



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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Reply from Latvia to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties

Third evaluation round

Thematic focus: Access to justice and effective remedies for victims of trafficking in human beings

Reply submitted on 31 January 2020



Iekšlietu ministrija

MINISTRY OF THE INTERIOR OF THE REPUBLIC OF LATVIA

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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.

The Ministry of the Interior of the Republic of Latvia as a responsible coordination body on prevention of trafficking in human beings issues on national level submits completed "Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties – third evaluation round".

Please be informed that the Ministry of the Interior developed information in cooperation with Ministry of Justice, Ministry of Foreign Affairs, Ministry of Welfare, Ministry of Culture, Ministry of Health, Ministry of Education and Sciences, Ministry of Economics, State Police, General Prosecutor's Office, State Border Guard, Office of Citizenship and Migration Affairs, State Labour Inspectorate, State Employment Agency, Municipal Police of Riga, Ombudsman's Office, State Revenue Service, Legal Aid Administration, State Children Rights Protection Inspectorate, National Centre for Education, Council of Sworn Lawyers and mandated social service providers.

Enclosure:

- 1) Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties – third evaluation round in English language on 60 pages;
- 2) Cabinet Regulation No 344 Regulations Regarding the Procedures by Which the

Victims of the Trafficking in Human Beings Receive Social Rehabilitation Service, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings on 10 pages;

3) Booklet on The State Compensation to Victims on 2 pages.

All documents are submitted electronically.

Sincerely Yours,
State Secretary

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized, somewhat abstract shape.

Dimitrijs Trofimovs

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Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

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

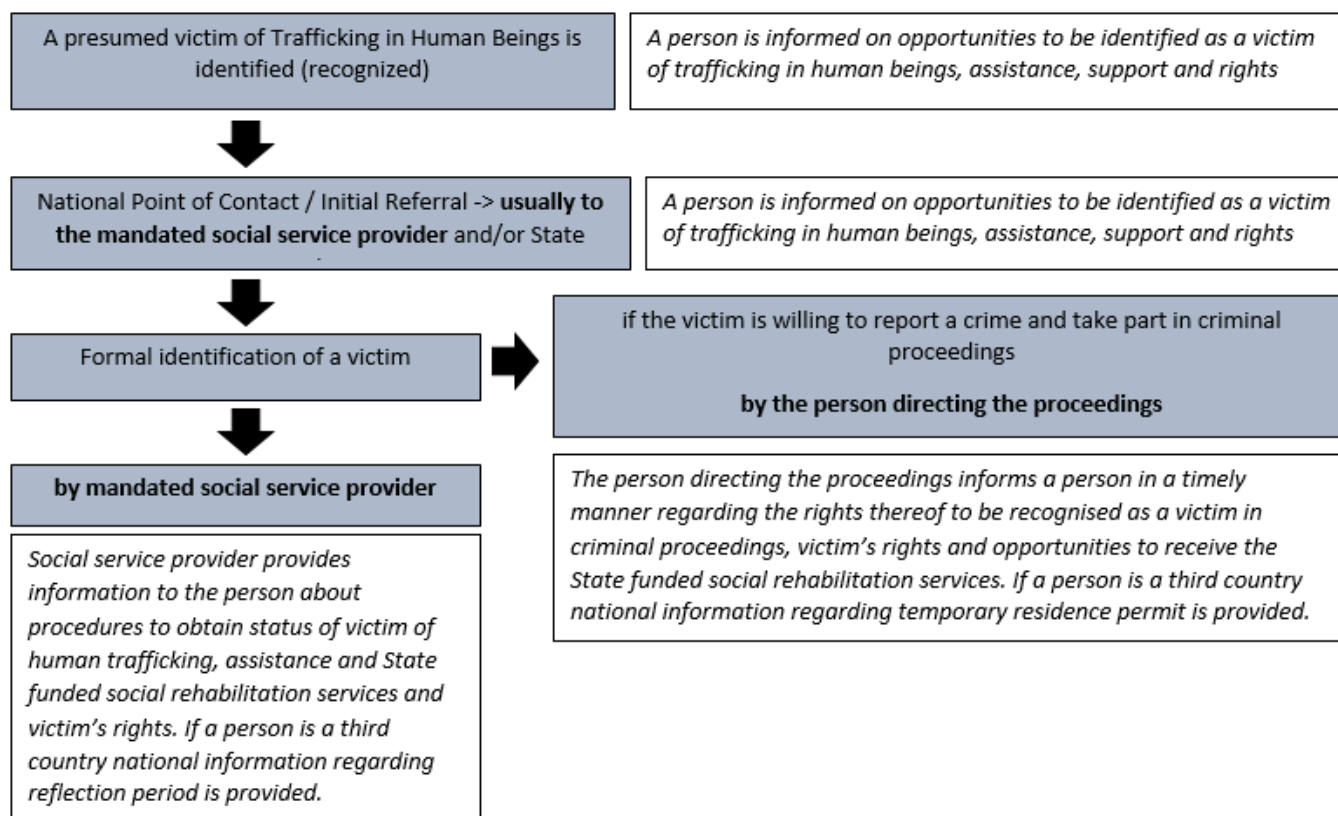
Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

The Latvian Government ensures that assistance to a victim of trafficking in human beings is not made conditional on his or her willingness to act as a witness in the criminal proceedings. To implement this commitment in practise there are two approaches established to provide formal identification of victims in trafficking in human beings:

- 1) in the criminal proceedings regarding the trafficking in human beings, the person has been recognised as a victim by a decision of the person directing the proceedings,
- 2) by mandated social service provider (NGO).



According to the Criminal Procedure Law Section 96 "Recognition as a Victim" paragraph one and paragraph two a person shall be recognised as a victim by the person directing the proceedings, with his or her decision which may also be written in the form of a resolution. A court may recognise a person as a victim during the trial of a criminal case up to the commencement of a court investigation in a court of first instance, if such request is submitted to a court. The person directing the proceedings shall inform a person in a timely manner regarding the rights thereof to be recognised as a victim in criminal proceedings. According to the Criminal Procedure Law Section 97 "General Principles of the Rights of a Victim" paragraph one a victim, by taking into account the amount of moral damages, physical suffering, and financial loss caused to him or her, shall submit the amounts of such harm, and use his or her procedural rights for acquiring moral and financial compensation.

According to the Criminal Procedure Law Section 97.¹ "Fundamental Rights of a Victim in Criminal Proceedings" a victim has the rights to receive information regarding the conditions for applying for and receipt of a compensation, including State compensation and to submit an application regarding compensation for the harm inflicted in accordance with the procedures laid down in the Criminal Procedure Law. As soon as the person is recognised a victim, he or she shall, without delay, be issued and, if necessary, explained the information regarding the fundamental rights of the victim. The victim shall confirm with his or her signature that the information has been issued and, if necessary, the rights have been explained. It is important to note that a victim has the rights to participate in criminal proceedings, using the language in which he or she is fluent, if necessary, using the assistance of an interpreter without remuneration.

