

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



CP(2015)7

**Report submitted by the Latvian authorities
on measures taken to comply with
Committee of the Parties Recommendation CP(2013)2
on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

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Iekšlietu ministrija

MINISTRY OF THE INTERIOR OF THE REPUBLIC OF LATVIA

Čiekurkalna 1.līnija 1 k-2, Rīga, LV-1026, Latvia; phone +371 67219263; fax +371 67829686;
e-mail: kanceleja@iem.gov.lv; www.iem.gov.lv

Rīga

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Ms Petya Nestorova
Executive Secretary of the Secretariat of the Council of
Europe Convention on Action against Trafficking in
Human Beings (GRETA and Committee of the Parties)
Directorate General of Human Rights and Legal
Affairs, Council of Europe
e-mail: petya.nestorova@coe.int

The Ministry of the Interior of the Republic of Latvia presents its compliments to the Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings.

Pursuant the Point 2 of the Recommendation CP(2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia hereby the Ministry of the Interior as a responsible coordination body on prevention of trafficking in human beings issues on national level submits Report on implementation of Recommendation CP(2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia adopted by Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings at the 10th meeting of the Committee of the Parties on 15 February 2013.

Enclosure: Report in English language on 59 pages.

Sincerely Yours,

State Secretary

Ilze Pētersone-Godmane



Iekšlietu ministrija

MINISTRY OF THE INTERIOR OF THE REPUBLIC OF LATVIA

Čiekurkalna 1.līnija 1 k-2, Rīga, LV-1026, Latvia; phone +371 67219263; fax +371 67829686;
e-mail: kanceleja@iem.gov.lv; www.iem.gov.lv

Neoficiāls tulkojums

Petjai Nestorovas kundzei
Eiropas Padomes
Konvencijas par cīņu pret cilvēku tirdzniecību
Sekretariāta izpildsekretārei
e-pasts: petya.nestorova@coe.int

Latvijas Republikas Iekšlietu ministrija apliecina savu cieņu Eiropas Padomes Konvencijas pret cīņu pret cilvēku tirdzniecību Sekretariātam.

Saskaņā ar Eiropas Padomes Konvencijas par cīņu pret cilvēku tirdzniecību Pušu komitejas Rekomendāciju CP(2013)2 par Eiropas Padomes Konvencijas par cīņu pret cilvēku tirdzniecību īstenošanu Latvijā 2.punktu Iekšlietu ministrija kā koordinējošā institūcija cilvēku tirdzniecības novēršanas un apkarošanas jautājumos nacionālā līmenī iesniedz ziņojumu par Eiropas Padomes Konvencijas par cīņu pret cilvēku tirdzniecību Pušu komitejas Rekomendāciju CP(2013)2 par Eiropas Padomes Konvencijas par cīņu pret cilvēku tirdzniecību īstenošanu Latvijā, kas apstiprinātas Pušu komitejas 10.sanāksmē 2013.gada 15.februārī, īstenošanu.

Pielikumā: Ziņojums angļu valodā uz 59 lapaspusēm.

Ar cieņu,

Valsts sekretāre

Ilze Pētersone-Godmane

Lāsma Stabiņa, 67829674
lasma.stabina@iem.gov.lv

**Recommendation CP(2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia
adopted by Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings
at the 10th meeting of the Committee of the Parties on 15 February 2013**

Core concepts and definitions

- 1. GRETA urges the Latvian authorities to ensure that Article 154², paragraph 2, applies to all children, i.e. persons under 18 years of age as defined in Article 4(d) of the Anti-Trafficking Convention, regardless of the Latvian legislation on the age of majority.**

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

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

The Ministry of Justice has elaborated amendments in the Section 3 of the Protection of the Rights of the Child Law amending this section with a new paragraph ¹ “In accordance to the administrative violation system and the criminal legal system a child is a person who has not attained 18 years of age” (unofficial translation).

As soon as amendments come into force the recommendation will be considered as implemented.

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

In 2014 the Section 154² “Meaning of Human Trafficking” was supplemented. The Ministry of Justice elaborated amendments to the definition of trafficking in human beings supplementing it with with an additional mean – abuse of vulnerability and the Paragraph four which explains the meaning of vulnerability. Unofficial translation of amendments done by the Ministry of Justice/ into force since 29 October, 2014.

The Criminal Law Section 154.² Meaning of Human Trafficking

(1) Human trafficking is the recruitment, transportation, transfer, concealment, accommodation or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of vulnerability or helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent.

(2) The recruitment, transportation, transfer, concealment, accommodation or reception of a minor for the purpose of exploitation shall be recognised as human trafficking also in such

cases, if it is not connected with the utilisation of any of the means referred to in the Paragraph one of this Section.

(3) Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform labour, to provide services or to commit criminal offences, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the illegal removal of a person's tissues or organs.

(4) Within the meaning of this Section a state of vulnerability means that circumstances are being used in which a person has no real or acceptable alternative but to submit to the exploitation.

The law enforcement agencies of Latvia believe that this new legal provision regarding a position of vulnerability will be an important tool to bring offenders to justice as previously it was impossible to address those traffickers who abused a position of vulnerability of potential victims of trafficking.

According to the definition of trafficking in human beings three elements are needed – mean, action and purpose. Having these three elements it is considered that the crime of trafficking in human beings is committed. Therefore consent of a victim to the intended exploitation does not play a role in the cases of trafficking in human beings. This provision does not relate to trafficking in children because for the qualification of the trafficking offence it is not important whether a minor has consented or not, (or has consented, for example, under the influence of deception). The Criminal Law Section 154² Paragraph two is elaborated as an exception from Criminal Law Section 154² Paragraph one in order to provide that the recruitment, transportation, transfer, concealment, accommodation or reception of a minor for the purpose of exploitation shall be recognised as human trafficking also in cases, when it is not connected to the utilisation of any of the means referred to in the Criminal Law Section 154² Paragraph one.

The reference to the Criminal Law Section 154² Paragraph one made in the Criminal Law Section 154² Paragraph two provides that offence should be qualified as a trafficking offence despite the consent or disapproval of a victim.

We have informed GRETA previously that in Latvia it is possible to identify a victim of trafficking in human beings within the criminal proceeding or according to the provisions provided by the Cabinet Regulations No 889 of 31 October 2006 “Regulations on Criteria for the Recognition of Victims of Trafficking in Human Beings and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings” by the mandated NGO. Many persons refer themselves or relatives or acquaintances refer persons who might be trafficked and exploited to the mandated NGO. The opportunity of self-reporting to the mandated NGO is well accepted by potential victims of trafficking in human beings.

Comprehensive approach and co-ordination

3. GRETA considers that the Latvian authorities should take further measures to:

strengthen co-ordination between all actors in the field of action against THB, including at local level;

For the coordination of implementation of national anti-trafficking policy an inter-institutional working group has been established by a prime minister in 2010. It consists of line ministries, law enforcement agencies, governmental and municipal institutions, NGOs and partners of civil society.

The National Coalition of NGOs which brings together like-minded NGOs from Latvia to prevent trafficking in human beings is established and the Coalition of NGOs is represented in the working group. Many institutions represented in the working group are responsible for provision of the National Referral Mechanism. The framework of the group provides that the NGOs have a strong voice and their proposals are taken into the consideration. The inter-institutional working group works on a public-private partnership principle. The work of the group is organized by the Ministry of the Interior and this National Coordination Mechanism is chaired by the National Coordinator.

With the development of the inter-institutional working group a very important issue is solved – an operational and targeted anti-trafficking mechanism is established in which each element – institution or organization – has recognized its role in the general anti-trafficking mechanism. The balanced operation of the mechanism means that each entity avoids from unnecessary formal procedures by performing only deliberated and targeted actions to achieve the objectives set in a particular situation. Therefore the effectiveness of the measures has increased. It is a well organized system which is able to deal with any challenge involving the changes related to the new trends and the development of criminal offences related to human trafficking.

At present the National Coordinator of Latvia is considered as an alternative mechanism to the National Rapporteur. The role and tasks of the National Coordinator is implemented by the Ministry of the Interior.

The tasks of the National Coordinator include:

- to collect and analyze information about the implementation of national policy planning documents related to prevention of human trafficking, legal regulations, as well as overall situation and draft proposals for the necessary improvements;
- to participate in the procedure of the drafting of policy planning documents and legal acts at national and the EU level, to provide the coordination of implementation;
- to evaluate the compliance of national policy planning documents and legal acts with the EU anti-trafficking policy;
- to monitor and analyze legal acts related to the field of prevention of human trafficking;
- to provide functioning and development of the national inter-institutional working group (national anti-trafficking coordination mechanism);
- to represent ministry at meetings, working groups, conferences.

The National Coordinator in cooperation with inter-institutional working group provides coordination and monitoring of implementation of national anti-trafficking policy, data collection, trend analysis, evaluation of activities, training and awareness raising and identification of challenges, both existing and future. All reports for the Government, Parliament, and international monitoring mechanisms are prepared by the Ministry of the Interior in close cooperation with other stakeholders. Involvement of NGOs in preparation of reports is provided and all information and opinions provided by NGOs are assessed and taken into consideration.

The working group meets 3-4 times a year. The meetings of the inter-institutional working group are chaired by the Deputy State secretary of the Ministry of the Interior. An agenda of a meeting is proposed by the Ministry of the Interior and it is supplemented with proposals of other stakeholders. As a result of these meetings the Ministry of the Interior prepares detailed minutes which serves as quarterly report. It contains information on discussions, results and achievements reported by stakeholders, identified problems and proposals for further development.

The working group does not have its own specialized budget. The governmental and municipal institutions and law enforcement agencies provide their participation and work in the working group and implementation of activities set by anti-trafficking policy planning document within the budgets allocated for them by the Government. Awareness raising campaigns mainly are organized by NGOs with funding of projects, involving as partners line ministries, law enforcement agencies, governmental and municipal institutions.

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

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

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

The new policy planning document contains two main policy goals:

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

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

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

The main directions of the new policy planning document:

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

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

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

One of the tasks provided by the Strategy is aimed at strengthening the involvement of regional actors. Task No 32 of the Strategy “To provide development and efficient action of regional informal cooperation networks to address trafficking in human beings and provide support and assistance for victims of trafficking in human beings” (deadline for implementation is the first half of 2017).

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

line ministries:

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

Law enforcement agencies:

- The State Police,
- The General Prosecutor’s Office,
- The State Border Guard,

Institutions:

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

NGOs and IO:

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

Civil partner:

- Association of Municipalities in Latvia.

In the end of 2014 the Government allocated funding to establish a position of the liaison officer at the Embassy of the Republic of Latvia in the United Kingdom. The State Police will provide the implementation of tasks of the liaison officer. The allocated funding in 2015 – 92376 euros, in 2016 and further each year – 91746 euros. The tasks of the liaison officer include communication and cooperation on issues related to trafficking in human beings.

□ encourage more effective participation of all public bodies involved in the implementation of anti-trafficking measures at the national and local levels; in this context, the issuing of procedural guidelines might be envisaged;

The anti-trafficking coordination mechanism has proven itself as an efficient system for cooperation to address trafficking in human beings. There are no discussions and misunderstandings about responsibilities because each stakeholder has acknowledged its role and responsibilities in anti-trafficking policy. So far the Ministry of the Interior as the main coordination body has not identified the need to elaborate special procedural guidelines. All anti-trafficking activities and work of inter-institutional working group is governed by two main documents: the Decree No 29 of 21 January 2014 issued by the Cabinet of Ministers “National Strategy for the Prevention of Trafficking in Human Beings 2014 – 2020” and the Decree No 307 of 25 August 2014 issued by a Prime Minister “Inter-institutional working group for coordination of the implementation of the “National Strategy for the Prevention of Trafficking in Human Beings 2014 – 2020””.

□ provide the Inter-Institutional Working Group with sufficient authority and enhance the level of representation of institutions with responsibilities under the National Programme to achieve their greater accountability in the implementation of the National Programme and the decisions of the Group;

An inter-institutional working group is established by a Prime Minister and the Ministry of the Interior is responsible for organizing work of the inter-institutional working group and reporting to the Cabinet of Ministers.

Each invited line ministry and public institution appoints a representative or representatives to participate in the inter-institutional working group and this person is responsible for coordination of implementation of tasks set in the “National Strategy for the Prevention Trafficking in Human Beings 2014 – 2020”. The appointed representative provides opinion of represented ministry or institution on issues discussed at the meetings of the inter-institutional working group.

□ step up action to combat trafficking for labour exploitation;

During the implementation of the transnational project “ADSTRINGO – Addressing trafficking in human beings for labour exploitation through improved partnerships, enhanced diagnostics and intensified organisational approaches” which aim was to prevent trafficking for forced labour through enhanced national and regional partnerships and through improved understanding of the mechanisms that facilitate exploitation of migrant labour within the region two national meetings were organized in Latvia in December 2012 and July 2013 bringing together representatives from line ministries, public institutions, law enforcement agencies, NGOs and civil society. During these meetings various issues regarding trafficking in human beings with the purpose of forced labour and labour exploitation were discussed. The main outcome for Latvia was that informal working group was established. The “National Strategy for the Prevention of Trafficking in Human Beings 2014 – 2020” task No 31 states to provide work of informal working group to address issues of trafficking in human beings with the purpose of labour exploitation.

Participating in the inter-institutional working group and the informal working group to address issues of trafficking in human beings with the purpose of labour exploitation the State Labour Inspectorate and the State Employment Agency have acknowledged their particular role to address trafficking in human beings with the purpose of labour exploitation.

During the year 2014 the State Labour Inspectorate has done wide informative work particularly addressing children and youth on issues related to the competence of the State Labour Inspectorate – employment legal relationships, labour protection issues – using different working methods and approaching persons of different age groups:

- Providing lectures, workshops and discussions for young people who are students of colleges (approximately 170 young people were educated);
- Organizing so called “open doors day” of the State Labour Inspectorate during which pupils of secondary schools can acquaint themselves about daily work and tasks of employees of the State Labour Inspectorate (12 pupils participated);
- Supporting the competition for young people about labour protection and labour law which was organized by the Latvian Free Trade Unions Association;
- Organizing educational training at primary educational establishments (watching a cartoon about NAPO and popularizing an image of NAPO who educates children about labour protection issues, 80 pupils educated);
- Popularizing a plan of lessons about health and security by using an image of NAPO, the plan of lessons was adapted in 2013 (available on the internet www.napofilm.net);
- In cooperation with the National Centre for Education organizing workshops for teachers who are responsible for education of children and young people on issues related to basic principles of labour protection (in total 8 workshops were organized and 300 teachers were educated). Teachers of professional educational establishments who are responsible for provision of the subject “Labour Protection”, and teachers of primary and secondary schools were educated.

The State Labour Inspectorate in cooperation with the European Agency for Safety and Health at Work has developed a web tool OiRA (Online Interactive Risk Assessment) module which is particularly foreseen for use at educational establishments. The tool contains information about various aspects of health and security which helps to improve environment at educational establishments and develop culture of security and attitude towards the personal safety. The tool was launched in October 2014 and in the end of December 2014 265 unique users were using it and in total 341 education establishments were evaluated.

