offered to them**												
T6	**Number of shelters for victims of THB in your country**												
T7	**Total number of places in shelters for victims of THB**												
T8	**Number of victims of THB accommodated in shelters**												

79 "Child" shall mean any person under eighteen years of age (Article 4-d of the Convention).
80 "Identified" within the meaning of the Convention.

Question	Table 1 : Victims of THB (continued)	2008				2009				2010			
		women	men	children	total	women	men	children	total	women	men	children	total
	Article 13 - Recovery and reflection period												
T9	**Number of victims of THB (including persons whom the competent authorities had reasonable grounds to believe were victims of THB) who were granted a recovery and reflection period**												
	Article 14 - Residence permit												
T10	**Number of victims of THB who were issued a residence permit**												
	- owing to their personal situation												
	- for the purpose of their co-operation with the competent authorities	3											
	Article 15 - Compensation and legal redress												
T11	**Number of victims of THB who obtained compensation**	1		1	2			2	2				
T12	**Compensation awarded to victims of THB:**												
	- minimum amount awarded to a victim (in euros)												
	- maximum amount awarded to a victim (in euros)				800				900				
	Article 16 - Repatriation and return of victims												
T13	**Number victims of THB who were repatriated to your country**	4			4					2			2
T14	**Number of victims of THB who were repatriated from your country to another country**												

Question	Table 2: Criminal Proceedings and Sanctions	2008	2009	2010
	Article 18 - Criminalisation of trafficking in human beings			
T15	**Number of criminal proceedings initiated on grounds of THB**	**Registered** according to the Criminal Law Section 154[1]: Paragraph 1 – 1; Paragraph 2 – 2; Paragraph 3 – 1; **in total: 4** **Initiated** according to the Criminal Law Section 154[1]: Paragraph 1 – 0; Paragraph 2 – 2; Paragraph 3 – 2. **in total: 4**	**Registered** according to the Criminal Law Section 154[1]: Paragraph 1 – 1; Paragraph 2 – 20; Paragraph 3 – 4; **in total: 25** **Initiated** according to the Criminal Law Section 154[1]: Paragraph 1 – 0; Paragraph 2 – 1; Paragraph 3 – 3. **in total: 4**	**Registered** according to the Criminal Law Section 154[1]: Paragraph 1 – 0; Paragraph 2 – 2; Paragraph 3 – 1; **in total: 3** **Initiated** according to the Criminal Law Section 154[1]: Paragraph 1 – 0; Paragraph 2 – 1; Paragraph 3 – 2. **in total: 3**
T16	**Number of convictions for THB**	2	1	3
	Article 19 - Criminalisation of the use of services of a victim			
T17	**Number of convictions for the use of services of a victim of THB**			

	Table 2: Criminal Proceedings and Sanctions (continued)	2008	2009	2010
	Article 23 - Sanctions and measures			
T18	**Number of convictions for THB resulting in penalties involving deprivation of liberty**	0 – deprivation of liberty) 2 – sentences that are suspended	1 – deprivation of liberty	1 – deprivation of liberty) 2 – sentences that are suspended
T19	**Duration of penalties on grounds of THB involving deprivation of liberty**			
	- minimum duration	5 years – sentence that is suspended	3 years deprivation of liberty	2 years deprivation of liberty
	- maximum duration	7 years – sentence that is suspended	3 years deprivation of liberty	5 years – sentence that is suspended
T20	**Number of judgements resulting in the confiscation of assets**	1	1	3
T21	**Number of judgements resulting in the closure of a business or an establishment which was being used to carry out THB**	0	1	0
	Article 26 - Non-punishment provision			
T22	**Number of victims of THB who benefitted from the non-punishment provision**			

Question	Table 3: Country of origin of victims of THB		2008	2009	2010
T23	**Number of victims of THB originating from:**				
	- Council of Europe Member States:	Albania			
		Andorra			
		Armenia			
		Austria			
		Azerbaijan			
		Belgium			
		Bosnia and Herzegovina			
		Bulgaria			
		Croatia			
		Cyprus			
		Czech Republic			
		Denmark			
		Estonia			
		Finland			
		France			
		Georgia			
		Germany			
		Greece			
		Hungary			
		Iceland			
		Ireland			
		Italy			
		Latvia	9	13	12
		Liechtenstein			
		Lithuania			
		Luxembourg			
		Malta			
		Moldova			
		Monaco			
		Montenegro			
		Netherlands			
		Norway			
		Poland			
		Portugal			
		Romania			
		Russian Federation			
		San Marino			
		Serbia			
		Slovak Republic			
		Slovenia			
		Spain			
		Sweden			
		Switzerland			
		"the former Yugoslav Republic of Macedonia"			
		Turkey			
		Ukraine			
		United Kingdom			
	- other, please specify	Thailand	3		

Please note that the paper version of the Latvia's reply to this questionnaire is the official reply, and in case of any discrepancy between the TIMS version and the paper version, the paper version stands.