Accordingly, when a person is recognized as a victim the person directing the proceedings (police, prosecutor's office, court) shall inform the victim of his or her rights in criminal proceedings, including the rights to State compensation. The right of the person to State compensation follows from the Law on State Compensation to Victims which aims 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 person directing the proceedings provides information about assistance and support to victim of trafficking in human beings, provides contact information of both mandated social service providers. It is up to the victim to decide which social service provider to approach. Depending on the situation social service provider might be contacted by Police immediately to refer the victim for provision of urgent needs to the victim.

The Legal Aid Administration has concluded delegating agreement with non-governmental organization society "Skalbes" to ensure the operation of the telephone line 116006 "Helpdesk to the victims of crime". Toll-free informative telephone line 116006 "Helpdesk to the victims of crime" was introduced on 1 January 2016. The working hours of this telephone line are every day from 07.00 to 22.00. Society "Skalbes" fulfilling the task of the State administration provides provision of emotional and psychological support to victims of criminal offences, information about their procedural rights (for example, on the right in the criminal proceeding, rights to compensation, State compensation), information about available support services and existing centres to support victims, dissemination of information in social media platforms and on the Internet web page including www.cietusajiem.lv. Information is provided into three languages: Latvian, Russian and English.

Information on the order of application for the State compensation and conditions and procedures for obtaining State compensation the victims of criminal offence can receive by calling to the toll-free informative telephone number 80001801 of the Legal Aid Administration during its working hours. It should be mentioned that all booklets and info graphics related to mentioned issues are available on the Internet web page of the Legal Aid Administration (see: <https://jpa.gov.lv/pub/?id=67&id=67>).

According to the Law "On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia" if a third-country national provides information that possibly might aid in the disclosure and elimination of trafficking in human beings, but it is not sufficient in order to decide the matter regarding commencement of criminal proceedings or in order to decide the matter, within the framework of the commenced criminal proceedings, regarding recognition of such third-country national as a victim of a criminal offence that is related to trafficking in human beings, the State Border Guard, investigative institution, performer of procedures or the social rehabilitation service provider shall inform in writing such third-country national regarding the possibility of the granting of the reflection period and rights that he or she accordingly would obtain.

Usually when possible victim of exploitation is recognized for example by a consular official, a labour inspector, a social worker, a border guard – a mandated social service provider is the first contact point to refer the person, the State Police – the Anti-Trafficking Unit is informed about the case by institution who recognized a presumed victim or a mandated service provider. The mandated social service provider

provides information to the person about procedures to obtain status of victim of human trafficking, assistance and rehabilitation services and victim's rights. It is very important to mention that the mandated social service providers work hand in hand with the Anti-Trafficking Unit as well as other competent institutions to provide comprehensive assistance and support to the victim.

Consular officials and consular secretaries can carry out the initial identification of suspected victims of Trafficking in Human Beings and give the information on their rights and the proceedings if the suspected victim has turned to the Embassy or there has been an indication of suspected victim in the process of providing consular service. Plan of action is based on the Handbook for Diplomatic and Consular Personnel on How to Assist and Protect Victims of Human Trafficking issued by Council of the Baltic Sea States Secretariat in 2011 and on the knowledge of the legal framework of the hosting State and the Republic of Latvia.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

Section 11 of the Criminal Procedure Law provides that if the person who has the right to defence, a victim and his or her representative, a witness, specialist, expert, auditor, as well as other persons who the person directing the proceedings has involved in the criminal proceedings does not speak the official language, such persons have the right to use the language that such persons understand during the performance of procedural actions, and to use the assistance of an interpreter free of charge, whose participation shall be ensured by the person directing the proceedings. In the pre-trial proceedings, the investigating judge or court shall provide for the participation of an interpreter in the hearing of issues that fall within the jurisdiction of the investigating judge or court. When issuing procedural documents to a person involved in the criminal proceedings who does not understand the official language, such person shall be ensured, in the cases provided for by law, with a translation of such documents in a language understood by such person. The provisions of this Section regarding the right of a person to use the language that the person has knowledge of and to use the assistance of an interpreter free of charge shall also apply to persons with hearing, speech or visual impairments. When issuing procedural documents to such persons in the cases provided for by the law, the availability of such documents in the language or the manner which such persons are able to perceive shall be ensured. One of the fundamental right of the victim is that a victim has the rights to participate in criminal proceedings, using the language in which he or she is fluent, if necessary, using the assistance of an interpreter without remuneration.

The victim who is a long-term resident of Latvia and to whom an injury has occurred as a result of a criminal offence in the territory of another European Union Member State has the right to directly or through the Legal Aid Administration submit the request for the State compensation to the competent authority of the relevant European Union Member State. The Legal Aid Administration shall, within seven days, draw up the request for the State compensation in conformity with the request for the compensation determined by a particular European Union Member State and together with other necessary documents shall send them to the competent authority of the relevant European Union Member State.

2. Legal assistance and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

According to the Section 20 of the State Ensured Legal Aid Law 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 procedures by which the submission for legal aid specified in this Law shall be submitted and examined, and a decision taken regarding the granting of legal aid or the refusal to grant legal aid, shall not apply to the provision of representation in criminal proceedings.

If the rights of a minor and the protection of the interests thereof are encumbered or otherwise not ensured, or the representatives (a mother, father, or guardian; one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant member of the immediate family takes care of the minor; a representative of an authority protecting the rights of children; a representative of such non-governmental organisation that performs the function of protecting the rights of children) submit a reasoned request, the person directing the proceedings shall take a decision on retaining of an advocate as the representative of a minor victim. In exceptional cases, the person directing the proceedings shall take a decision on retaining of the representative - advocate of a victim - a person in need 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. The person directing the proceedings shall invite an advocate also in cases when any member of the immediate family is not able to represent the victim who is a person who, due to physical or mental deficiencies, has been recognised as a victim without his or her consent, and the victim cannot be represented by any of his or her immediate family. In all such cases the person directing the proceedings shall notify the decision on necessity to ensure a representative in criminal proceedings to the senior 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 senior 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 senior of the sworn advocates in the territory of the relevant court process.

Provision of legal assistance to a minor victim and the representative of a minor victim is mandatory in criminal proceedings regarding a criminal offence related to violence committed by a person, upon whom the minor victim is financially or otherwise dependent, or regarding a criminal offence against morals or sexual inviolability.

If a minor victim or his or her representative has not entered into an agreement with an advocate regarding provision of legal assistance, in the case [*when provision of legal assistance to a minor victim and the representative of a minor victim is mandatory in criminal proceedings regarding a criminal offence related to violence committed by a person, upon whom the minor victim is financially or otherwise dependent, or regarding a criminal offence against morals or sexual inviolability*] the person directing the proceedings shall take a decision to invite an advocate as the provider of legal assistance in accordance with the following procedures – [*the person directing the proceedings shall notify the decision on necessity to ensure a representative in criminal proceedings to the senior 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 senior 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 senior of the sworn advocates in the territory of the relevant court process.*] In such case payment to the advocate for the provision of State ensured legal assistance and the reimbursable expenses related to the provision thereof shall be covered in accordance with Cabinet regulations governing payment for the provision of State ensured legal assistance.