The State Labour Inspectorate in cooperation with the State Employment Agency organizes once a month informative training for unemployed persons and job seekers about labour law and labour protection issues, particularly paying attention to the issues related to basic rights of employee and basic duties of employer.

The State Labour Inspectorate cooperates with the law enforcement institutions (State Police and State Border Guard) to check companies/employers who might violate labour law and the requirements of labour protection. Primarily night clubs, entertainment places, massage parlors and construction and producing companies are checked. The employers and companies are chosen by received complaints and analyzing available information about employers/companies in data bases.

The State Labour Inspectorate acknowledges that information of society provides good results and achieves the main goal to raise the level of awareness of target groups who might be at risk to

become victims of exploitation. Provided informative activities prevent the situations when persons might appear in illegal employment relationships. The State Labour Inspectorate considers that existing monitoring and controlling mechanism works successfully and not a single case of labour exploitation has not been identified so far.

The State Employment Agency considering the “Guidelines to Prevent Abusive Recruitment, Exploitative Employment and Trafficking of Migrant Workers” developed in the framework of the transnational project “ADSTRINGO – Addressing trafficking in human beings for labour exploitation through improved partnerships, enhanced diagnostics and intensified organisational approaches” has updated its web page regarding information about issues on licensing and supervision of merchants – providers of work placement services making it more understandable for web site users, informative brochures are developed and distributed. The State Employment Agency has provided training and workshops for providers of work placement services.

□ pay increased attention to prevention and protection measures addressing the particular vulnerability of children to trafficking.

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

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

4. In addition to the annual reports of the Ministry of the Interior, GRETA invites the Latvian authorities to consider commissioning an independent evaluation of the implementation of the National Programme as a tool for assessing the impact of the activities and for planning future policies to combat human trafficking.

During the years 2013 and 2014 independent evaluation of the implementation of the Programme for Prevention of trafficking in Human Beings 2009 – 2013” was not done. The Ministry of the Interior as a responsible body of coordination of the implementation of the Programme developed the Report on the implementation of the programme which was approved by the Government in April 22, 2014. The Report is available only in Latvian language, it is not translated in foreign languages.

The task No 10 “To evaluate the institutional framework and the mechanism of action for the identification of victims of trafficking in human beings, repatriation and return, support for rights, safety and dignity of victims of trafficking in human beings” is provided by the “National Strategy

for the Prevention of Trafficking in Human Beings 2014 – 2020”. It is agreed that the evaluation will be done by the Ombudsman of the Republic of Latvia. Deadline for the implementation of this task is the second half of 2016).

It is important to note that the Parliament of the Republic of Latvia is interested in the topic of prevention and combating of trafficking in human beings. The representatives from relevant institutions (Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Welfare, the State Police, Ministry of Justice, the General Prosecutor’s Office, the Ombudsman’s Office, NGOs “Shelter “Safe house”” and “Resource Centre for Women “Marta””) are regularly invited to participate at meetings and provide reports on current situation in the field of trafficking in human beings in Latvia, problems and proposals to improve the situation as well as amend the legal acts and regulations related to this issue. During the years 2013 and 2014 the Commission of Human Rights and Public Affairs organized two meetings, the Sub-Commission of Baltic Affairs of the Commission of Foreign Affairs organized one meeting and the Commission of Defence, Home Affairs and Corruption Prevention organized one meeting, in addition on 21 January 2015 a meeting by the Commission of Human Rights and Public Affairs was held. During these meetings public authorities report on current situation, results and problems related to trafficking in human beings, as well as initiate proposals what might be improved in relevant legislation with the support of the parliamentary commissions. NGOs have an opportunity to express their opinion as well as provide proposals of legislative initiatives particularly concerning assistance and support for victims of trafficking in human beings. The representative of the Ombudsman’s Office draws attention to the identified problems regarding legislation, funding and work of judiciary.

Training of relevant professionals

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

Targeted anti-trafficking training is provided by the State Police College and the State Border Guard College.

Strengthening the knowledge of officials in human rights the State Police College 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”.

During the period from 2009 to 2013, the State Police College has provided implementation of several training/workshops on the topics that are closely related to human trafficking, including child rights protection, offenses against morality and sexual inviolability, psychological features providing interviewing of a victim, an action of police officer in cases involving domestic violence, respect of

human rights in police work. Since 2009 1297 the State Police officials are trained by the State Police College.

Since 2010 the professional development education programme “Investigation of human trafficking/soutenerism cases” is acquired by police officers in the regional classes of the State Police College:

The State Border Guard College pays special attention to the education of the future border guards on issues of human trafficking. The State Border Guard College provides professional development programme “Border Guard” subject “Criminal Justice” which covers issues on trafficking in human beings. The specific learning course “Prevention and Combating of Trafficking in Human Beings” is included in the subject “Criminal Justice” which is provided in the first level profession higher educational programme “Border Guard”.

More information about training for border guards please find at recommendation 13 “...ensure systematic training of frontline staff of the State Border Guard on identification and referral of potential victims of THB”.

On 1 April 2014 the Government issued the Cabinet Regulation No 173 “Regulation 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”. 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.

According to the Section 5.¹ “Subjects Requiring Special Knowledge in the Field of Protection of the Rights of the Child” of the Protection of the Rights of the Child Law the following persons shall require special knowledge in the field of protection of the rights of the child:

- 1) the manager of out-of-family care institutions, social workers and social rehabilitator;
- 2) the chairperson of the Orphan’s court, the deputy chairperson of the Orphan’s court and a member of the Orphan’s court;
- 3) the head of an educational institution and the deputy head in educational work;
- 4) a specialist of the Education Quality State Service;
- 5) a specialist in youth matters;
- 6) an employee of a place of imprisonment who works with minors;
- 7) the head of the local government administrative committee or the head of the sub-committee in child matters of the local government administrative committee;
- 8) the head of the pedagogical medical commission of the local government;
- 9) an employee of the municipal police who works with children and families;
- 10) a social worker of the local government social service office who works with children and families;
- 11) a public prosecutor;
- 12) a social pedagogue and a psychologist who works with children;
- 13) the manager of the social service office;
- 14) a judge;
- 15) an inspector of the State protection of the children’s rights;
- 16) the head of the State Pedagogical and Medical Commission;
- 17) an official of the State Police who works with children;
- 18) a pedagogue of general education, vocational education and interest education;
- 19) an employee of the State Probation Service;
- 20) any other person if the rights and legal interests of a child are or may be affected by an administrative decision (particularly administrative act) taken thereby, actual action or performance of work or service duties of another kind.

In 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. 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 training is 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). According to this knowledge development programme the specialists should acquire a topic "A child or a member of child's family as a victims of trafficking in human beings" and the following subthemes are included in the topic:

- "Definition of trafficking in human beings (forced labour, sexual exploitation, sham marriages)";
- "Recognition and identification of a victim of trafficking in human beings";
- "Factors facilitating trafficking in human beings";
- "Social rehabilitation services and other kind of assistance available for victims of trafficking in human beings".

As of 25 April 2014 the training programme also have to cover such topics as UN Convention on the Rights of the Child, *inter alia*, the rights to be protected from the children trafficking, sexual abuse and pornography as well as labour exploitation. At the end of the programme the specialists are expected to understand the basic international law in terms of children rights. In April 2014 programmes for training of specialists were approved, available on http://www.lm.gov.lv/upload/berns_gimene/pielikums_pasvaldibas.pdf.

In 2014 the Ministry of Welfare provided training of 681 specialists working in the field of protection of the rights of the child and 225 specialists acquired knowledge development programme for 24 hours. Training was covered by the State budget funding allocated for the Ministry of Welfare.

The Foundation "Latvian Judicial Training Centre" in cooperation with other public institutions and organizations continues the training of judges in relation to human trafficking prevention issues. Annual study program for judges and court officials is developed by the Study Program Working Group, a structural unit of Latvian Judicial Training Centre, which consists of judges and academics (21 experts), who evaluate current development in different fields, the interests of judges, new legal norms at national and EU levels; the Study Program Working Group prepares a draft version of training program which is approved by Court Administration.

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

On 18 June 2014 training for candidates for judges about current situation related to trafficking in human beings. Training was organized by the Latvian Judicial Training Centre. 16 candidates for judges were trained.

Raising professional qualifications and enhancing professional skills of prosecutors is a priority for the Prosecutor General's Office, and particular attention is paid to this priority and resources have been allocated by the institution towards achieving this goal. The Prosecutor's Office has started long term cooperation with the foundation "Latvian Judicial Training Centre", thereby significantly increasing the capability of the Prosecutor's Office to provide regular measures for reinforcing prosecutors' professional qualification and development of professional skills.

On 26-27 September, 2013 a training course “Recognition, investigation and prevention of human trafficking as effective tool for the termination of the phenomena” (Project No. JUST/2010/JPEN/AG/1546 funded within EU program “Justice”) took place in Riga. The training was organized by the Ministry of Justice in cooperation with the Ministry of the Interior and the society “Shelter “Safe House””. The aim of this training course was to organize a broad and extensive training seminar for practitioners with presentations and case studies in order to practice to effectively recognize, investigate and prevent human trafficking and to create investigation as an effective tool both in Latvia and in other EU Member States. 155 representatives from Latvia participated (judges, prosecutors, investigators, advocates, representatives from line ministries and subordinated institutions and NGOs that work with the elimination of human trafficking). There were lectures from Latvia, EU Member States and the European Commission.

On 16 - 17 October 2014 the anti-trafficking training was organized by the Ministry of the Interior, Ministry of Justice, the Latvian Judicial Training Centre, the Court Administration, the General Prosecutor’s Office and the Embassy of the United State of America in Riga. The guest key lecturers from the United State of America participated – Federal Judge Virginia Mary Kendal and Federal Prosecutor Daniel H.Weiss. 12 judges, 15 prosecutors, 20 police officers and 5 representatives of NGOs were trained.

Besides the Ministry of Justice has elaborated the policy planning document “The Plan of Capacity Building and Development of Competences of Human Resources of the Judiciary and the Law Enforcement Agencies 2014-2020”. The document was submitted to the Government on 13 January 2015 for approval.

The plan provides for:

- a) To improve the training model introducing a permanent and sustainable multi-disciplinary training model, promoting the common law interpretation and application of the judiciary, including the professions related to the judiciary and law enforcement agencies by providing training and using information and communication technologies, the development of training tools (manual) and guidance on various duties of persons of judicial system or the duties of the persons belonging to the judicial system;
- b) To promote information and communication technology training programs to ensure the effective use of information communication technologies in the proceedings.

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

The biggest municipality of Latvia – Riga Municipality since 2010 within funding granted from the Fund for provision public order in Riga implements a project “Preventive measures for the elimination of human trafficking” and publishes an informative booklet “Human trafficking prevention” in Latvian and Russian languages which is updated every year. The brochures are distributed in social assistance institutions of the Riga Municipality, in the cooperation with the Ministry of Foreign Affairs – in the Embassies of Latvia abroad and at schools during workshops on human trafficking prevention issues.

Since 2010, wide training on trafficking issues are being carried out for social workers, social

pedagogues and municipal police officers of Riga municipality. The Department of Welfare of Riga City Council targeted training of local government officials has set as a priority and provides funding every year (2010 - 2774.60 euros, 2011 - 2988 euros, 2012 - 3643 euros, 2013 - 3273 euros, 2014 – 3400 euros). During the five years training courses are attended by 411 Riga municipal employees (in 2010 - 60 social workers, in 2011 - 60 leaders of social institutions and social workers, in 2012 - 25 social workers, 50 school social pedagogues, 20 municipal police officers, 2013 - 20 municipal police officers, 61 - Riga social service workers, social pedagogues, representatives of social care institutions, and cooperation partners of the Department of Welfare of Riga City Council, 2014 – 20 municipal police officers, 95 social workers, specialists of social work, school social pedagogues). Riga City Council every year publishes an informative booklet “Prevention of Human Trafficking” in Latvian and Russian, which is distributed to professionals and students in workshops, local social services, the Latvian Embassies in the UK, Ireland and Cyprus. The informative booklet is distributed as widely as possible, not only in institutions of Riga municipality, but also in different institutions of local municipalities all over the territory of Latvia. The Riga City Council has granted funding 3573 euro during the first four years for publishing the booklet. In 2014 739 EUR were provided for publishing the booklet. The main purpose of the informative booklet is to inform the society about the risks and threats of human trafficking, opportunities for assistance if a person has become a victim of human trafficking.

The role of hotline operators to identify a victim of trafficking in human beings and refer a person to respective institution is highly considered.

Training for Hotline Operators on Human Trafficking Prevention and a Role of Hotline Operators in the National Referral Mechanism in April 28 – 30, 2014 was organized in the framework of the EU co-funded project „A Safety Compass: Signposting Ways to Escape Trafficking” (HOME/2011/ISEC/AG/4000002172) 219 participants from all the territory of Latvia were participated in training. Participants were from:

- Emergency hotline 112 administrated by the State Firefighting and Rescue Service (supervised by the Ministry of the Interior);
- Emergency hotline 110 administrated by the State Police (supervised by the Ministry of the Interior);
- Police officers on duty (supervised by the Ministry of the Interior);
- Consular officials from the Consular Department of the Ministry of Foreign Affairs phone number: +371 26 337711;
- Officials of the State Inspectorate for Protection of Children's Rights: Children Hotline 116111 (supervised by the Ministry of Welfare);
- Representatives from NGO „Shelter Safe House”: Trust Line (+371) 28612120;
- Representatives from NGO „Resource Centre for Women „Marta””: hotline 8000 2012;
- Representatives from the State Police College (lecturers who provide training of police officers on human trafficking issues);
- Police officers from the Anti-Trafficking Unit of the State Police;
- A representative from the Latvian Samaritan Association's crisis center for children and woman “Mara's Center”.

Purpose of training: To raise awareness and understanding about human trafficking phenomenon, about cooperation between relevant stakeholders and a role of hotline operators to provide identification of a victim of human trafficking and referral of a phone call to a competent institution or, if needed, urgent action to provide help for a victim.

Hotlines are available free of charge:

- possible to receive phone calls only in Latvia:
 - Emergency hotline 112, 24/7, administrated by the State Firefighting and Rescue Service;
 - Emergency hotline 110, 24/7, administrated by the State Police;
 - Children Hotline 116111 administrated by the State Inspectorate For Protection Of Children's Rights (working days 8.00-23.00, Saturday 8.00-22.00, Sunday 10.00-22.00).
- possible to receive phone calls from Latvia and abroad:

- Emergency hotline +371 26 337711, 24/7, administrated by the Consular Department of the Ministry of Foreign Affairs;
- Trust Line (+371) 28612120, 24/7, administrated by NGO „Shelter Safe House”;
- Hotline 8000 2012 administrated by NGO „Resource Centre for Women „Marta”” (available only in working days 10.00-18.00).