Additionally it should be mentioned that the representative of the victim or provider of legal aid ensured by the State shall participate in the case from the moment of accepting the task until the termination of criminal proceedings.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

The rules on the provision of legal aid to victims of trafficking in human beings are not differentiated according to their nationality. Consequently, all victims of trafficking in human beings have equal procedural rights under the Criminal Procedure Law.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

According to the Criminal Procedure Law Section 104 paragraph five if the rights of a minor and the protection of the interests thereof are encumbered or otherwise not ensured, or the representatives (a mother, father, or guardian; one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant member of the immediate family takes care of the minor; a representative of an authority protecting the rights of children; a representative of such non-governmental organisation that performs the function of protecting the rights of children) submit a reasoned request, the person directing the proceedings shall take a decision on retaining of an advocate as the representative of a minor victim. In exceptional cases, the person directing the proceedings shall take a decision on retaining of the representative - advocate of a victim - a person in need 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. The person directing the proceedings shall invite an advocate also in cases when any member of the immediate family is not able to represent the victim who is a person who, due to physical or mental deficiencies, has been recognised as a victim without his or her consent, and the victim cannot be represented by any of his or her immediate family.

The Criminal Procedure Law Section 104 paragraph six: in the cases provided for in paragraph five of the Section 104, the person directing the proceedings shall notify the decision on necessity to ensure a representative in criminal proceedings to the senior 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 senior 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 senior of the sworn advocates in the territory of the relevant court process.

According to the Criminal Procedure Law Section 108 paragraph five and six provision of legal assistance to a minor victim and the representative of a minor victim is mandatory in criminal proceedings regarding a criminal offence related to violence committed by a person, upon whom the minor victim is financially or otherwise dependent, or regarding a criminal offence against morals or sexual inviolability. If a minor victim or his or her representative has not entered into an agreement with an advocate regarding provision of legal assistance, in the case provided for in Paragraph five of this Section the person directing the proceedings shall take a decision to invite an advocate as the provider of legal assistance in accordance with the procedures provided for in Section 104, Paragraph six of this Law. In such case payment to the advocate for the provision of State ensured legal assistance and the reimbursable expenses related to the provision thereof shall be covered in accordance with Cabinet regulations governing payment for the provision of State ensured legal assistance.

The State-ensured legal aid is provided all time during the criminal proceeding until the time of the coming into effect of the final court adjudication. Legal aid is available to the victim when requesting compensation in the framework of criminal proceedings.

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

According to information provided by the Council of Sworn Lawyers information is available at the Council about specializations of sworn lawyers on following areas of their actions: administrative rights, labour rights, European Human Rights Court process, family rights, intellectual property rights, commercial rights, criminal rights, inheritance rights, tax rights, insolvency process, rights in rem, contract law, and Constitution Court process. The Council of Sworn Lawyers has not performed special accounting regarding specialization of sworn lawyers on provision of legal aid and representation of victims of trafficking in human beings in court, but it can be done if collection of such information is necessary.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

The Legal Aid Administration provides payment to the advocate for provision of the State-ensured legal aid according to the legal provisions set by the Cabinet Regulations No 1493 "Regulations Regarding the Amount of State-ensured Legal Aid, the Amount of Payment, Reimbursable Expenses and the Procedures for Payment Thereof" adopted on 22 December 2009.

It should also be noted that if the person has been provided with free legal assistance according to the provisions of the Criminal Procedure Law, the victim does not have to make any financial payments by him/herself.

Information on the order of application for the State-ensured legal aid and conditions and procedures for obtaining State-ensured legal aid the victims of criminal offence can receive by calling to the toll-free informative telephone number 80001801 of the Legal Aid Administration during its working hours.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

According to the Criminal Procedure Law the victim has right to receive information regarding the conditions for applying for and receipt of a compensation, including State compensation and to submit an application regarding compensation for the harm inflicted in accordance with the procedures laid down in the Criminal Procedure Law.

The victim's rights to compensation of harm caused by a criminal offence are provided by the Chapter 26 "Compensation for Harm Caused by a Criminal Offence" of the Criminal Procedure Law.

According to the Section 350 of the Criminal Procedure Law compensation is payment specified in monetary terms that a person who has caused harm with a criminal offence pays to a victim as atonement for moral injury, physical suffering, or financial loss. Compensation is an element of the regulation of criminal-legal relations which an accused pays voluntarily, or on the basis of a court ruling or a prosecutor's penal order. If a victim believes that the entire harm caused to him or her has not been compensated with a compensation, he or she has the right to request the compensation thereof in accordance with the procedures laid down in the Civil Procedure Law. In requesting consideration in accordance with civil legal procedures, a victim shall be discharged from the State fee.

According to the Section 351 of the Criminal Procedure Law a victim has the right to submit an application regarding compensation for a caused harm in any stage of criminal proceedings up to the commencement of a court investigation in a court of first instance. The application shall justify the amount of the requested compensation for financial losses, but the amount of compensation for moral injury and physical suffering - shall just be indicated. An application may be submitted in writing or expressed orally.

During pre-trial proceedings, a prosecutor shall indicate a submitted application of the victim and the amount of requested compensation, as well as his or her opinion thereon in the document regarding the completion of pre-trial proceedings.

A prosecutor shall draw up a penal order, if an accused admits his or her guilt, has compensated the harm caused to a victim, as well as has reimbursed the compensation disbursed by the State and agrees to the completion of criminal proceedings by applying a punishment to him or her.

According to the Criminal Procedure Law a prosecutor in a prosecution speech during court debates shall express a point of view regarding the amount of compensation requested by the victim. In the trial of a case a prosecutor may submit and maintain an application regarding a recovery of compensation in the interests of the State or local government, including the State compensation paid to the victim for moral injury, physical suffering or financial loss resulting from an intentional criminal offence.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

According to the Section 352 of the Criminal Procedure Law a court shall determine the amount of compensation by assessing the application of a victim, and by taking into account:

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

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

The measures to provide efficient procedure of payment of compensation are provided by the Criminal Procedure Law:

- Section 361 provides that the property can be seized within criminal proceedings to provide compensation for a harm to a victim;
- Section 528: the operative part of a judgment of conviction which contains a court decision on compensation for harm, including the amount of compensation disbursed by the State, determining a term for voluntary execution of the judgment - 30 days from the date of the entering into effect of the judgment;
- Section 359: after entering into effect of a final ruling in criminal proceedings, resources acquired as a result of the confiscation of criminally acquired property shall be used first for the ensuring and payment of the requested compensation;
- Section 634¹: sworn bailiffs shall execute rulings on recovery of compensation regarding a harm caused to a victim.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

It should also be noted that in such cases the victim has all the rights guaranteed by the Criminal Procedure Law to compensation for a harm to a victim and receipt of compensation.

The legal regulation of the Law On State Compensation to Victims provides that The Legal Aid Administration shall take the decision on the request of a long-term resident of another European Union Member State to pay a compensation regarding the injury that has occurred as a result of a criminal offence in the territory of Latvia.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

Phenomenon of labour exploitation and trafficking in human beings for the purpose of labour exploitation became topical only since the year 2018 when the State Labour Inspectorate identified as well as received complaints from migrant workers regarding unpaid wages. The very first case Latvian competent partners faced in April 2019 when the mandated social service provider formally identified 15 citizens of Tajikistan and 2 citizens of Uzbekistan as victims of trafficking in human beings for the purpose of labour exploitation. They had worked from November 2018 until March 2019, they were unpaid, quite small amount of money was paid times, the labour contract was concluded into Latvian language, employer had not explained provisions of the labour contract. In April employer terminated employment relationship orally, not complying with legal norms of the Labour Law. The regional police board did not start an investigation of this case despite of wide attention of mass media. This case was very widely reflected in all types of mass media in Latvia. 1 victim decided to return to the home country, voluntary return was organized and provided by the IOM Riga Office, expenses covered by the Ministry of the Interior. Reflection period for the time period of 30 days was granted to 16 victims. 2 victims requested voluntary return and it was provided. 14 victims received State funded social rehabilitation services and a social worker provided assistance to find new employment opportunities. 9 victims were successful and got new labour contracts and temporary residence permits based on employment as well as they continued to receive rehabilitation services in total for six months, voluntary return was provided for 5 victims who did not find new jobs. As the employer ignored order issued by the State Labour Inspectorate on 2 August 2019 to calculate and pay remuneration to the workers by 28 August 2019, the lawyer of the mandated social service provider on behalf of the victims prepared 10 applications for a claim on the recovery of wages and losses and submitted them to a court in the middle of November 2019. In the applications there are references to the legal norms of the Civil Law, Labour Law and the Civil Procedure Law. The court hearing is appointed on 11 March 2020.

To calculate unpaid wages and losses in this case the lawyer of the mandated social service provider takes into consideration:

- the concluded labour contract and determined wage to be paid per month,
- Cabinet Regulation No 564 "Regulations Regarding Residence Permits" adopted on 21 June 2010 [An inviter in drawing up a sponsorship for a foreigner whom it is intended to employ in the Republic of Latvia shall submit an application in which is indicated justification for the necessity to employ the foreigner; place (places), address (addresses) of work performance; working time in hours per week; amount of work remuneration per month. If the work of a foreigner in the Republic of Latvia is intended in accordance with an employment contract or a work-performance contract, submit a copy of the employment contract or a draft thereof or a copy of the work-performance contract or a draft thereof. If the sponsorship application has been submitted by the provider of labour force provision services, in addition the application of the recipient of the labour force provision services shall be submitted in which information regarding the duration of employment of each invited foreigner with the relevant provider of labour force provision service and regarding the place of work has been indicated.]
- Cabinet Regulation No 225 "Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means" adopted on 25 April 2017 [Regulation prescribes the amount of financial means necessary for a foreigner to enter and reside in the Republic of Latvia or other Schengen Agreement Member States. If the foreigner requests a residence permit in relation to employment the necessary amount of financial means (the lowest legal gross monthly work remuneration) per month is corresponding to the average gross monthly work remuneration of working persons for the previous year (in accordance with the last information published by the Central Statistical Bureau).

- According to the Labour Law a minimum salary shall not be less than the minimum level determined by the State. It is the obligation of the work placement service provider as the employer to ensure the same working conditions and apply the same employment provisions to an employee who has been appointed for a specified period to perform work in the undertaking of the recipient of the work placement service as would be ensured and applied to an employee if employment relationships between the employee and the recipient of the work placement service had been established directly and the employee was to perform the same work. The working conditions and employment provisions referred shall apply to working time and rest time, remuneration, pregnant women, women during the period following childbirth up to one year, women who are breastfeeding, to the protection assigned to children and adolescents, and also to the principle of equal rights and the prohibition of differential treatment. The daily allowance of an official trip is not the remuneration.
- As the Labour Law does not contain definition of the loss to understand this concept the legal regulation provided by the Civil Law should be taken into consideration: a loss shall be understood to mean any deprivation which can be assessed financially. Losses may be either such losses as have already arisen, or such losses as are anticipated. A loss which has already arisen may be a diminution of the victim's present property or a decrease in his or her anticipated profits.
- In 2018, according to the figures of the Central Statistical Bureau of Latvia (www.csb.gov.lv) on average wages, the average salary was EUR 1004,00 gross per month, amounting to EUR 742,00 net per month. In 2019, according to the figures of the Central Statistical Bureau of Latvia (www.csb.gov.lv) on average wages, the average salary is EUR 1100,00 gross per month, amounting to EUR 768,00 net per month. On the basis of the above-mentioned loss estimate: [number of months in 2018] x 742,00 EUR = [amount of money] EUR; [number of months in 2019] x 768,00 EUR = [amount of money] EUR.

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

The Judicial Training Centre has provided following trainings and workshops:

- "Court practise in Trafficking in Human Beings cases" (2015), participated 15 judges, 41 legal secretaries;
- in cooperation with ERA (Academy of European Law) "Fight against trafficking in human beings – towards the comprehensive approach" (2015), participated from Latvia 2 judges and 5 prosecutors;
- two-days training "Child – a victim of trafficking in human beings" (2017), 126 participants, including judges, legal secretaries, prosecutors, employees of the Supreme Court;
- "Victim in the criminal proceedings" (2017), topics: the rights of victims and violations of rights in the criminal proceedings; compensation of the harm caused, participated 37 judges, 12 legal secretaries;
- "Legal aid in the criminal proceedings" (2019), topics: the rights of the accused person/victim, their representation, persons who are exercising the defence/representation, the lawyer and his/her powers; State-ensured legal assistance in criminal proceedings: procedures for provision and payment; European Human Rights Court practice on defence/representation, the conduct of judges and lawyers in criminal proceedings, 25 judges and 37 legal secretaries participated.
- Additionally to the national trainings and workshops the Judicial Training Centre provides opportunities for judges from Latvia to participate at international trainings and workshops organized by EJTN (European Justice training Network). Judges used these opportunities in 215, 2016 and 2018.

The Professional Development Division of the College of the State Police provides training entitled "Trafficking in human beings: forms and prevention" to official of the State Police. The purpose of the programme is to provide theoretical knowledge on the phenomenon of trafficking in human beings to officials of the State Police and to develop practical skills regarding the identification of cases of trafficking in human beings and prevention thereof. In 2018 – 38 police officials and in 2019 – 91 police officers acquired this specialized programme.