It should be noted that not all educational activities are mentioned and described.

Data collection and research

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

In Latvia there are two main information systems – the Criminal Procedure Information System administrated by the Information Centre of the Ministry of the Interior and the Courts Information System administrated by the Court Administration and there are no indications that these two systems might be combined in the future.

According to the Cabinet Regulation No 850 of 14 September 2010 “Regulations Regarding the Criminal Procedure Information System” this Regulation prescribes the amount of information which shall be submitted for registration in the Criminal Procedure Information System regarding the initiated criminal proceedings, detected criminal offences, persons directing the proceedings, persons who have the right to assistance of a defence counsel and the victims. Information which is supported by procedural documents shall be included in the System. The person directing the proceedings or the person who enters the information into the System shall be responsible for the validity of the information, for the entering into the System and updating or issuing the information. Information shall be entered in the System by the on-line regime no later than on the next working day following performance of the procedural actions referred to in this Regulation, the registration fact or the coming into effect of the judgment of a court.

The following information shall be included in the System:

- 11.1. all the procedural decisions taken in criminal proceedings, except for the decisions taken in relation to special procedural protection and special investigative actions;
- 11.2. regarding the detected criminal offences;
 - 11.2.1. date and time when the criminal offence was committed;
 - 11.2.2. address and place where the criminal offence was committed;
 - 11.2.3. threat object of the criminal offence;
 - 11.2.4. method used in committing the criminal offence;
 - 11.2.5. method used in concealing the criminal offence;
 - 11.2.6. tools and means utilised in committing the criminal offence;
 - 11.2.7. total amount of the determined material loss;
 - 11.2.8. property upon which an attachment has been made (including that in foreign countries);
 - 11.2.9. institutions, services and information systems utilised which facilitated identifying the person;
 - 11.2.10. scientific aids and methods utilised to disclose the criminal offence;
- 11.3. regarding the person directing the proceedings;

- 11.3.1. given name, surname;
- 11.3.2. position;
- 11.3.3. name of the institution;
- 11.4. regarding the persons who have the right to assistance of a defence counsel;
 - 11.4.1. given name, surname;
 - 11.4.2. personal identity number;
 - 11.4.3. date of birth;
 - 11.4.4. nationality;
 - 11.4.5. sex;
 - 11.4.6. place of birth;
 - 11.4.7. place of residence at the time when the criminal offence was committed (declared or actual);
- 11.5. the following information regarding the persons who have been held criminally liable shall be included in addition to the information referred to in Sub-paragraph 11.4 of this Regulation;
 - 11.5.1. marital status
 - 11.5.2. educational institution or place of employment;
 - 11.5.3. type of occupation, position;
 - 11.5.4. education;
 - 11.5.5. reason for residence in Latvia (for foreign citizens);
 - 11.5.6. circumstances under which the criminal offence was committed;
 - 11.5.7. motive for committing the criminal offence;
 - 11.5.8. participation in the committing of the criminal offence;
 - 11.5.9. relation to the distribution of narcotic and psychotropic substances if the person is held criminally liable in relation to the unauthorized circulation of narcotic and psychotropic substances;
- 11.6. regarding the legal persons in the interests of which a natural person committed the criminal offence;
 - 11.6.1. registration number;
 - 11.6.2. registration date;
 - 11.6.3. name;
 - 11.6.4. state in which the legal person is registered;
 - 11.6.5. status;
 - 11.6.6. address (legal and actual)
- 11.7. regarding the natural person who suffered from the criminal offences and the person whose death occurred as a result of the criminal offence:
 - 11.7.1. given name, surname;
 - 11.7.2. personal identity number;
 - 11.7.3. date of birth;
 - 11.7.4. nationality;
 - 11.7.5. sex;
 - 11.7.6. place of residence (declared and actual) at the time when the person suffered;
 - 11.7.7. information submitted by the victim or the representative thereof;
 - 11.7.7.1. marital status
 - 11.7.7.2. the curatorship/guardianship and situation in the family of a victim who is a minor;
 - 11.7.7.3. educational/study institution;
 - 11.7.7.4. occupation;
 - 11.7.7.5. education;
 - 11.7.8. circumstances under which the criminal offence was committed and under which the person suffered;
 - 11.7.9. description of mutual relationship between the victim or a person whose death resulted from the criminal offence and the person who committed the criminal offence;
 - 11.7.10. type of assistance provided to the victim;

- 11.7.11. data regarding the expert-examination of the victim (for determination of the harm caused to the health);
- 11.7.11.1. date when the expert opinion was drawn up;
 - 11.7.11.2. number of the expert opinion;
 - 11.7.11.3. institution which conducted the expert-examination;
 - 11.7.11.4. given name and surname of the expert;
 - 11.7.11.5. position of the expert;
- 11.7.12. data regarding the inspection of the corpse of the person whose death resulted from the criminal offence;
- 11.7.13. amount of the compensation for the harm claimed by the victim during the pre-trial criminal proceedings;
- 11.7.14. amount of the compensation for the harm compensated to the victim during the pre-trial criminal proceedings;
- 11.9. date on which the person was recognised as a victim;
- 11.10. nature and amount of the harm caused;
- 11.11. regarding the representative of the victim;
- 11.11.1. given name, surname;
 - 11.11.2. personal identity number;
 - 11.11.3. date of birth;
 - 11.11.4. nationality;
 - 11.11.5. contact details;
- 11.12. date on which the person was recognised as the representative of the victim;
- 11.13. circumstances in which employees of law enforcement institutions have suffered;
- 11.14. material evidence seized and property attached during the course of the criminal proceedings.

The Courts Information System was established by the Cabinet Regulation No 582 of 28 August 2007. 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 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).

The Ministry of the Interior as the main coordination body in the field of prevention of trafficking in human beings collects information regarding identified victims of trafficking in human beings (identified by the mandated NGO) and potential/presumed victims of trafficking in human beings (identified by other NGOs). Annual reports prepared by the mandated NGO which are approved by the Ministry of Welfare are collected.

The Ministry of Welfare has elaborated formally approved templates for the mandated NGO to collect information about identified victims of trafficking in human beings and provided social rehabilitation services and support during the criminal proceeding. According to the requirements developed by the Ministry of Welfare (all the requirements and templates are publicly available for all candidates during public procurement procedure and all these documents are a part of a subject of public procurement) to provide transparent and efficient collection of information regarding identified victims of human trafficking and provided social rehabilitation services and support during the criminal proceeding. The mandated NGO should provide the following information:

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

- Age and gender (male, female aggregated by age: 0-6, 7-14, 15-17, 18, 25, 26-30, 31-40, 41-50, 51-60, 61-);
 - Number of persons by:
 - ✓ Form of exploitation sexual exploitation, forced labour, sham marriages, another);
 - ✓ Participation in the criminal proceeding (as a victim, as a witness);
 - ✓ Support provided (consultations of lawyer, consultations of social worker, consultations of psychologist, assistance with processing the legal documents, representation at court);
 - ✓ Duration of support (0-50 hours, 51-100 hours, 101-150 hours);
 - ✓ Reason for termination of support services (false information provided, does not fulfill cooperation responsibilities, criminal proceeding is terminated, after a person's request, another reason (should be explained)).
4. Annual report about victims of trafficking in human beings who do not participate in the criminal proceeding, received consultation during a year:
- Age and gender (male, female aggregated by age: 0-6, 7-14, 15-17, 18, 25, 26-30, 31-40, 41-50, 51-60, 61-);
 - Number of persons by:
 - ✓ Form of exploitation (sexual exploitation, forced labour, sham marriages, another);
 - ✓ Number of received consultations (1/2/3/4/5).
5. Annual report about consultations received by members of a minor victim of trafficking in human beings.

The Ministry of Foreign Affairs collects information about potential victims of trafficking in human beings identified by consular officials of the diplomatic and consular missions of the Republic of Latvia in foreign countries. Information is collected every quarter and the Ministry of Foreign Affairs provides statistical data about potential victims to the Ministry of the Interior regularly.

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

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

In 2014 Prof. Dr. iur. Valentija Liholaja, Head of Criminal Sciences of the Legal Faculty of the University of Latvia has done a research in which court judgments (Criminal Law Section 154.¹ Human Trafficking and Criminal Law Section 165.¹ Sending a Person for Sexual Exploitation) made during 2009-2013 were analyzed. The research was carried out within the European Union co-funded project HOME/2011/ISEC/AG/FINEC-4000002235 "Interdisciplinary training for judiciary and other legal professions in the area of financial and economic crimes and related to the phenomena topics". The results obtained during the research are compared with the results of the study "Judicial practice in cases of human trafficking and sending of persons for sexual exploitation" conducted by the Supreme Court in 2006 and concluded that the identified mistakes and shortcomings related to the qualification in human trafficking crimes are largely eliminated. In October 2014 in the meeting of judges of Criminal Cases Department of the Supreme Court considered and approved the new research. We have reasonable grounds to believe that the positive

impact of the research will be observed in regard to proportionality of sentences in the criminal cases of trafficking in human beings.

In 2014 in the framework of the project HOME/2011/ISEC/AG/4000002172 “Safety Compass: Signposting Ways to Escape Trafficking” funded by the European Commission a research “Recruitment for Human Trafficking and Online Image of Women (Case Studies of Latvia, Estonia and the UK)” in project partner countries – Latvia, Estonia and the UK – was done. According to the research findings “Latvia is a typical example of country of origin for victims of trafficking for sexual exploitation, labour and sham marriages. At the same time Latvia is a destination for men from Western EU countries, particularly men from the UK, and women report the experience of offensive and overbearing behavior in night clubs, bars and on the streets. This facilitate trafficking for sexual exploitation from rural areas to the capital.” According to the conclusions made by the researchers “in Latvia forced (physically violent) recruitment rarely takes place. One of the recruitment types can appear to be seemingly friendly: however, emotional abuse and manipulation, and using various aspects of ‘female’ vulnerability, are observed. The other type testifies the tendency of prostitution to “normalize”, to become an institutional type of work. Recruiters employ various methods, depending on their efficiency and the approachability of the audience. In any case, the Internet provides a variety of opportunities for addressing potential victims, since the referred-to ‘friendly’ approach and the normalization of prostitution also manifest on the Internet. Empirical data in this research demonstrates features of discrimination towards women, particularly those of Roma heritage and former prisoners.”

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

Awareness raising, education and measures to discourage demand

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

The education and information of pupils and young people is acknowledged as a priority among prevention measures provided by the “National Strategy for the Prevention of Trafficking in Human Beings 2014 – 2020”.

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, including anti-trafficking issues 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.

These issues are discussed in “Social Sciences” 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 Study” lessons 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 provide pupils with required basic knowledge and skills for social and personal life, to promote the harmonious development of pupils, to develop responsible attitude of pupils towards themselves, family, society, environment and the country. The main tasks of basic education programs among others are to gain insight and to develop understanding about the main processes of nature, social and sustainable development, moral and ethical values.

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

Informative and social awareness raising campaigns, activities and projects mainly are organized by non-governmental organizations using available funding provided by different national and the EU programmes as well as funding provided by socially responsible entrepreneurs and companies. The Latvian authorities usually are involved as experts, sometimes an assistance is provided in organization process or providing premises, interpretation equipment.

The Ministry of the Interior considers that all informative and social awareness raising activities implemented in Latvia are efficient and these activities reach their target groups, but as the most efficient informative activities are where mobile info-trailer of the society “Shelter “Safe House”” is involved which was developed in 2013. Info-trailer is an interactive tool for learning during workshops and various training organized for children, young people, adults and practitioners. The inside of a small caravan was turned into a symbolic setting depicting living conditions and horrors of persons trafficked for various forms of exploitation.

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

To create the exhibition an artist was brought in who implemented the ideas developed by the team consisting of professionals and volunteers. Internal trainings for staff and volunteers were held to prepare them for both public events and working with schoolchildren. Funding for practical needs such as fuel and accommodation were attracted via various grant application calls.



More information about use of a mobile info-trailer is available:

- Information about the project “Development of innovative methods against human trafficking in Latvia”:

 - o <http://patverums-dm.lv/en/a-campaign-for-education-of-latvian-schoolchildren-and-teachers-2014>
 - o <http://patverums-dm.lv/en/anti-trafficking-activities-in-jurmala>
 - o <http://patverums-dm.lv/en/infotrailer-visits-vidzeme>
 - o <http://patverums-dm.lv/en/anti-trafficking-activities-in-schools>
 - o <http://patverums-dm.lv/en/info-trailer-in-schools-of-aluksne>

- Information about the project “Be informed - prevent human trafficking”:

 - o <http://patverums-dm.lv/en/campaign-be-informed-prevent-human-trafficking>

 - o Launching the campaign: <http://patverums-dm.lv/en/launching-an-informative-campaign-in-riga>
 - o Information activities in Riga: <http://patverums-dm.lv/en/prevention-activities-1310>
 - o Anti-trafficking day 2013 : <http://patverums-dm.lv/en/-anti-human-trafficking-day-1810>

- Infotrailer being used in an international training course “No Future for Human Trafficking”:

 - o <http://patverums-dm.lv/lv/no-future-for-human-trafficking-6-un-7-diena>

- Infotrailer being used in an international training Course “Choose Your Freedom 2”:

 - o <http://patverums-dm.lv/lv/choose-your-freedom-2-apmacibas-tresa-diena>

- Some of the media publications:

 - o <http://www.lsm.lv/lv/raksts/latvija/zinas/sogad-paliidziiba-sniegta-jau-14-cilveku-tirdzniecibas-upuriem.a65632/>
 - o <http://www.liepajniekiem.lv/zinas/sabiedriba/notiks-akcija-esi-zinoss-novers-cilveku-tirdzniecibu-100752>
 - o <http://dzirkstele.diena.lv/vietejas-zinas/ari-gulbene-viesosies-informativais-treileris-cinai-pret-cilveku-tirdzniecibu-96149>
 - o http://www.jrp.lv/lv/aktualitates_1/2660.html?a=a&pollid=29
 - o <http://riga.pilseta24.lv/zinas/48/323623>
 - o https://www.youtube.com/watch?v=0uviDeKuLRM&feature=c4-overview&list=UUx8r_dw85FN3Dy3Lim9fkXA

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

Since 18 October 2013 when the infotrailer started its journey around Latvia 80 schools are attended and 2000 pupils are informed using the infotrailer as an interactive learning tool.

In 2014 the project “Sold Freedom 3” was launched granted by the “Philip Morris International” and the infotrailer could continue its travel.

With the support of Philip Morris International and EuroAWK from August 2012 till February 2013 preventive outdoor social advertising campaign “Sold Freedom” was implemented in five largest cities of Latvia.

The goal of the campaign was to reduce the ever increasing trafficking in human beings informing and consulting citizens of Latvia and involving five municipalities - Riga, Liepaja, Valmiera, Rezekne and Daugavpils.