The Local Governments Training centre of Latvia in the framework of specialized training programmes provides 4 hours training on trafficking in human beings provided by the National Anti-Trafficking Coordinator. This is a general but at the same time comprehensive training on the topic – it covers definition, factors, early identification, formal identification, inter-institutional cooperation, rights of victims, State funded social rehabilitation services, support services to victims participating in the criminal proceeding, compensations, non-punishment. In 2018 in total 194 specialists acquired this training: 110 Municipal Police officials, 26 State Police officials, 24 sworn lawyers, 15 prosecutors, in the 2019 – 202 specialists: 41 sworn lawyers, 63 judges, 24 Municipal Police officials, 49 psychologists, 25 prosecutors.

On 10 – 11 May 2018 the Ministry of the Interior hosted one-day Trafficking in Persons Training for Judges, Prosecutors, and Law Enforcement for two groups (in total 125 persons participated: out of them – police officers (40), prosecutors (32), judges (16 judges, 19 court employees) and representatives of the NGO sector) "Strengthening Latvia's Response to Human Trafficking: Guidelines for More Effective Prosecution and Sentencing". More than 100 participants participated in two-day training. Training was conducted by guest lecturers from the United States: Prosecutor Barbara A. Martinez and Judge Mark J. Kappelhoff, who shared their knowledge and experience on following topics: Identifying Human Trafficking and Utilizing a Victim Centered/Trauma-Informed Approach to Combating Human Trafficking, Sex Trafficking: Best Practices for Investigating and Prosecuting Sex Trafficking Cases, Labor Trafficking: Best Practices for Investigating and Prosecuting Labor Trafficking Cases, Case Study-based Training to Develop Strategies to Identify, Investigate and Prosecute Sex and Labor Trafficking Cases.

In 2019 1400 border guards acquired training (out of them 112 – for the first time, 1288 – repeatedly) on trafficking in human beings and identification of victims of human trafficking provided by instructors trained at the State Border Guard College according the training programme developed based on the handbook of the Frontex.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

The Law On State Compensation to Victims does not provide special restrictions and criterions of eligibility for victims of trafficking in human beings to receive a State compensation.

In order for a person to be entitled to a State compensation, a set of such preconditions must exist:

- 1) a natural person who, in accordance with the procedures laid down in the Criminal Procedure Law, has been recognised a victim;
- 2) harm is resulting from an intentional criminal offence;
- 3) it is identified that the victim is a victim of trafficking in human beings (nature of the harm caused as a result of the criminal offence – existence of indicative signs of trafficking in human beings).

The victim can request the State compensation both in criminal proceedings, in which a final verdict has not been reached and in completed criminal proceedings. In order to receive State compensation it is not necessary to await the final decision of the person directing the proceedings.

According to the Law On State Compensation to Victims if a victim has received compensation for the offence committed from the perpetrator or from another person on his or her behalf, the amount of the State compensation shall be reduced according to the compensation already received.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

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. A person who is recognized as the victim of trafficking in human beings can receive the State compensation in the amount of 90%.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

According to the Law On State Compensation to Victims the Legal Aid Administration shall take the decision on the request of a long-term resident of another European Union Member State to pay a compensation regarding the injury that has occurred as a result of a criminal offence in the territory of Latvia.

The request for the State compensation shall be submitted to the Legal Aid Administration within one year after the day when a person has been recognised a victim or has become aware of the facts that give such person the right to be recognised as such. The request shall be submitted in Latvian or English. The documents that are to be submitted to the Legal Aid Administration need not be legalised and equal formality shall not be applied thereto.

The Legal Aid Administration shall, within seven days from the day of the receipt of the request, provide to the victim, but if the request has been received from a competent authority of another European Union Member State - also to it the following information:

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

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

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

According to the Law On State Compensation to Victims the victim shall submit a request for the State compensation to the Legal Aid Administration - a completed form of the request for the State compensation, the sample of which shall be approved by the Cabinet - in order to receive the State compensation.

The victim his/her request may submit to the Legal Aid Administration without the assistance of a lawyer, because the victim of the criminal offence may receive information regarding the procedures for requesting the State compensation and the conditions for receipt of the State compensation in the Legal Aid Administration during its working hours, as well as by calling the Legal Aid Administration a toll-free informative phone 80001801 during the working hours of the institution.

At the same time, it should be noted that the State compensation paid is not taxed.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to:

- i) **confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and**

Confiscation of the criminally acquired property, proceeds of crime which the person has obtained from the disposal of such property, and also the yield received as a result of the use of the criminally acquired property is governed by the Criminal Law Chapter VIII.² "Special Confiscation of Property" adopted on 22 June 2017, entered into force on 1 August 2017.

The Criminal Law Section 70.¹¹ provides that criminally acquired property is a property which has come into the ownership or possession of a person as a direct or indirect result of a criminal offence. If the value of the property is not proportionate to the legitimate income of the person and the person does not prove that the property is acquired in a legitimate way, as a criminally acquired property can also be recognised the property that belongs to a person:

- 1) who has committed a crime which in its nature is focused on the gaining of financial or other kind of benefit;
- 2) who is a member of an organised group or abets such group;
- 3) who is connected with terrorism.

A property which is at the disposal of such person who maintains permanent family, economic or other kind of property relationships with the person referred above can also be recognised as a criminally acquired property, if the value of the property is not proportionate to the legitimate income of the person and the person does not prove that the property is acquired in a legitimate way.

The criminally acquired property, proceeds of crime which the person has obtained from the disposal of such property, and also the yield received as a result of the use of the criminally acquired property shall be confiscated, unless it must be returned to the owner or legal possessor.

According to the Criminal Procedure Law Section 358 Criminally acquired property shall be confiscated with a court ruling or by a decision of a prosecutor to terminate criminal proceedings.

The Criminal Law Section 195 "Laundering of the Proceeds from Crime" provides criminal liability for commitment of laundering of criminally acquired financial resources or other property.

- ii) **identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?**

According to the Criminal Procedure Law Section 361 to ensure the recovery of procedural expenditures and compensation for a harm to a victim, possible return, on the basis of ownership, of a criminally acquired property to the owner or lawful possessor, possible confiscation of a criminally acquired property, resources that a person has acquired from the disposal of such property, the yield received as a result of the use of the criminally acquired property, or property related to a criminal offence, and also possible confiscation of property as an additional punishment, the property will be seized within criminal proceedings.

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

According to the Criminal Procedure Law Section 359 after entering into effect of a final ruling in criminal proceedings, resources acquired as a result of the confiscation of criminally acquired property shall be used first for the ensuring and payment of the requested compensation. Actions with the acquired resources shall take place in accordance with the procedures laid down in the Law on Execution of Confiscation of Criminally Acquired Property.

According to the Criminal Procedure Law Section 361 to ensure the recovery of procedural expenditures and compensation for a harm to a victim, possible return, on the basis of ownership, of a criminally acquired property to the owner or lawful possessor, possible confiscation of a criminally acquired property,

resources that a person has acquired from the disposal of such property, the yield received as a result of the use of the criminally acquired property, or property related to a criminal offence, and also possible confiscation of property as an additional punishment, the property will be seized within criminal proceedings.

It should be noted that according to the Law on Execution of Confiscation of Criminally Acquired Property Section 45 a half of the confiscated proceeds from crime transferred to the State Budget but not more than two million euro in a financial year shall be transferred to a separate budget programme of the Ministry of Justice in order to implement the required measures for combating financial and economic crimes and providing support to crime victims. The confiscated proceeds from crime may be used by institutions to implement measures to support victims of criminal offences (including victims of trafficking in human beings).

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

According to the Criminal Procedure Law Section 97.¹ a victim has rights to settle with a person who has inflicted harm to him or her, as well as to receive information regarding implementation of the settlement and its consequences. This right also applies to victims of trafficking in human beings. In the case of a settlement, an intermediary trained by the State Probation Service may facilitate the conciliation of a victim and the person who has the right to defence. In determining that a settlement is possible in criminal proceedings, and that the involvement of an intermediary is useful, the person directing the proceedings may inform the State Probation Service regarding such possibility or usefulness, but if the criminal offence was committed by a minor, then the State Probation Service shall be informed at any case, except the case when the settlement has already been entered into. A mediator of the State Probation Service has the right not to testify regarding settlement proceedings, as well as regarding the behaviour of the parties involved and third parties during the settlement meeting, except in cases when information regarding another criminal offence is revealed during the settlement proceedings.

A settlement with the victim or his or her representative based on the Criminal legal provision which provides that – *a person who has committed a criminal violation or a less serious crime, except criminal offences resulting in death of a human being, may be released from criminal liability if there is a settlement effected with the victim or with his or her representative and within the last year the person has not been released from criminal liability for committing an intentional criminal offence by reaching a settlement and has completely eliminated the harm caused by the criminal offences committed or has reimbursed for the losses caused*, can provide grounds for termination of the criminal proceedings only if the person who has committed a criminal violation or a less serious crime. Considering trafficking in human beings as a serious or especially serious crime depending from incriminated paragraph of the Criminal Law Section 154.¹“Human Trafficking” a settlement between a victim and an accused may not influence direction of the criminal proceedings.

According to the Criminal Procedure Law Section 433 a prosecutor may enter into an agreement, on the basis of his or her own initiative or the initiative of an accused or his or her defence counsel, regarding an admission of guilt and a punishment, if circumstances have been ascertained that apply to an object of evidence, and the accused agrees to the amount and qualification of his or her incriminating offence, an assessment of the harm caused by such offence, and the application of agreement proceedings. In this process a victim has rights to submit a recusal; to receive information in a timely manner regarding where and when a court will examine an agreement; to participate in examination of the agreement in court; to express his or her objections to the approval of the agreement; to submit objections against trial of a case in a written procedure; to submit a cassation complaint regarding violations of the procedures of agreement proceedings or violation of the norms of The Criminal Law; to participate in examination of a case in a cassation court.

According to the Criminal Procedure Law Section 437 the minutes of an agreement shall indicate the amount of harm caused by the criminal offence, and an agreement regarding the compensation of such harm. Such an agreement shall be approved by a court hearing the view of the victim, and indicating in

the operative part of the court ruling the compensation for the harm caused, including the amount of compensation paid by the State.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

Every criminal proceeding/criminal case differs from each other considering its scope (national, international), number of persons involved, investigators, prosecutors, judges have many other cases as well as there are not specialized judges on human trafficking and there are many other factors which impact duration of provision of all stages of the criminal case.

There are some examples collected regarding recent criminal cases on trafficking in human beings:

- Criminal Case xxxxxxx3813: criminal offences committed in 2011, criminal proceeding initiated in 2013, sent for adjudication in 2016, court decision in February 2018, appeal court decision March 2019 [resulted in real imprisonment 2 persons, 5 years 2 months and probation supervision 3 years]
- Criminal Case xxxxxxx0414: criminal proceeding initiated on 8 January 2014, sent for prosecution 29 March 2016, sent for adjudication on 27 April 2016, still in the court;
- Criminal Case xxxxxxx2216: criminal proceeding initiated on 06 December 2016, on 30 December 2016 sent for adjudication, court decision on 20 June 2017;
- Criminal Case xxxxxxx0117: criminal proceeding initiated on 6 January 2017, on 31 January 2017 sent for adjudication, court decision on 21 March 2017;
- Criminal Case xxxxxxx3717: criminal offences committed from 2016 second half of the year until 2017 the first half of the year, criminal proceeding initiated in May 2017, sent for prosecution in August 2018, sent for adjudication in November 2018, court decision in September 2019, prosecutor's appeal application submitted to a court in December 2019.

These are a few examples, but there are also criminal cases which were started in 2005 and 2008 – court decision taken in 2016; criminal cases which were started in 2007, 2009, 2016, 2017 – court decision taken in 2017; in 2018 there is one decision of appeal court made in the criminal case started in 2009.

Matters that are related to ensuring the rights or interests of the child, also criminal matters in which the defendant is a minor, shall be adjudicated in court by emergency procedure.

According to the Criminal Procedure Law there are special features of court proceedings in relation to an agreement entered into during pre-trial proceedings provided. Examination of a criminal case in agreement proceedings shall commence within 21 days from the day when such case was received in the court proceedings of a judge. A judge shall try a criminal case in agreement proceedings sitting alone. A judge may take a decision to try a case in a written procedure and a case shall be examined in a written procedure according to the materials in the case. If a judge takes a decision to try a case in an oral procedure it is done without verification of evidence. In both cases a court ruling shall be appealed only in accordance with cassation procedures.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

The legislator in a comprehensive assessment has identified effective, proportionate and dissuasive sanctions in the Article 154.¹ "Human Trafficking" of the Criminal Law on trafficking in human beings or on trafficking in human beings, if the criminal offence is committed against a minor or if committed by a group of persons following prior agreement, namely that the possible forms of punishment are deprivation of liberty with or without confiscation of property.

A punishment shall be determined to the extent provided for the committed criminal offence by the sanction of the relevant Section of the Special Part of the Criminal Law, conforming to the provisions of the General Part of the Criminal Law. In determining the type of punishment, the nature of and harm caused by the criminal offence committed, as well as the personality of the offender shall be taken into account. In determining the amount of punishment, the circumstances mitigating or aggravating the liability shall be taken into account.