The statistics of the NGO “Shelter “Safe House”” show that the number of cases of human trafficking reported by members of the society has increased four times. The highest activity was observed in the capital Riga as well as other larger cities of Latvia – Rezekne, Liepaja, Daugavpils and Valmiera. Altogether 106 persons have reached out for help to society “Shelter “Safe House”” via phone, electronically or in presence. Specialists provided assistance to 30 identified victims of human trafficking – 5 men and 25 women. In 16 cases persons had become victims of fictitious marriage, 7 – forced labour and 7 of sexual exploitation.

Sandra Zalcmāne, chairperson, the society “Shelter “Safe House”” noted that “In previous years the main informers about victims of human trafficking were Latvian embassies and the State Police of Latvia. In 2012 there has been a notable increase in participation of the society itself. We believe this result has been reached with regular preventive campaigns. Analysing data we realised that the highest activity was from people in the five cities where the campaign “Sold Freedom” was implemented from August 2012 till February 2013. I think that in comparison to earlier years people are more informed now about the different forms human trafficking takes, can recognise them and are more active in telling about people who have got into trouble. The five municipalities where seminars took place within the framework of the campaign have taken a much more serious approach to solving problems with human trafficking. An inter-institutional cooperation model has been created to help such institutions as schools, social services, police, Orphans` Court among others to aid them in reaching a common goal.”

Specialists at the society “Shelter “Safe House”” note that the informative campaigns implemented in Latvia affect international processes too. During 2012 cooperation with Latvian embassies to Ireland, The United Kingdom, Germany, Belgium and Russia has much improved. The campaign has also attracted much attention from media in various Scandinavian countries.

Vija Busa, Counsellor, Deputy Head of Mission, and the Embassy of the Republic of Latvia to Ireland: „The effect of informational campaigns to prevent human trafficking cannot be denied. In many cases identified and potential victims of human trafficking that the embassy has come in contact with have admitted that they are aware of both human trafficking and fictitious marriages. Still the work devoted to prevent human trafficking in Latvia is not sufficient. The experience of the embassy shows that independently potential victims are not able to evaluate the possibility of coming to contact with human trafficking nor can they avoid getting involved in fictitious marriage and other forms of this slavery. Thus we hope that preventive work in Latvia will continue and more people will fully understand the devastating consequences of this modern day problem. The embassy also hopes for successful inter-institutional cooperation to prevent human trafficking after the changes to The Criminal Law of the Republic of Latvia take effect on the 1st of April this year.” In the end of 2012 the society “Shelter “Safe House”” in association with Latvian Irish National Council carried out an informational campaign against human trafficking in Dublin airport. In this campaign passengers arriving to Ireland from Latvia were informed about two forms of human trafficking – fictitious marriage and forced labour. During the visit in Ireland specialists from the society “Shelter “Safe House”” also met with Ambassador of the Republic of Latvia to Ireland Pēteris Kārlis Elferts; Vija Busa Counsellor, Deputy Head of Mission, the Embassy of the Republic of Latvia to Ireland; Sarah Benson, CEO of Ruhama; Nusha Yonkova, Anti-Trafficking Project Coordinator, Immigrant Council of Ireland. During this meeting parts exchanged experience and discussed possible solutions for future cooperation.

Total funding 8899 euros.



The preventive campaign „Be informed – prevent human trafficking” was initiated in Latvia in September, October 2013 by the society „Shelter „Safe House””. In order to reach and inform the widest possible audience, various activities were held, involving representatives of state, local authorities and media, as well as Lithuanian and Estonian non-governmental sector. The campaign ended on October 18 which is the Anti-Human Trafficking Day in the European Union and Latvia. Statistics showed that there have been 78 cases in first 8 months of this year when people have approached to the society for consultations. Most of the cases – 50 – have been related to sham marriages, 2 – to forced labour, while explanatory information was given 26 times. There have been no cases this year when people would have been in need of consultations related to cases of sexual exploitation. Most often the cases were reported by Latvian embassies – 27 times, by other person/organization – 26, but the person himself has approached for help 25 times. Most often the people have chosen to receive information digitally – in 47 cases, 25 people have asked for consultations via phone, in person – 6 times.

The first Latvian Helpline for prevention of human trafficking has started its job, and it invites people to receive the necessary information – and support. By calling (+371) 28612120, anyone will be able to get information on necessary actions in a particular situation and use it as one of the resources when a help is needed in human trafficking cases in Latvia or abroad.

“The preventive activities of previous years have proven that the most powerful and effective way to show the effects of human trafficking is the reality, so during the campaign we offer to take a look at the Informative trailer. There is an exhibition about the conditions in which the victims of human trafficking are forced to live, and there is also visual information to give an idea of the scale of the problem,” says Sandra Zalcmane, head of the society "Shelter "Safe House".

In addition to this activity society’s specialists have met with local government officials, raising the awareness of the strategy on prevention of the problem of human trafficking of the each particular region. The Informative trailer have visited 9 cities of Latvia - Riga, Liepaja, Eleja, Gulbene, Viesite, Daugavpils, Dagda, Ludza and Salacgriva.

The campaign "Be informed - prevent human trafficking" was financially supported by such socially responsible companies as "Philip Morris International", which supports anti- trafficking activities for the fourth year, "TransferGo Ltd.", "EuroAWK", Riga City Council, the Society Integration Foundation, the U.S. Embassy in Latvia.

Every year the Consular Department of the Ministry of Foreign Affairs participates in the international tourism exhibition “Balttour”. During exhibition visitors are informed about the role of consular service and consular assistance in emergency situations abroad. Visitors are invited to take the leaflets with information on safe travel, about risks of trafficking in human beings and sham marriages, advices on how to act in emergency situations, and about the Consular Register. The consultations with consular officials are available at the Department’s stand in the exhibition hall.

In 2013 the informative campaign “Prostitution = Human Trafficking” was organized by the society “Resource Centre for Women “Marta”” celebrating the 7th EU Anti-Trafficking Day. This campaign was implemented within the EU co-funded project “Safety Compass – Signposting Ways to Escape Human Trafficking”. During a public event society was informed that in Latvia prostitution is a risk to become a victim of human trafficking. A movie “Two little girls” was presented. A postcard “Prostitution = Human Trafficking. I’m vulnerable” was created after a painting of famous Latvian painter Mr Kristaps Brekte and distributed during the event. As this painter is very famous among young people postcards were welcomed very much by youth.



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

Ceļo Droši

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By Latvijas Republikas Arlietu ministrija

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Description

Mobilā aplikācija "Ceļo droši" noderēs jebkurai, kurš plāno doties tuvākā vai tālākā braucienā uz ārvalstīm, arī pieredzējušiem ceļotājiem. Tā palīdzēs veiksmīgi sagatavoties braucieniem, brīdina par iespējamiem riskiem, kā arī norāda, kur meklēt palīdzību ārkārtas situācijās.

[Ceļo Droši Support](#)

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What's New in Version 1.0.3

- Nelieli uzlabojumi

In Latvia from April 6, 2013 till April 14, 2013 30 volunteers from Greece, Slovenia, Hungary, the Czech Republic, Sweden and Latvia participated in training where they raised their awareness on human trafficking issues, how to prevent it as well as they created reality games and creative works on the topic of trafficking in human beings. This training was organized by the society "Shelter "Safe House"" in the framework of the project "Choose Your Freedom" funded by the European Union programme "Youth in Action".

About 300 young people from social care institutions of Riga municipality participated in reality games on human trafficking

After training an exhibition which reflects children's awareness and opinions about trafficking in human beings as modern day slavery was organized.

Training project "Choose Your Freedom" = visually creative approach as an informal learning method.

The purpose of the training was achieved because participants during the creative process discussed their ideas and understanding of the topic of human trafficking among themselves and with trainers and experts of the project.



This project was continued by a project "Choose Your Freedom II" implemented by the society "Shelter "Safe House"" in 2013. The project brought together young people from Latvia, Italy, Cyprus, Croatia, Portugal and Romania. During the project human trafficking topics were considered as widely as possible and in depth based on participants' knowledge, interests and needs. Special focus was put on situation, psychological condition and feelings of a victim of human trafficking.

Two videos – "Human Trafficking – Be Aware. Cut the Chain." and "Human trafficking – Is Ignorance a Blessing." were produced (<http://www.patverums-dm.lv/lv/choose-your-freedom-2>).

In September 2014 the society "Shelter "Safe House"" launched a project "Multidisciplinary initiatives to restrict trafficking in human beings". The main goal of the project is to expand support

system for victims of trafficking in human beings with innovative services, to raise level of awareness of social work specialists and employees of members of the NGO Coalition, as well as create interactive preventive events to educate and inform children and youth on issues related to trafficking in human beings. Target group of this project is victims of trafficking in human beings, youth (as the most vulnerable group in Latvia), persons with disabilities, relatives, friends, acquaintances of victims and potential victims of trafficking in human beings, NGOs who represent interests and rights of groups mentioned above, staff and volunteers.

The Ministry of the Interior in cooperation with the Nordic Council of Ministers organized the knowledge forum on social consequences of trafficking in human beings within the project entitled “Nordic – Baltic – North–West Russian Border Regional Cooperation Part II, Combating Trafficking in Human Beings for Forced Labour, Children and Sexual Exploitation”. The objective of the project is to increase the awareness and competence of the participants and to reinforce the network of specialists working in the field. Nordic and Baltic experts emphasised that victims of human trafficking and their families need years of rehabilitation to prevent them from falling back into the clutches of human traffickers and to help them return to normal life. However, successful rehabilitation requires a system, online services and funding.

It should be noted that not all awareness raising activities are mentioned and described.

Social, economic and other initiatives for groups vulnerable to THB

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

The State Inspectorate for Protection of Children’s Rights informs that the legal regulation regarding activities of modelling agencies is provided by the Protection of the Rights of the Child Law Section 50¹ “Restrictions on Involvement of the Child in Events” and the Cabinet Regulation No 407 of 5 May 2009 “Procedures by Which Children may be Involved in Activities (Events) Concerned with the Demonstration of Outer Appearance”.

According to the Cabinet Regulation No 898 of 29 November 2005 “By-law of the State Inspectorate for Protection of Children’s Rights” Point 2.1 the Inspectorate shall have to supervise and control 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.

In the years 2006 and 2007 implementing the functions and tasks stated by the By-law the State Inspectorate for Protection of Children’s Rights identified situations when modelling agencies offered parents to sign contracts which were not in interest of children. In some cases these contracts restricted fundamental rights and freedom of children. The Inspectorate informed and provided all the information to the State Police for further investigation. At the same time comprehensive public awareness raising activities were performed to inform parents and children what should be taken into consideration when the child is engaged in a modelling agency, modelling schools and events related to modelling.

In 2011 considering the results of checks of modelling agencies the Inspectorate tasked several modelling agencies to register in the State Data Inspection as a company providing the processing of personal data.

The State Inspectorate for Protection of Children’s Rights informs that in the years 2013 and 2014 the complaints about work of modelling agencies were not received. This is a reason why the

checks of modelling agencies in the years 2013 and 2014 were not performed. Due to the lack of human resources the Inspectorate did not perform checks of modelling agencies after the Inspectorate's initiative.

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

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

The Programmes include the following measures:

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

The total funding for the implementation of the State Programme in 2013 was 227 584 euros.

The total funding for the implementation of the State Programme in 2014 was 262 517 euros.

The Ministry of Culture provides support programmes for integration of third countries nationals. In 2011 in total 17 projects were granted (2 008 201 euros) which were implemented in 2012 and 2013. In 2012 19 projects were granted (1 736 982 euros) which were implemented in 2013 and 2014. In 2013 19 projects were granted (2 363 198 euros) which were implemented in 2014 and are still ongoing in 2015.

Information for immigrants (<http://www.patverums-dm.lv/en/information-for-immigrants>) has been created by the society "Shelter "Safe House"" within the framework of projects "Meeting Space" and "Multidisciplinary Support System for Third-Country Nationals" of the European Fund for the Integration of Third-Country Nationals and updated within the framework of the project "Diverse Solutions for Public Education and Integration 2", aiming at promoting constant availability of information and support structures for immigrants that have arrived in Latvia from third countries, i.e. from countries that are not members of the European Union, European Economic Area and Swiss Confederation. The resource comprises information about the aspects of social life in Latvia important for immigrants – stay, employment, entrepreneurship, health care, education, mastering Latvian language, social security, housing, civil and political participation and general information

about Latvia. It has been created, based on the effective legal regulation of Latvia concerning the life of immigrants in Latvia, and informs the immigrants about their situation and rights in the aforementioned areas of social life. Published information is intended for both immigrants who are already staying in Latvia and immigrants who are just planning their arrival. Being aware of the fact that the situations and experience of immigrants that are related to the arrival and life in Latvia are not always the same, the organization “Shelter “Safe House”” invites persons to write questions to the e-mail: drosa.maja@apollo.lv.

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

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

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

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

The Cabinet Regulation was developed according to the Protection of the Rights of the Child Law Section 67.² “Information System for the Support of Minors” which provides that the Information System for the Support of Minors is a part of the State information system “Integrated Information System of the Interior”, in which the information necessary for the protection of the rights of the child is included, integrating information of State and local government institutions, as well as of medical practitioners regarding minors who need support and cases when preventive measures should be taken for the protection of the rights of children. The purpose of the information system for the support of minors is to promote the protection of the rights and interests of children, ensuring processing of the necessary information and promoting inter-institutional co-operation in the following issues:

- 1) defence of the rights and interests of a minor;
- 2) supervision of ensuring the rights and interests of a minor;
- 3) preventive work;
- 4) provision of social assistance and social services;
- 5) prevention and resolving of criminal offences and other violations of the law;
- 6) searching for a minor;
- 7) ensuring execution of administrative punishments, criminal punishments, means of security and compulsory measures of correctional nature;
- 8) implementation of settlements and preparation of evaluation reports on a probation client.

The following institutions and persons have the right to process the information included in the information system for the support of minors, including personal data, for carrying out the functions laid down for such institutions and persons in the laws and regulations governing their activities:

- 1) the State Police;
- 2) the Orphan's court;
- 3) the municipality police;
- 4) the local government social service office;
- 5) the State Probation Service;
- 6) the Latvian Prison Administration;
- 7) a social correction educational institution;
- 8) the Ombudsman;
- 9) the Ministry of Welfare;
- 10) medical practitioners;
- 11) the Social Integration State Agency;
- 12) the State Inspectorate for Protection of Children's Rights;
- 13) the State Border Guard;
- 14) the Office of Citizenship and Migration Affairs;
- 15) the State Social Insurance Agency;

16) other State and local government institutions, the laws and regulations governing activities of which prescribe that the functions of such institutions are related to the protection of the rights of children or execution of a criminal punishment or administrative punishment in relation to minors.

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

Measures to discourage demand

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

The Ministry of the Interior considers that this recommendation overlaps with the recommendation No 21 “GRETA invites the Latvian authorities to consider criminalising the use of services of a persons with the knowledge that the person is a victim of trafficking regardless of the form of exploitation, regardless the person’s nationality and immigration status” and the recommendation 8 where detailed information about awareness raising, education and measures to discourage demand is provided.