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

According to the Criminal Procedure Law Section 96.¹ Paragraph one a minor and a person who has suffered from human trafficking is specially protected victim. A specially protected victim along with the general rights of the victim has such substantive rights, different from other victims:

- 1) a specially protected victim may participate in procedural activities, with a permission of the person directing the proceedings, together with the trusted person, unless it is a person against whom criminal proceedings have been initiated, a detained, a suspect, or an accused.
- 2) a specially protected victim may request and receive information regarding release or escape of such arrested or convicted person from a place of imprisonment or a place of temporary detention who has inflicted harm to him or her, if there is a threat to the victim and there is not risk of harm to the arrested or convicted person. Such request may be notified until making of a final ruling in criminal proceedings.
- 3) a specially protected victim may request that his or her participation and hearing in a court hearing takes place using technical means.

According to the Criminal Procedure Law Section 151.¹ interrogation of a specially protected victim is performed in a separate room appropriate for such purposes or without the presence of persons not related to the particular procedural action.

Interrogation of such person who has been recognised as a victim of violence committed by a person upon whom the victim is dependent financially or otherwise, a victim of human trafficking, or a criminal offence directed against morality or sexual inviolability of the person, shall be conducted by a performer of an investigative action of the same gender. The abovementioned condition need not be conformed to, if the victim himself or herself or his or her representative agrees thereto. If the victim of a criminal offence directed against morality or sexual inviolability of a person and the person who has the right to defence is of the same gender and if it is requested by the victim or his or her representative, the interrogation shall be performed by a performer of an investigative action of the opposite gender.

According to Criminal Procedure Law Section 152 the course of interrogation of a minor shall be recorded in an audio and video recording, if it is in the best interests of the minor and if it is necessary for achieving the objective of criminal proceedings. The course of interrogation of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is dependent financially or otherwise, a victim of human trafficking, or a criminal offence directed against morality or sexual inviolability of the person, shall be recorded in an audio and video recording, except when it is in contradiction with the best interests of the minor or hinders the achievement of the objective of criminal proceedings. The length of an interrogation of a minor without the consent of such minor may not exceed six hours, during a twenty-four-hour term, including an interruption.

A minor shall be interrogated by a performer of an investigative action who has special knowledge regarding communication with a minor during criminal proceedings. If the performer of an investigative action has not acquired special knowledge regarding communication with a minor during criminal proceedings or if the performer of an investigative action deems it necessary, the minor shall be interrogated in the presence of a pedagogue or a psychologist. The representative of a minor has the right to participate in interrogation if the minor does not object thereto. The referred to person may ask the person being interrogated questions, with the permission of the performer of the investigative action.

If a psychologist considers that the psyche of a person who has not reached 14 years of age or the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is financially or otherwise dependent, a victim of human trafficking or criminal offence against morals or sexual inviolability, may be harmed by a direct interrogation, it may be performed with the intermediation of technical means and a psychologist. If an investigator or prosecutor does not agree, the direct interrogation shall be performed only with the permission of the investigating judge, and in a court - with a court decision.

A victim - natural person of legal age may be represented by any natural person of legal age who is not subject to trusteeship, on the grounds of the authorisation of the victim, which is drawn up as a notarially certified power of attorney. If the victim has expressed the authorisation orally, the person directing the proceedings shall draw it up in writing.

If harm has been caused to a minor person, the victim shall be represented by:

- 1) a mother, father, or guardian;
- 2) one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant member of the immediate family takes care of the minor;
- 3) a representative of an authority protecting the rights of children;
- 4) a representative of such non-governmental organisation that performs the function of protecting the rights of children.

If harm has been caused to a minor who stays in the Republic of Latvia without the presence of [*a mother, father, or guardian; one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant member of the immediate family takes care of the minor; a representative of an authority protecting the rights of children; a representative of such non-governmental organisation that performs the function of protecting the rights of children*], the victim may be represented by such person of legal age who during the time of stay in the Republic of Latvia is responsible for the minor.

If harm has been inflicted to a person who is subject to trusteeship due to mental or other health impairment, the victim shall be represented by his or her trustee, any of the persons referred to [*a mother, father, or guardian; one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant member of the immediate family takes care of the minor; a representative of an authority protecting the rights of children; a representative of such non-governmental organisation that performs the function of protecting the rights of children*], or a representative of such non-governmental organisation who carries out protection of the interests and rights of persons with mental impairments.

If the rights of a minor and the protection of the interests thereof are encumbered or otherwise not ensured, or the representatives referred to in Paragraph two of this Section submit a reasoned request, the person directing the proceedings shall take a decision on retaining of an advocate as the representative of a minor victim. In exceptional cases, the person directing the proceedings shall take a decision on retaining of the representative - advocate of a victim - a person in need 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.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

In accordance with the Section 23 of the Ombudsman Law any individual has the right to apply the Ombudsman's Office with a submission regard an ineffective criminal investigation. The Ombudsman shall examine a submission of a person and if potential violation of human rights is noticed, shall initiate a verification procedure. During the verification procedure factual and legal circumstances of the case shall be evaluated. The Ombudsman shall request necessary information from parties involved in the case, state

and municipal institutions, as well shall request opinions of specialists about circumstances to be clarified in a verification procedure. The initiation of a verification procedure shall not suspend the validity of laws and regulations, court judgement, administrative or other individual legal instruments, as well as the procedural time periods laid down in the law, and therefore a verification procedure might not be the grounds for a person not to use internal mechanism of rights protection determined in the country.

A verification procedure shall be completed pursuant to the conciliation of the persons involved in the procedure or an opinion of the Ombudsman. If a verification procedure is completed with an opinion of the Ombudsman, the opinion shall contain recommendations regarding the rectification of the established violation, as well as, where necessary, other recommendations, for example improvement of legal regulation. The opinion of the Ombudsman shall be of a recommending nature, it has no compulsory element.

Approaching the Ombudsman and examination of the case is toll-free. The submissions, complaints or proposals addressed to the Ombudsman's Office and sent by persons who are in the military service, out-of-family care and instructional institutions or closed-type institutions, as well as the replies of the Ombudsman's Office thereto shall not be subject to the examination laid down in laws and regulations and shall be delivered to the addressee without delay. At the same time, the Ombudsman will accept only those applications which comply with the requirements specified in the Law, and if the person applies with an application regarding the possible violation of the rights of another person, it will be necessary to submit a document certifying the authorisation. In the case of representation of a minor, it will be an application signed by the legal representative.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

According to the Immigration Law the removal process shall be observed by the Ombudsman. The observation of the removal process shall include: 1) visiting of the detained foreigners subject to removal at their place of accommodation in order to evaluate the conditions of accommodation and maintenance, also the provision of medical assistance and the satisfaction of other needs; 2) a questioning of the foreigner in order to determine his or her awareness of the progress of the removal process, his or her rights and the possibility for implementation thereof.

In general, visits to the accommodation centre of foreigners take place several days before actual removal, and detained foreigners have the opportunity to meet with representatives of the Ombudsman and to express their complaints in person. When interviewing foreigners in respect of which a decision on forced removal has been taken, the representatives of the Ombudsman's Office shall determine whether the principle of non-refoulement will be violated during the removal process. Depending on the circumstances of the case, issues are also discussed with the person – for example issues regarding the type of entry, whether a person has borrowed money for an exit from his/her country of origin, whether he or she has documents, and other issues that could help identify victims of human trafficking.