Detailed information about the legal regulation criminalising the use of services is provided in this report regarding the implementation of the recommendation No 21.

Awareness raising helps to discourage demand and supply for trafficking in human beings. Detailed information about informative activities is provided is provided in this report regarding the implementation of the recommendation No 8.

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

Border measures and measures to enable legal migration

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

improve detection of THB cases in the context of border control;

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

Persons crossing external borders to enter the Republic of Latvia or depart from Latvia are checked by border guards at border crossing points.

Additionally to verify the purpose of entry and its eligibility the State Border Guard officials when they have suspicions verify whether the third-country national has sufficient financial resources to stay in Latvia or other Schengen Member State, as well as ascertain that a third-country nation depart from the territory of Schengen Member States.

Structural units of the State Border Guard carry out profiling of persons in airports, sea ports, bus stations and train stations, immigration control of international bus passengers and checks on main transit roads on a regular basis. On internal borders the mobile patrols of the State Border Guard's immigration structural units are active. The mobile patrols perform random checks on suspicious vehicles and persons in the territory of Latvia.

The State Border Guard of the Republic of Latvia has launched realization of the Project No: HOME/2012/EBFX/CA/2013: "*Further Development of Immigration Liaison Officers Points of the Republic of Latvia, the Republic of Lithuania, and the Republic of Estonia in Georgia and the Republic of Belarus*" in the framework of the *Program Solidarity and Management of Migration Flows (2007 – 2013) of the External Border Fund of the European Commission*. In the framework of mentioned project there are deployed Liaison Officer of the State Border Guard in Belarus (Minsk) and Liaison Officers of the State Border Guard in Georgia (Tbilisi). The Immigration Liaison Officers represent the Republic of Latvia, the Republic of Estonia, and the Republic of Lithuania according to the Project No: HOME/2012/EBFX/ CA/2013 and signed "*Memorandum of Understanding Among the State Border Guard of the Republic of Latvia, the Border Guard Department of the Police and Border Guard Board of the Republic of Estonia, and the State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania on the Activity of the Liaison Officer Points in Belarus and in Georgia*". Aim of activities of the Immigration Liaison Officers is to strengthen control of external border of the European Union and to extend effective management of migration flows according to requirements of the Schengen *acquis*. The Immigration Liaison Officers promote cross border cooperation and extension of professional contacts between law enforcement authorities of Member States of the European Union and third countries thereby reducing illegal cross border activities.

The Immigration Liaison Officers represent the Republic of Latvia, the Republic of Estonia, and the Republic of Lithuania in the following areas:

- 1) exchange of information which could be used in the fight against illegal migration, its organisers and abettors;
- 2) exchange of information on the events and circumstances which could facilitate illegal immigration;
- 3) support in the identification of the detained nationals of the third countries and facilitation of their return to their country of origin;
- 4) exchange of statistical and analytical information in field of combating illegal immigration;
- 5) exchange of information on cooperation opportunities with Georgian state administration bodies;
- 6) specification of the validity status and terms of issuance of Georgian travel documents;
- 7) establishment of cooperation between the border crossing points at the "Tbilisi" airport and border crossing points of international airports of the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania;
- 8) evaluation of risks related to illegal immigration and cross-border crime with regard to persons departing from the "Tbilisi" airport to airports in the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania;
- 9) establishing of cooperation with passenger service authorities of the "Tbilisi" airport and operators which provide air carrier services to airports in the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania;

- 10) support to law enforcement authorities of the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania in cases related to the investigation of detected illegal entries;
- 11) support to law enforcement authorities in detection of forged documents;
- 12) support to officials of consular services of the Republic of Latvia, the Republic of Estonia, and the Republic of Lithuania in the visa issuing process.

On 20 December 2013 the Grant Agreement between European Commission and the State Border Guard of the Republic of Latvia on European Commission financial support for the Project No. HOME/2012/EBFX/CA/2022 „Further development of Immigration Liaison Officers Point of the Republic of Latvia, the Republic of Lithuania, and the Republic of Estonia in Russia” was signed.

On 16 November 2012 the memorandum of understanding on operation of the Liaison Officer Point in Russia was signed by the State Border Guard of the Republic of Latvia, State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania and the Police and Border Guard Board of the Republic of Estonia. The memorandum of understanding determines location and working regulations for the Liaison Officer Point, liaison officer's responsibility, as well as regulations regarding the exchange of information

Liaison Officer (on immigration issues) of the International Cooperation and Protocol Unit of the Administrative Board of the Central Board of the State Border Guard fulfils Liaison Officer's duties in Moscow.

The Liaison Officer Point is located in the Embassy of the Republic of Latvia in Moscow.

Liaison Officer of the State Border Guard of the Republic of Latvia performs his duties in interests of three countries: Republic of Latvia, Republic of Estonia and the Republic of Lithuania and activity of the Liaison Officer Point in the Russian Federation is performed in order to assist to the State Border Guard of the Republic of Latvia, to the State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania in fight against illegal immigration.

□ ensure systematic training of frontline staff of the State Border Guard on identification and referral of potential victims of THB.

The State Border Guard College pays special attention to the education of the future border guards on issues of human trafficking. The State Border Guard College provides professional development programme “Border Guard” subject “Criminal Justice” which covers issues on trafficking in human beings. The specific learning course “Prevention and Combating of Trafficking in Human Beings” is included in the subject “Criminal Justice” which is provided in the first level profession higher educational programme “Border Guard”.

The State Border Guard on 21 May 2013 issued the Decree which tasked the State Border Guard College to organize training on 23-24 May 2013 professional development training “Prevention and Combating of Trafficking in Human Beings. Training for Instructors”. The aim of this training was to educate border guards (trainers) who will perform the further training on anti-trafficking issues of border guards who are responsible for performing of direct border checks and interviewing of persons at border crossing places. 19 border guards were trained. During the years 2013 and 2014 these border guards (trainers) provided training of border guards at their respective territory of responsibility of all regional boards of the State Border Guard. During the training border guards who work at the border crossing points and border guards who are responsible for immigration control.

In order to ensure the common understanding about phenomenon of trafficking in human beings and professional development for all border guards of the Member States of the European Union the

Frontex Agency is implementing the project which aims at training trainers who would develop professional development programme for the educational establishment in their respective countries according the joint Sectoral Qualifications Framework and the Bologna/Copenhagen principles. The State Border Guard College has developed the professional development programme which is sent to the Frontex Agency on 13 June 2014 for approval. The final decision from the Frontex is not received yet. After approval of the professional development programme the representative of the State Border Guard College will receive the certificate of expert to develop training programme.

Identification of victims of trafficking in human beings

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

□ set up a formalised national referral mechanism for the identification of victims of THB and ensure that all actors involved in it are adequately trained and have full knowledge of their respective roles;

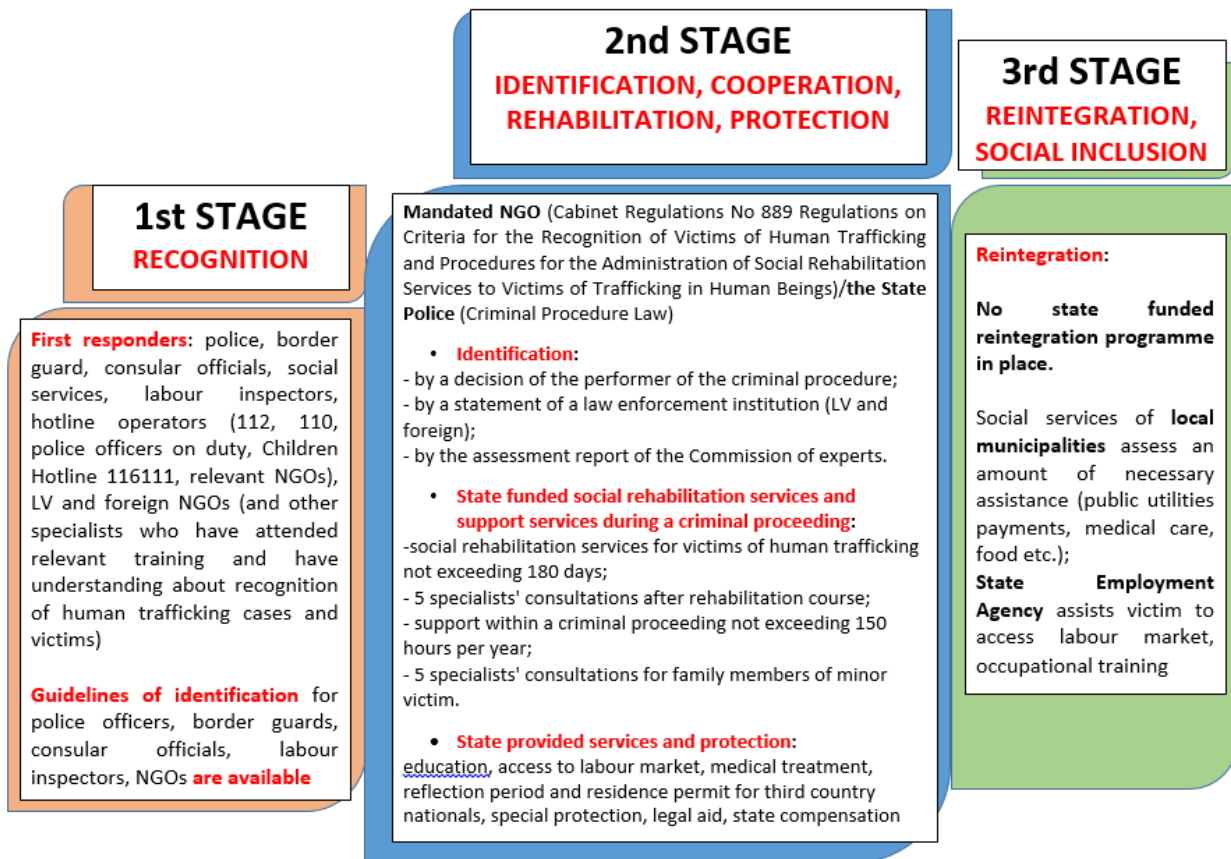
A National Referral Mechanism in general is based on the Cabinet Regulations No 889 of 31 October 2006 “Regulations on Criteria for the Recognition of Victims of Trafficking in Human Beings and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings” and the Criminal Procedure Law.

These Regulations prescribe the procedures, by which a person who has been recognised as a victim of trafficking in human beings shall receive State funded social rehabilitation services and the criteria by which a person shall be granted a status of a victim of the trafficking in human beings.

Latvia’s National Referral Mechanism consists of three stages:

- The first stage – Recognition;
- The second stage – Identification of victims, cooperation, rehabilitation and protection;
- The third stage – Reintegration and social inclusion.

There is no formal document in place which provides the National Referral Mechanism as a comprehensive system, only the second stage of the National Referral Mechanism is formalized.



There is no formally approved list of first responders in place. The first responders are mainly acknowledged and trained to identify victims of human trafficking during various meetings and training. First responders in general are state and municipal police officers, border guards, social workers, NGOs, labour inspectors, State Employment Agency, teachers, Office of Citizenship and Migration Affairs, consular officials, librarians etc. In many cases persons recognize themselves or their relatives or acquaintances as victims of human trafficking and approach directly to a social service provider who has been entitled to provide social rehabilitation services for victims of trafficking in human beings or other NGOs.

pursue a proactive approach to the identification of victims of trafficking, in particular victims of trafficking for labour exploitation and provide frontline staff with operational indicators, guidance and toolkits for the identification of victims;

In order to improve the identification of human trafficking victims:

- 1) The State Police uses in daily work “Methodological Guidelines to identify cases related to prostitution, soutenerism and human trafficking” and “Recommendations for police officials to investigate cases of human trafficking and soutenerism”. These materials contain a package of measures to be carried out with aim to address traffickers, as well as draw attention to the risk groups vulnerably to trafficking, basically subjects of operational interest, supporters, victims and objects. They also contain a positive model of behaviour in cases when the State Police receives information that a person has become or may become a victim of trafficking in Latvia or abroad. Due to these guidelines, in year 2013, State Police has identified 6 victims of human trafficking as well as has identified 26 cases with a risk of human trafficking.
- 2) The State Border Guard uses in its daily duty training handbook to combat human trafficking elaborated by FRONTEX. This handbook contains information how to identify

victims of trafficking during border control, methodology to identify human trafficking victims, potential trafficking victims, traffickers and supporters, provisions of interviewing and information acquiring techniques. Particular attention is paid to identify trafficked minors and the handbook contains specific methods for work with under-age children.

- 3) In 2013 the Ministry of the Interior has disseminated among all stakeholders “Guidelines on identification of victims” (the document provides for a list of indicative guidelines, refers to the existing handbooks and manuals and lists the projects on the identification of victims, in particular those targeting consular services and border guards and thus encourage their systematic use by the respective officials) and “The EU rights of victims of trafficking” to better assist practitioners and authorities to deliver the assistance and protection to victims. These documents were elaborated by the European Commission in cooperation with national anti-trafficking experts of the EU Member States.
- 4) The consular officials of the Embassies of Latvia abroad in their daily work use “The Handbook for Diplomatic and Consular Personnel on how to Assist and Protect Victims of Human Trafficking” elaborated by the Council of the Baltic Sea States Task Force against Trafficking in Human Beings. This handbook provides main tools on how to identify victims of trafficking, how to provide support and assistance in case of trafficking in human beings.
- 5) Guidelines for the Identification of Human Trafficking for the Purpose of Labour Exploitation are in place. Guidelines are intended for the law enforcement institutions – the State Police, the State Labour Inspectorate, the State Border Guard, the Municipal Police and non-governmental organisations, including those which have been granted the right to provide State funded social services for victims of human trafficking, to be able to determine, to full extent, the cases of human trafficking for the purpose of labour exploitation and the victims, as well as to perform accordingly the necessary measures for holding the persons at fault liable as provided for by regulatory enactments.

The State Border Guard in cooperation with the State Labour Inspectorate, marriage registration offices, accommodation places for tourists and higher educational establishments in Latvia performs checks of those illegal migrants who entered the territory of Latvia possibly indicating false purpose of travel – family reunification, studies, tourism or training.

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

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

The State Border Guard in the years 2013 and 2014 has not identified any victim of trafficking in human beings among illegal border crossers or asylum applicants.

□ **pay particular attention to identification of victims of trafficking among children;**

In order to ensure the efficient performing of border checks as well as measures to protect children from violent abuse, unauthorized independent departure of children and illegal transportation of children from the territory of Schengen the State Border Guard on 29 October 2014 approved the document which prescribes the order how a border guard should act carrying out border check of the child and measures to prevent kidnapping of the child. Children's rights and interests protection is set as the priority by this document. The order prescribed by the document is applied during the border control and performing checks in the territory of Latvia.

The State Border Guard provides partnership in the implementation of international project "PROTECT Children on the Move" which is coordinated by the Children's Unit at the Council of Baltic Sea States (CBSS) Secretariat. The project aim is to identify child rights standards and key agencies responsible for protecting children in cross-border situations. The outcomes will include guidelines and an online tool outlining relevant laws, policies and procedures – as well as responses to issues faced by child welfare and migration authorities in relation to children in challenging circumstances and child victims of exploitation and trafficking. The 4th expert meeting convened in Riga, Latvia on 25 – 26 November 2014 and focused on the role of judges, social services and central authorities in transnational child protection. Several experts from Latvia participated and delivered interventions – Agris Skudra, Head of Children Affairs Cooperation Division in the Ministry of Justice, Laila Gravere, Head of the Children's Rights Division at the Ombudsman's Office, and Aiga Balode, Deputy Director of Data at the State Inspectorate. The project has been granted funds by the European Commission's Return Fund and the Council of Baltic Sea States.

□ **ensure that the identification of victims of trafficking whether by the police or by the multi-disciplinary commission of specialists is not solely aimed at enabling criminal investigation, but primarily at referring victims to appropriate assistance and protection.**

The work of the Commission aims at assisting and protecting the victim of human trafficking, to assessing and prevention of possible risks.

The Representative of the State police assesses all information considering the victim's needs and the best interests. During the interview the representative of the State Police assesses whether the case comprises all four qualifying elements of the criminal offence (object (e.g. person's freedom, health, sexual inviolability), objective side (active action as recruitment, transportation, transfer, concealment, accommodation or reception), subject (physical and sane person who has attained 14 years of age) and subjective side (human trafficking is an intentional offence which is characterized by the direct intent). For example, a person has agreed to go to foreign country to conclude a marriage in convenience. A person knew it before departure from Latvia. After arrival in the foreign country the identity documents of the person are taken away, person is physically affected etc. In such case the criminal proceeding is not initiated because the persons has not suffered from criminal acts in Latvia, all criminal acts are committed in the foreign country and the State Police of Latvia is not the competent authority to perform investigation in another country where criminal acts are committed by nationals of that country. At the same time according the provisions of legal acts of Latvia the person is recognized as the victim of human trafficking.

If during an interview there are suspicious that the criminal acts were committed in Latvia and these criminal acts were the reasons why the person became the victim of human trafficking the criminal proceeding is initiated.

Anyway, the main idea of the multi-disciplinary commission is to provide the social rehabilitation services for the victim of human trafficking and to reduce post-traumatic syndrome. The victim

does not have the duty to be engaged in the criminal proceeding as the victim. The person can participate in the criminal proceeding as the witness.

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.

Assistance to victims

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

□ provide all victims of THB with effective access to assistance for the duration necessary to achieve their rehabilitation, taking into account their specific circumstances and regardless of their participation in criminal proceedings;

Transposing the requirements of the “Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA” Article 11 the amendments were elaborated in the Cabinet Regulation No 889 on “Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognising a person as a victim of human trafficking”. Amending Regulation No 840 was adopted by the Cabinet of Ministers on December 11, 2012, published on December 14, 2012 in “Official Gazette” No 197 (4800), came into force on January 1, 2013.

Social Integration State Agency supervised by the Ministry of Welfare provides social rehabilitation services and:

- 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;
- 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.

Services shall be 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. A provider of services is chosen within public procurement procedure. In the years 2013 and 2014 state funded social rehabilitation services were provided by the NGO “Shelter “Safe House”” (<http://www.patverums-dm.lv/en/>).

According to these Regulations the course of social rehabilitation services may not exceed 180 days. Additionally a victim can receive five consultations (1 hour each) during two years after social rehabilitation course.

If a person is recognized as a victim within a criminal proceeding or a person has received a status of a witness and it is confirmed by a statement of a law enforcement institution, a person is eligible to receive support within criminal proceeding not exceeding 150 hours. Support includes psycho-

social assistance (including consultations of individual lawyer, social worker, psychologist), interpreter services and assistance in processing legal documents and, if necessary, representation in court.

A person may receive services 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 person directing the criminal proceeding, according to which the person is recognised the victim in a criminal matter regarding the trafficking in human beings, 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, or a statement translated into Latvian language of a foreign law enforcement institution that a criminal proceeding is initiated abroad or other measures are performed which can be the ground for a person's assessment report of the provider of services

A person may receive support within criminal proceeding 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 person directing the criminal proceeding or a statement issued by a law enforcement agency.

A provider of services, taking into account the status of the relevant person, shall perform the following activities:

- interviews a person with her/his presence or by use of electronic communication means, accepts a written submission of the person or the legal representative thereof;
- if the person has been issued the decision of the person directing the criminal proceeding or the statement of a law enforcement institution, such documents and the written submission of the person or the legal representative thereof shall be sent to the Social Integration State Agency within a time period of one working day;
- if the person has not been issued the decision of the person directing the criminal proceeding or the statement of a law enforcement institution referred, the compliance of the person with the criteria of a victim of the trafficking in human beings is done by a commission of the specialists; a persons shall be assessed and the person's assessment report shall be drawn up without delay, but not later than within a time period of three working days;
- if the person complies with the criteria of a victim of the trafficking in human beings, the person's assessment report, as well as proposals regarding the services the person needs and a written submission of the person or the legal representative thereof shall be sent to the Social Integration State Agency within a time period of three working days after the assessment of the person; and
- if the person does not comply with the criteria of a victim of the trafficking in human beings, the person's assessment report, the justification of the assessment and the a written submission of the person or the legal representative thereof shall be sent to the Social Integration State Agency within a time period of ten working days after the assessment of the person.

In order to assess the compliance of a person with the criteria of a victim of the trafficking in human beings, a provider of services establishes a commission of the specialists. The commission shall include a social worker, a psychologist, a lawyer, an official of the State Police, as well as, where necessary, other specialists.

The commission assesses the compliance of a person with the criteria of a victim of the trafficking in human beings in the person's presence or in exceptional cases is a person's abroad assessment is done considering the submitted documents. The commission recognises a person a victim of the trafficking 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.

After the assessment of a person the commission shall draw up an assessment's report. It shall be justifiably indicated in the report, whether the person complies with the criteria of a victim of the trafficking in human beings.

The Social Integration State Agency shall immediately, but not later than within a time period of three working days:

- take a decision regarding the provision of services to the person or the inclusion of the person in the queue of the recipients of services, on the basis of the decision of the person directing the criminal proceedings or the statement of a law enforcement institution and the written submission of the person or the legal representative thereof;
- evaluate the documents submitted by the provider of services – the submission of the person and the person's assessment report – and take a decision regarding the provision of services to the person, inclusion of the person in the queue of the recipients of services or regarding a refusal to provide services to the person;
- take a decision regarding the provision of support within criminal proceeding to the person or the inclusion of the person in the queue of the recipients of support within criminal proceeding or a refusal to provide support within criminal proceeding, on the basis of the decision of the person directing the criminal proceedings or the statement of a law enforcement institution and the written submission of the person or the legal representative thereof;

If a provider of services during provision of social rehabilitation services receives information that a person is recognised as a victim or witness within a criminal proceeding and a person needs support within criminal proceeding, a provider of services after social rehabilitation course submits to the Social Integration State Agency a written submission of the person or the legal representative

thereof to the provider of services and a decision of the person directing the criminal proceedings or a statement issued by a law enforcement agency.

The provision of services shall be refused in the following cases:

- the person does not comply with the criteria of a victim of the traffic in human beings;
- the person has not submitted all the documents necessary for the receipt of the service;
- the person repeatedly requests services during one year except cases when a victim applies for a psychosocial support in terms of criminal proceedings.

The provision of services or support within criminal proceeding 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;
- the course of service specified for the person has ended;
- the person can not receive services or support within criminal proceeding due to her/his state of health or due to other reasonable grounds;
- the criminal proceeding where the person was recognised as a victim of trafficking in human beings is terminated if the person receives support within criminal proceeding.

A person has a duty 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; and reimburse unduly used funds in the case if the person has received services on the basis of false information provided.

A person or the legal representative thereof has the right to submit to the provider of services and the Board proposals and objections in respect of the quality of the received services in accordance with the procedures specified by law.

A person may appeal to a court the decision of the Agency regarding the refusal to provide services within a time period of a month after coming into effect of the decision.

The victim does not have the duty to be engaged in the criminal proceeding as the victim. The person can participate in the criminal proceeding as the witness. Besides, State funded social rehabilitation services are available to every victim, irrespective from the fact of his or her participation in the criminal proceedings. 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.

The victim of trafficking in human beings who was formally identified and received state funded social rehabilitation services is eligible to apply for state funded social rehabilitation services repeatedly after a year since the moment when previous rehabilitation course is completed. In the year 2014 three victims of trafficking in human beings used this opportunity. Reiterative course of rehabilitation can be provided if additional conditions appear which serve as reasonable ground for the Commission to perform an assessment, for example, during the criminal proceeding a trafficker is released from imprisonment and a victim has psychological trauma due to that obstacle, or

exploitation has created unprocessed trauma which does not allow a victim to continue social functioning.

□ adopt minimum standards for the services provided to victims of THB and ensure the provision of adequate funding to maintain them;

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

Transposing the requirements of the “Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA” Article 13 and Article 14 the amendments were elaborated in the Cabinet Regulation No 291 “Requirements for Social Service Providers”. Amending Regulation No 841 was adopted by the Cabinet of Ministers on December 11, 2012, published on December 14, 2012 in “Official Gazette” No 197 (4800), came into force on January 1, 2013.

The State funded social rehabilitation services for victims of trafficking in human beings are prescribed by the Cabinet Regulations No. 291 Requirements for Social Services Providers. The social service provider ensures:

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

The internal audit is carried out by the Quality Control Department of the Ministry of Welfare. The internal audit is done following the general principles of auditing. The first of all the risks of use of funding are assessed (high, medium or low risks). Assessment is done to evaluate whether funding is spent according the purpose defined by national legal regulations and internal documents, whether the procedure to provide state funded social rehabilitation services is transparent, whether use of funding is provided for state funded social rehabilitation services for a concrete person. The Quality

Control Department considers complaints about the quality of provided state funded social rehabilitation services. So far not a single complaint is received.

In the year 2013 the mandated NGO provided social rehabilitation services for 33 victims of trafficking in human beings (32 females and one male). These are victims who started rehabilitation programme in 2013, and victims of trafficking in human beings who started rehabilitation programme in 2012 and finished in 2013.

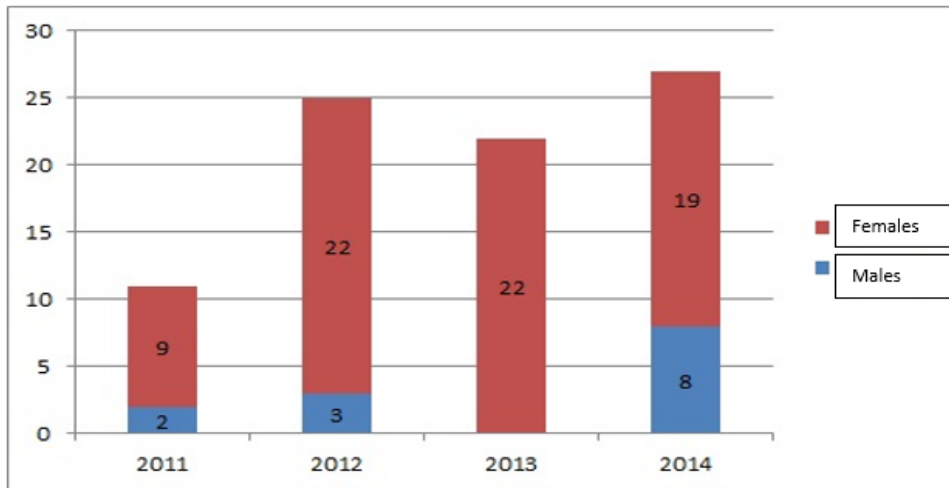
In the year 2014 the mandated NGO provided social rehabilitation services for 38 victims of trafficking in human beings (30 females and 8 males):

- 11 victims of trafficking in human beings started rehabilitation programme in 2013 and finished in 2014;
- 15 victims of trafficking in human beings started rehabilitation programme in 2014 and finished in 2014;
- 12 victims of trafficking in human beings started rehabilitation programme in 2014 and will finish in 2015.

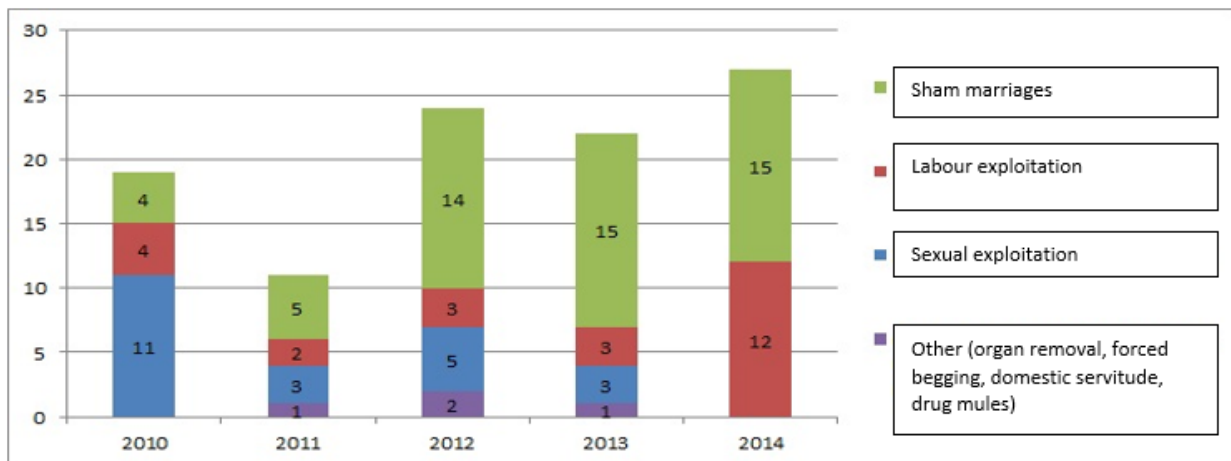
In the year 2013 the mandated NGO identified through the Commission 19 victims of trafficking in human beings, the State Police identified 6 victims of trafficking in human beings within the criminal proceeding. All identified victims of trafficking in human beings are adults, citizens of the Republic of Latvia. Victims to the mandated NGO were referred by the State Police of Latvia, the Embassies of the Republic of Latvia municipal social services in Latvia, in addition 7 victims of trafficking in human beings referred themselves directly approaching the mandated NGO for assistance and support. The forms of exploitation – sham marriages in 17 cases, sexual exploitation – 8 cases, labour exploitation in 8 cases.

In the year 2014 the mandated NGO identified through the Commission 27 victims of trafficking in human beings, the State Police identified 7 victims of trafficking in human beings within the criminal proceeding. All identified victims of trafficking in human beings are adults, citizens of the Republic of Latvia. Victims to the mandated NGO were referred by the State Police of Latvia, the Embassies of the Republic of Latvia in Ireland, Norway, the UK, municipal social services in Latvia and another NGO, in addition 14 victims of trafficking in human beings referred themselves directly approaching the mandated NGO for assistance and support. The forms of exploitation – sham marriages in 15 cases, labour exploitation in 12 cases. Countries of destination – Ireland, the UK, Brazil, Greece, Cyprus, Germany and Sweden.

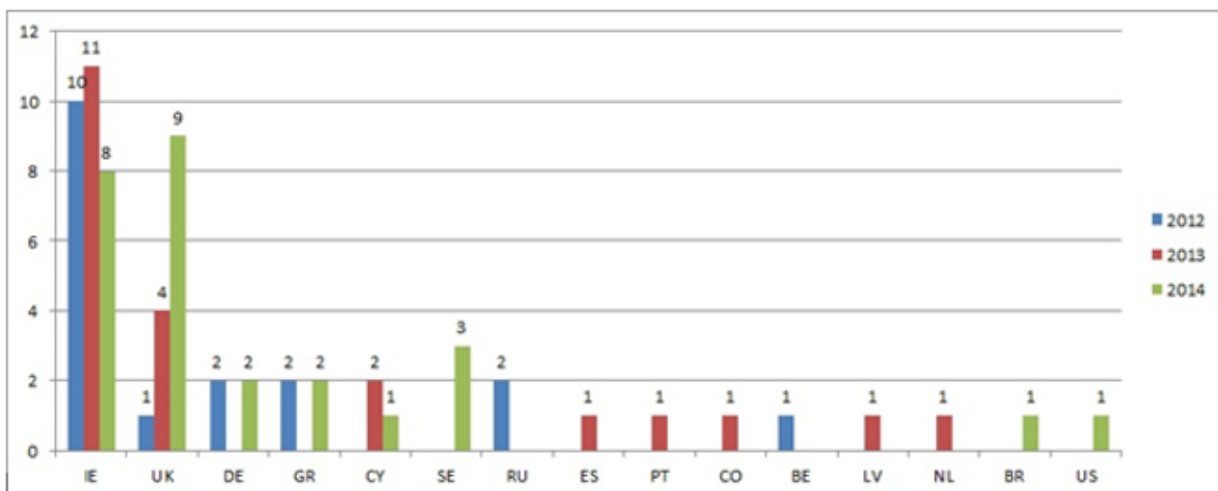
A number of beneficiaries (who have received state funded social rehabilitation services for victims of trafficking in human beings) aggregated by gender (the years 2011 – 2014) [data provided by the mandated NGO]:



A number of beneficiaries (who have received state funded social rehabilitation services for victims of trafficking in human beings) aggregated by form of exploitation (the years 2010 – 2014) [data provided by the mandated NGO]:



A number of beneficiaries (who have received state funded social rehabilitation services for victims of trafficking in human beings) aggregated by countries of destination (the years 20102– 2014) [data provided by the mandated NGO]:



When it comes to male victims so far the stereotypes among males existed due to which males usually refused to receive support and assistance and it was difficult for them to acknowledge that they are victims of trafficking in human beings and they have been exploited but the situation has been changed. Comparing previous years – in 2011 one male victim applied for state funded social rehabilitation services, in 2012 – three male victims, in 2013 – none, in 2014 – eight male victims applied for the state funded social rehabilitation services and received full support and assistance funded by the Government. It should be considered as an achievement that a number of males who are ready to receive assistance has been increased.

□ ensure that all victims of THB are informed of the assistance to which they are entitled;

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

□ improve the assistance provided to child victims of trafficking, including accommodation and medium- and long-term support programmes tailored to their needs;

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 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” organizes social rehabilitation services for the State budget funds to children suffered from violence.

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

□ provide adequate assistance measures, including appropriate accommodation, to male victims of THB;

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

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

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

□ facilitate the reintegration of victims of trafficking into society and prevent re-trafficking by providing them with vocational training and access to the labour market.

Support for Unemployed Persons and Persons Seeking Employment Law determines the active employment measures and preventative measures for unemployment reduction intended for unemployed persons, persons seeking employment and persons subject to the risk of unemployment, the competence of the State and local governments in the implementation of these measures, as well as the status, rights and duties of an unemployed person and person seeking employment. In accordance with Article 2(8) of Unemployed Persons and Persons Seeking Employment Law 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.

Section 3 of the Unemployed Persons and Persons Seeking Employment 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.

Section 9(5)18 of the Immigration Law states that foreigner has the right to work without any limitations in the Republic of Latvia, if he or she has received a temporary residence permit as a victim of trafficking in human beings.

According to the Cabinet Regulations No. 291 Requirements for Social Services Providers the social service provider ensures the involvement of the client in training and education programmes, which facilitate the reintegration of the client into society and labour market. Besides service provider cooperates with social services of local municipalities and other institutions where a client resides and provides exchange of information with these institutions in order to facilitate reintegration of the client into the society after the rehabilitation programme. The service provider cooperates with the State Employment Agency which provides assistance for a victim to access labour market and vocational training.

Recovery and reflection period

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

□ ensure that all victims of THB, regardless of their nationality and immigration status, are systematically informed of the recovery and reflection period and are effectively granted such a period;

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

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

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

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

A victim of trafficking in human beings, as well as a minor in the accompaniment thereof, have the right to receive State funded social rehabilitation services (The social rehabilitation service

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

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

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

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

□ raise the awareness among the law enforcement officials regarding the purpose of and the need to grant recovery and reflection period.

The issue regarding the purpose of and the need to grant recovery and reflection period is included in the general training for border guards and police officers. So far the training tailored on this specific subject was not organized by public authorities. The State Border Guard and the State Police provide participation of their representatives at workshops and conferences organized abroad, after event a report about presentations, discussions, conclusions is elaborated and distributed among employees of a institution to share knowledge and information.

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

Residence permits

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

Section 5 (4) of the Immigration Law states that 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.

Section 9 (5) 18 of the Immigration Law states that foreigner has the right to work without any limitations in the Republic of Latvia, if he or she has received a temporary residence permit as a victim of trafficking in human beings.

The Immigration Law Section 23 (6) states 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.

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

Immigration Law Section 42 provides that a removal order shall not be issued or a decision on forced return shall not be made if: 3) the Head of the Office of Citizenship and Migration Affairs or a person authorized by the Head of the Office of Citizenship and Migration Affairs has made a decision to permit a foreigner due to reasons of a humanitarian nature to remain in the Republic of Latvia for a specified period of time not exceeding one year.

Immigration Law Section 23 (3) states that in cases not provided for in this Law a temporary residence permit shall be issued for a time period of up to five years 2) by the Head of the Office of Citizenship and Migration Affairs, if it complies with the norms of international law, or is related to reasons of a humanitarian nature.

Compensation and legal redress

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

- ensure that victims of trafficking have effective access to legal aid in practice;**

State Ensured Legal Aid Law 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. 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.

The Criminal Procedure Law Section 104 Paragraph 5 states that in exceptional cases, the person directing the proceedings shall take a decision on 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. In such cases, the Cabinet shall determine the amount of payment for the provision of legal assistance ensured by the State and reimbursable expenses related to the provision of legal assistance ensured by the State, the amount thereof and procedures for payment.

According to the Criminal Procedure Law Section 108 “Provision of Legal Assistance to a Victim” (1) a victim or the representative thereof may retain an advocate for the provision of legal assistance in order to completely implement the rights of such victim. Section 108 (3) a provider of legal assistance has the right to participate in all procedural actions that take place with the participation of a victim, and to completely or partially use the rights of the victim on the basis of a request of such victim. Section 108 (5) legal assistance to a minor victim and the minor victim's representative is mandatory in criminal proceeding for a crime related to violence caused by the person from whom a minor victim is dependent, or for the crime against morality and sexual inviolability of a minor (unofficial translation). Section 108 (6) if a minor victim or minor's representative has not concluded an agreement with an attorney for legal assistance, in such case according to the Section 108 (5) the person directing the criminal proceeding takes a decision to invite an advocate as a provider of legal assistance according to the order stated by the Section 104 (6) “In the cases provided for in the Section 104 (5), the person directing the proceedings shall notify the decision on 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 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. The person directing the procedures, which are to be carried out immediately and in which the victim has been involved, if necessary, shall retain an advocate for ensuring representation in conformity with the schedule of the advocates on duty compiled by the elder of the sworn advocates in the territory of the relevant court process” and in this case the Cabinet shall determine the amount of payment for the provision of legal assistance ensured by the State and reimbursable expenses related to the provision of legal assistance ensured by the State, the amount thereof and procedures for payment.

□ improve access of victims of THB to compensation, including by systematically informing them about various possibilities for compensation.

Transposing the requirements of the “Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA” Article 17 the amendments were elaborated in the Law on State Compensation to Victims. Amending Law on State Compensation to Victims was adopted by the Parliament on November 15, 2012, published on November 30, 2012 in “Official Gazette” No 189 (4792), came into force on January 1, 2013.

The purpose of the Law on State Compensation to Victims is to provide a natural person who, in accordance with the procedures laid down in the Criminal Procedure Law, has been recognised a victim with the right to receive a State compensation for moral injury, physical suffering or financial loss resulting from an intentional criminal offence. The Law governs the procedures by

which compensation shall be paid to the victim by the Legal Aid Administration and the amount of the State compensation. The request and payment of the State compensation, on the basis of this Law, shall not limit the rights of the victim to request the compensation in accordance with the Criminal Procedure Law and the Civil Procedure Law. The right to the State compensation shall exist, if as a result of an intentional criminal offence the victim is a victim of trafficking in human beings. The maximum amount of the State compensation to be paid to one victim of a criminal offence shall be five minimum monthly wages laid down in the Republic of Latvia. The amount of the State compensation to be paid shall be calculated, taking into account the amount of the minimum monthly working wage determined at the time when the person was recognised a victim. The compensation shall be paid if the victim is a victim of trafficking in human beings – in the amount of 70%.

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

Criminal Procedure Law Section 351 “Application for Compensation” 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. An application may be submitted in writing or expressed orally. An oral application shall be recorded in the minutes by a person directing the proceedings. During pre-trial proceedings, a public prosecutor shall indicate a submitted application and the amount of requested compensation, as well as his or her opinion thereon in the document regarding the completion of pre-trial proceedings. The failure to ascertain a person being held criminally liable shall not be an impediment to the submission of a compensation application. An application for compensation shall be examined regardless of the presence of a victim.

In 2014 one victim of trafficking in human beings received the state compensation (996 euros).

Repatriation and return

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

The return of victims of trafficking in human beings is based on the principles, standards and procedures provided by the legal requirements of the European Union which are transposed into the Latvian national laws and regulations. The European Commission did an evaluation how Latvia has transposed the requirements set by Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. The European Commission concluded that Latvia has transposed the requirements of the Directive 2008/115/EC properly.

According to the Cabinet Regulations No 454 of 21 June 2011 “Regulations Regarding Forced Removal of Third-country Nationals Departure Document and the Issue Thereof” prescribes the procedures for forced removal of a third-country national, as well as the sample form of the departure document and the procedures for the issue thereof. Within the meaning of this Regulation, vulnerable persons are minor third-country nationals and persons who have been subjected to serious psychological, physical or sexual violence, for example, victims of trafficking in human beings should be considered as vulnerable persons within the meaning of this Regulation.

General provisions of foreigner return are applied in the case of return of a victim of trafficking in human beings. Initially a foreigner who is a victim of trafficking in human beings is offered to leave a country voluntarily according to the voluntary return decision (definition provided by the Immigration Law: “voluntary return decision – an administrative act, in which the fact of illegal stay of a foreigner has been substantiated and the foreigner has been imposed an obligation to voluntarily return within a specified period of time to the country of his or her citizenship, third country, from which he or she entered, or another country, which he or she has the right to enter”) issued by a competent authority or using supported voluntary return programmes.

Latvia transposing the requirements of the Directive 2008/115/EC has provided in the Immigration Law Section 44 Paragraph 2 that “a decision on the entry ban in the Schengen territory shall not be included in the voluntary return decision, if the foreigner in accordance with the laws and regulations regulating the relevant field has been recognised as a victim of trafficking in human beings or has been involved in promoting illegal immigration and has co-operated with the relevant State institutions”.

Organizing the removal (according to the Immigration Law “removal order – an administrative deed, in which the fact of illegal stay of a foreigner is justified and removal of the foreigner to his or her country of citizenship, the third country, from which he or she has entered, or another country, which he or she has the right to enter, is determined”) of vulnerable persons the following measures are applied:

- the transportation and accompanying of the third-country national under the supervision of security guards as far as the place of residence of the third-country national or a specialised institution in the country of destination;
- to hand over the vulnerable person to a family member, legal representative or the representative of a specialised institution;
- the state of health, the psychological traits and special needs of the third-country national should be considered.

The State Border Guard informs that there was no case of removal of a victims of trafficking in human beings.

It should be noted that considering the requirements and provision of the European Union in the field of return, particularly when it comes to standards and procedures provided by the Directive 2008/115/EC, initially foreigner is offered to return voluntary.

Considering the requirement set by the Directive 2008/115/EC Article 8 Point 6 “Member States shall provide for an effective forced-return monitoring system” in 2011 such a mechanism was established in Latvia. According to the Immigration Law Section 50.⁷ “The removal process shall be observed by the Ombudsman”.

According to the Immigration law the observation of the removal process shall include:

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

(3) The Ombudsman is entitled to involve associations or foundations in the observation of removal process, the purpose of operation of which is related to the observation of the process. Upon

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

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

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

(6) An Observer has the right:

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

2) to invite specialists (for example, lawyers, medical practitioners, interpreters) for provision of the necessary consultations to the foreigner subject to removal;

3) to organise assistance for improving living conditions, pastoral care, as well as the provision of other support.

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

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

This monitoring mechanism of removal process provides efficient, rapid and transparent removal process, at the same time providing its implementation in a humane manner and with full respect for foreigner's human rights and dignity.

Considering the mentioned above the Latvian authorities acknowledge that amendments to the order of removal process of victims of trafficking in human beings are not necessary.

Immigration Law Section 42 provides that a removal order shall not be issued or a decision on forced return shall not be made if: 3) the Head of the Office of Citizenship and Migration Affairs or a person authorized by the Head of the Office of Citizenship and Migration Affairs has made a decision to permit a foreigner due to reasons of a humanitarian nature to remain in the Republic of Latvia for a specified period of time not exceeding one year.

The Embassy of Latvia abroad stating possible human trafficking case the first of all ascertains physical security of person, if necessary engages local security agencies to provide protection of a person; ascertains necessity of medical and/or psychological assistance and accommodation. The person always is informed by the embassy about possibilities to receive state funded social rehabilitation services in Latvia to prevent further re-trafficking. A potential victim of trafficking in human beings is requested to complete an application providing detailed information how person travelled to the country of destination, describe the situation in which a person has appeared, about possible facts which relate to exploitation and trafficking in human beings. If a person agrees,

immediately relevant public institutions in Latvia, the State Police, NGO, family are informed about the human trafficking case in order to deal with the issue of repatriation. Collected information is sent to the mandated NGO for consideration to grant a status of a victim of trafficking in human beings. The Commission may consider an application and other documents sent by the Embassy of Latvia without the presence of a potential victim of trafficking in human beings. If the positive decision is taken and the status of victim of trafficking is granted the mandated NGO buys a ticket which is sent to the Embassy. Usually the Embassy in cooperation with local public agencies ascertains safe return of the person from the country of destination and provides transportation of the person to the airport/bus station/train station. At the arrival in Riga a victim is met by the representative of the mandated NGO (at the airport a person is met by a representative of the mandated NGO and a representative of the State Border Guard) and transported to the safe place. Usually the costs related to return to Latvia were paid by the relatives, local municipality or mandated NGO, but since 2013 travel expenses are covered by the Government.

According to the Cabinet Regulations No. 291 Requirements for Social Services Providers the service provider ensures the getting of the client to the social service provider if the client (victim or potential victim and victim's minor child) is abroad. The repatriation of the citizens of Latvia and the nationals of Latvia who are identified as victims of trafficking in human beings abroad is provided by the mandated NGO which provides State funded social rehabilitation services for victims of trafficking in human beings and the travel expenses are covered by the Government. In 2013 three victims of trafficking in human beings and in 2014 four victims of trafficking in human beings were returned from foreign countries back to Latvia and their travel expenses were covered by the Government.

Substantive criminal law

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

The Criminal Law Section 154² Meaning of Human Trafficking criminalises the most popular forms of trafficking in human beings including provision of services:

The Criminal Law Section 154.² Meaning of Human Trafficking

(1) Human trafficking is the recruitment, transportation, transfer, concealment, accommodation or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of vulnerability or helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent.

(2) The recruitment, transportation, transfer, concealment, accommodation or reception of a minor for the purpose of exploitation shall be recognised as human trafficking also in such cases, if it is not connected with the utilisation of any of the means referred to in the Paragraph one of this Section.

(3) Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform labour, to provide services or to commit criminal offences, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the illegal removal of a person's tissues or organs.

(4) Within the meaning of this Section a state of vulnerability means that circumstances are being used in which a person has no real or acceptable alternative but to submit to the exploitation.

To discourage demand for the most popular forms of exploitation following legal provisions of the Criminal Law are elaborated:

- 1) Transposing the requirements of the Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA the amendments in the Criminal Law were elaborated in Section 164 “Involvement of a Person in Prostitution and use of Prostitution Services”:

“(2) For a person who commits compelling to engage in prostitution or involvement of a person in prostitution, using their trust in bad faith, or by deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or for use of prostitution services of a person knowing that he/she is victim of human trafficking, the applicable punishment is deprivation of liberty for a term up to five years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property and with or without probationary supervision for a term up to three years.”

Besides a new Paragraph (3¹) of this Section was elaborated providing criminal liability for use of prostitution of a minor person. The applicable punishment is deprivation of liberty for a term up to five years or temporary deprivation of liberty, or community service, or a fine.

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

- 2) Section 280 “Violation of Provisions Regarding Employment of Persons”:

“(2) For the employment of such person who is not entitled to remain in the Republic of Latvia if commission thereof is by the employer and if a minor is employed or if more than five persons are employed, or if a person is employed in particularly exploitative working conditions, or if a victim of human trafficking has knowingly been employed, the applicable punishment is temporary deprivation of liberty or community service, or a fine.”

Recognising sham marriages as the risk of human trafficking, in order to reduce the essential increase of sham marriages concluded mostly in Ireland between citizens of Latvia and third-country nationals (mostly from Pakistan, Bangladesh, India), 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 the Member State, and to discourage demand for brides and grooms from Latvia, a new article supplementing the Criminal Law was elaborated:

Section 285.² Ensuring in Bad Faith with a Possibility to Acquire the Right to Stay in the Republic of Latvia Legally, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation

- (1) For a person who commits provision in bad faith with a possibility to acquire the right to stay in the Republic of Latvia legally, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation,

the applicable punishment is deprivation of liberty for a term up to three years or temporary deprivation of liberty, or community service, or a fine.

- (2) For a person who commits provision in bad faith with a possibility to acquire the right to stay in the Republic of Latvia legally, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation, if it has been committed for the purpose of acquiring property or if such a possibility is ensured for two or more persons, or if it has been committed by a group of persons,

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

Pursuant the Section 285.² of the Criminal Law the State Police has initiated criminal proceedings: in 2013 – seven criminal proceedings and in 2014 – 13 criminal proceedings. During the meeting held on 16 December 2014 during which the representatives of the Ministry of the Interior, Ministry of Foreign Affairs, the State Police and the General Prosecutor's Office discussed about the efficiency of the new legal regulation provided by the Criminal Law Section 285.² to reduce the demand for sham marriages the representative of the Ministry of Foreign Affairs informed that number of potential victims of trafficking in human beings from Latvia identified in foreign countries is decreasing – in 2014 in the first nine months 23 potential victims from Latvia were identified comparing with the same time period in 2013 when 69 potential victims of trafficking in human beings were identified by consular officials of diplomatic and consular missions of the Republic of Latvia abroad.

According to information provided by the Ministry of Foreign Affairs statistical data regarding concluded marriages between citizens of Latvia and third country nationals in Ireland remain high and alarming. The statistical data is collected considering information about applications for residence permits for third-country nationals. In 2014 225 marriages were registered in Ireland (in 2013 – 203), out of them 142 marriages were registered between the Latvian citizens and third-country nationals (in 2013 – 112). Out of these 142 marriages:

- 76 marriages were concluded between Latvian citizens and nationals of Pakistan (in 2013 – 65);
- 22 marriages were concluded between Latvian citizens and nationals of India (in 2013 – 18).

The Embassy of Latvia in Ireland considers that a half of the marriages concluded between Latvian citizens and third-country nationals are sham marriages but there are no clear evidences to confirm these suspicions.

Latvian Administrative Violations Code provides administrative responsibility for involving of a minor in begging:

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 350 euros 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 700 euros shall be imposed.

Non-punishment of victims of THB

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

Transposing the requirements of the “Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA” Article 8 the amendments were elaborated in the Criminal Law and the Criminal Procedure Law. The Criminal Law Amending Law was adopted by the Parliament on December 13, 2012, published on December 27, 2012 in “Official Gazette” No 201 (4805), will come into force on April 1, 2013. The Criminal Procedure Law Amending Law was adopted by the Parliament on December 20, 2012, published on January 9, 2012 in “Official Gazette” No 6 (4812), will come into force on April 1, 2013.

The Section 58 “Release from Criminal Liability” of the Criminal Law states that (6) a person may be released from criminal liability if he or she has committed a criminal offence during a period when he or she was subjected to human trafficking and was forced to commit it.

The Section 379 “Termination of Criminal Proceedings, Releasing a Person from Criminal Liability” of the Criminal Procedure Law states that (1) an investigator with a consent of a supervising public prosecutor, public prosecutor or a court may terminate criminal proceedings, if 5) the person committed the criminal offence during the time period when he or she was subject to human trafficking and was forced to commit the offence.

Investigation, prosecution and procedural law

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

In 2014 Prof. Dr. iur.Valentija Liholaja, Head of Criminal Sciences of the Legal Faculty of the University of Latvia has done a research in which court judgments (Criminal Law Section 154.¹ Human Trafficking and Criminal Law Section 165.¹ Sending a Person for Sexual Exploitation) made during 2009-2013 were analyzed. The research was carried out within the European Union co-funded project HOME/2011/ISEC/AG/FINEC-4000002235 “Interdisciplinary training for judiciary and other legal professions in the area of financial and economic crimes and related to the phenomena topics”. The results obtained during the research are compared with the results of the study “Judicial practice in cases of human trafficking and sending of persons for sexual exploitation” conducted by the Supreme Court in 2006 and concluded that the identified mistakes and shortcomings related to the qualification in human trafficking crimes are largely eliminated. In October 2014 in the meeting of judges of Criminal Cases Department of the Supreme Court considered and approved the new research. We have reasonable grounds to believe that the positive impact of the research will be observed in regard to proportionality of sentences in the criminal cases of trafficking in human beings.

The researcher concluded that the crimes included in Criminal Law Section 165¹ are a type of human trafficking, because

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

The crimes included in Section 154¹ and Section 165¹ have distinct elements of the crime, because the crime is considered as being completed as of the moment, when the offender has committed any action that constitutes the objective side of human trafficking or sending for sexual exploitation. Substantiation - the provisions of international legal acts that all activities included in their definitions and activities in any of the stages of this chain are to be punished, starting with the initial recruitment of a person until the moment when the respective intention or outcome has been achieved –exploitation of the victim's person or labour.

Taking into consideration mentioned in the collected jurisprudence of the Supreme Court of the Republic of Latvia (2006) and a research done in 2014 when it comes to data collection the Ministry of the Interior reports data considering both sections of the Criminal Law - Criminal Law Section 154.¹ Human Trafficking and Criminal Law Section 165.¹ Sending a Person for Sexual Exploitation.

Latvia has been very often criticized for low/soft convictions. According to the research a researcher found out that on the practice of applying punishments the situation is following:

Criminal Law Section 154.¹ Human Trafficking:

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

Criminal Law Section 165.¹ Sending a Person for Sexual Exploitation:

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

According to the research there are several reasons why punishments are so soft. The judges applies the legal regulation set by the Sections of the Criminal Law on mitigating circumstances:

- On the basis of the Criminal Law Part two of Section 47 - the offender has actively furthered the investigation of the criminal offence. Decision by the Department of Criminal Cases of 18 August 2008 in Case No. SKK-461 – this circumstance envisages active behaviour, which can manifest itself as the offender providing information to pre-trial investigation institutions that was not known to them.

A researcher considers that it is not enough that a person, immediately after detention, had frankly testified on the circumstances of committing the crime, as the court, taking into consideration such all facts of the case, should assess, whether failure to provide information would have particularly hindered the work of investigating authorities in establishing the circumstances of the particular crime.

- Application of the Criminal Law Section 55 Suspended Sentence.

According to the considerations of a researcher one of the mandatory pre-requisites for applying Criminal Law Section 55 is included in the first part of the Section, i.e., the offender may be punished with a suspended sentence, if the court becomes convinced that the offender, without serving the punishment, will not commit violations of the law in the future. One can doubt, whether this conviction is manifested by statements that, for example, the defendant should be given the possibility to evaluate what has happened and to mend his ways, without serving the sentence of deprivation of liberty, to refrain from committing criminal offences in the future; that sentencing to actual deprivation of liberty would not be useful, that the suspended sentence includes a probation period, thus giving the possibility to justify the trust and take the right path in life and bring one's life in order. Formal duty imposed upon persons residing abroad to register with the foreign institutions monitoring persons with suspended sentences.

According to information provided by the governmental institutions as regards to the "auxiliary roles" of the perpetrators and lenient sentences for them, according to the Criminal Law Section 46 a court in determining punishment takes into account the character of and harm caused by the criminal offence committed, the personality of the offender and mitigating or aggravating circumstances. If the criminal offence is committed by the organised group e.g. where duties are divided among the members of the group in determining punishment the role of each member of the organised group in committing the criminal offence is taken into consideration. The head of the organized group is punished more severe than the member of organized group who was, e.g., just a driver.

One more reason why the convictions according to the Criminal Law Section 154.¹ "Human Trafficking" are so low comparing with initiated criminal proceedings or cases in adjudication in the Court of First Instance is related to subjective reasons – disproportionately long period of pre-trial and court procedure and it is not related to the court capacity. In human trafficking cases there are several features which are characteristic: a big number of victims, frequent postponing of court hearings due to absence of the victims or their location abroad, as well as frequent discontinuation of the court proceeding due to location of the accused in hospital.

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

To implement this recommendation various training were organized in the years 2013 and 2014. See detailed information – Recommendation No 5 Training of relevant professionals. As it is mentioned in the report we believe that the positive impact of the research "Judicial practice in cases of human trafficking" will be observed in regard to proportionality of sentences in the criminal cases of trafficking in human beings.

During the years 2013 and 2014 various training were organized by the Latvian Judicial Training Centre in cooperation with Ministry of Justice and other Latvian public authorities and NGOs for judges and prosecutors to raise their understanding and knowledge about trafficking in human beings.

Protection of victims and witnesses

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

Transposing the requirements of the “Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA” the proposals for amendments to the Criminal Procedure Law were elaborated regarding interviewing of minor victim suffered from human trafficking.

The Criminal procedure Law Section 152 (Special Features of an Interrogation of a Minor) and Section 153 (Interrogation of a Minor Person with the Intermediation of a Psychologist) were amended providing that regarding minors who are victims of human trafficking direct interrogation shall be performed only with the permission of the investigating judge, but in a court – with a court decision and it shall be performed with the intermediation of technical means and a psychologist.

Criminal Procedure Law Amending Law was adopted by the Parliament on December 20, 2012, published on January 9, 2012 in “Official Gazette” No 6 (4812), will come into force on April 1, 2013.

If a victim is involved in a criminal proceeding the special procedural protection can be provided according to Special Protection of Persons Law which ensures the protection of the life, health and other legal interests of such persons who are testifying in criminal proceedings or who participate in the uncovering, investigation or adjudication of a serious or especially serious crime. 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.

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.

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

The Cabinet Regulation No 960 of 20 November 2008 “Procedures how the Protected Person is provided with Maintenance, Consultations, Medical and Psychological Assistance” prescribes 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.

On the basis of the Model Memorandum of Understanding developed by the Council of Baltic Sea States Task Force against Trafficking in Human Beings the Memorandum on Cooperation between the State Police and NGO “Shelter “Safe House”” (signed on 15 February 2012) and the Memorandum of Cooperation between the State Border Guard and NGO “Shelter “Safe House”” were elaborated. These Memorandums of Cooperation give more formal framework for the existing cooperation between the mandated NGO and the law enforcement agencies to fight against and prevent trafficking in human beings (identification, referral, support, information exchange, training etc.) prioritizing the needs and interests of a victims of trafficking in human beings.

The Memorandum of Cooperation between the State Border Guard and NGO “Shelter “Safe House”” (signed on 28 December 2012) aims to establish long-term cooperation mechanism in providing support to victims of human trafficking in order to ensure adequate protection and assistance for victims of trafficking as well as Parties under this Memorandum provide information exchange and practical assistance to victims of human trafficking using the service premises of the State Border Guard.

The Memorandum on Cooperation between the State Police and NGO “Shelter “Safe House”” (signed on 15 February 2012) aims to facilitate appropriate assistance and protection for victims of trafficking in human beings thus increasing efficiency to prevent human trafficking. The Memorandum provides cooperation to fight human trafficking by provision of assistance for victims of trafficking in human beings, social rehabilitation services, performing prevention measures, educational and informative activities, and protection of victims of trafficking in human beings (both persons suffered from human trafficking, and witnesses).