The Ombudsman has the right at any time and without a special permit to visit closed-type institutions, to move freely within the territory of the institutions, to visit all premises and to meet in private the persons held in closed-type institutions.

The contact information of the Ombudsman's Office is publicly available in the accommodation centres of detained foreigners, so that persons in respect of which a decision on forced removal has not entered into force, but they are in the accommodation centre of detained foreigners may also to be contact with the Ombudsman.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB?

Neither the Criminal Law nor the Criminal Procedure Law restrict the possibility of carrying out criminal proceedings against a State official if it relates to trafficking in human beings in any form of its expression.

The Criminal Law provides criminal liability for a person who, being a public official, commits failing to perform his or her duties, that is, if a public official intentionally or through negligence fails to perform acts which, according to law or his or her assigned duties, he or she must perform to prevent harm to State authority, administrative order or interests protected by law of a person, and if substantial harm has been caused thereby to State power, administrative order or rights and interests protected by law of a person.

Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

Until now, there have been no cases of activity or failure to act of Latvian diplomats abroad which would have contributed to human trafficking.

At the moment there is no reason for the statement that the activity or failure to act of the public sector would contribute to some extent to the development of the situation of trafficking in human beings. It is not recognised as a problem of a large scale in Latvia. The assessment of the information received from the competent institutions confirm that there are no systemic public sector links to forms of trafficking in human beings in the country, but only individual cases of this nature can be identified.

In 2011 a criminal proceeding against former official of the State Police was started, in 2016 this person was charged with extortion of a bribe from an owner of brothel, use of official position in bad faith and disclosure of an official secret. In 2013, the court found this person guilty of committing criminal offences and punished by a real custodial sentence of five years, depriving the rights to take positions in law enforcement authorities for a period of five years. In 2014, the Riga Regional Court, as the appeal instance, decided to repeal the judgment and to refer the criminal case to the Court of First Instance for a new adjudication. The prosecutor submitted a cassation protest for this court decision. The Supreme Court found the requests contained in the protest justified, annulled the decision of the Court of Appeal, and in 2015 submitted the criminal case to a new trial in Riga Regional Court. The Court of Appeal found the person guilty of committing all the criminal offences mentioned above and punished him with a real imprisonment for four (4) years, depriving him of his right to take positions in law enforcement authorities for a period of five (5) years. The judgment of that court has entered into force on 31 March 2016.

In another criminal proceeding which was initiated in 2011 pursuant to Criminal Law Section 165.¹ "Sending a Person for Sexual exploitation" a sworn lawyer was charged with committing a criminal offence provided for in the Criminal Law Section 313 "Concealing without a Prior Promise". The proceedings are still ongoing in the Court of First Instance.

In 2014 a criminal proceeding was initiated and several persons were charged including two officials of Riga Municipal Police. One person was charged with accepting bribes, another – pimping in organized criminal group and intermediation in bribery. The criminal case was sent to a court for adjudication in 2015 and the main charges are with regard to establishment of massage parlour where sexual services were provided for fee and disclosure of information about planned controlling measures. The proceedings are still ongoing in the Court of First Instance.

In 2019 a criminal proceeding was initiated and a sworn lawyer is charged with committing criminal offences pursuant to the Criminal Law Section 165 "Living on the Avails of Prostitution" (a person who commits taking advantage, for the purpose of enrichment, of a person who is engaged in prostitution) and Section 177 "Fraud" (commitment of fraud on a large scale). In fact this criminal proceeding was initiated investigation criminal offence committed by another person. In 2019 the criminal case is sent to a court for adjudication.

In 2019 a criminal case is sent to a court for adjudication in which a representative of religious denomination charged with commitment of criminal offences of trafficking in human beings and sexual violence (Criminal Law Section 160 "Sexual Violence").

If a public official commits criminal offence of trafficking in human beings by using his/her status of public official such a public official can be charged with commitment of criminal offences pursuant the Criminal Law Section 317 "Exceeding Official Authority", Section 318 "Using Official Position in Bad Faith" or Section 319 "Failure to Act by a Public Official".

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

The Latvian Judicial Training Centre in Latvia ensures the continuing training of judges and employees of court, the Latvian Judicial Training Centre provides this task with a view to strengthening the law governed state and promoting a common understanding of rights within the European Union's common legal area. The main objective of the Latvian Judicial Training Centre is to ensure the qualitative continued training and professional development of judicial staff (training, workshops, exchanges of experience, etc.), with particular attention to topics and improvements that increase the quality of judgments and prepare professionals for qualitative work in the European Union legal system.

In February 2014, the Latvian Judicial Training Centre received the quality management system certificate LVS EN ISO 9001:2009. The certification and the document issued by Bureau Veritas is proof of the results of the work carried out by employees of the Latvian Judicial Training Centre. This shows that the Latvian Judicial Training Centre works effectively to develop, maintain and continually improve the quality management system in the provision of the training process. The Latvian Judicial Training Centre also provides training for other legal professions – prosecutors, lawyers, and lawyers and employees of State administration and local government institutions.

Criminal proceedings regarding criminal offences in trafficking in human beings are particularly topical in the Public Prosecutor's Office of the Republic of Latvia. This means that combating offences related to trafficking in human beings is one of the priorities of the Prosecutor's Office.

The Prosecutor's Office has established the practice that criminal proceedings initiated on trafficking in human beings pursuant to the Criminal Law Section 154.¹ "Human Trafficking" are subject to supervision and prosecution by prosecutors of the Specialised Public Prosecutor's Office of Organised Crime and Other Sectors. Prosecutors of this unit exercise these functions in criminal proceedings related to trafficking in human beings which have been initiated in the territory of the region of Riga. In the rest of the State, the exercise of duties and rights imposed on the public prosecutor in criminal proceedings of such nature shall be performed in the territorial offices of the Prosecutor's Office in accordance with the territorial jurisdiction referred to in Section 388 of the Criminal Procedure Law.

General Prosecutor's Office constantly facilitates increase of level of specialization of these prosecutors, involving them in trainings, workshops and conferences in Latvia and abroad. It is important to note that specialized prosecutors when attend international events often are invited to present Latvia's experience and best practise regarding prosecution, specialized prosecutors are well recognized as leading anti-trafficking experts in the region. Reports prepared about participation in training, workshops and conferences are posted in the information system of the Prosecutor's Office and is available to all prosecutors. Information letters drawn up by the Prosecutor General's Office are sent to prosecutors regarding changes to the regulatory framework and the novelties of the court practise. The Intranet of the Prosecutor's Office is available to any member of the Public Prosecutor's Office, has a separate section entitled "Prevention and combating trafficking in human beings" which contains informative materials on trafficking in human beings, its concept, forms, relation to other criminal offences, etc. on issues relating to trafficking in human beings.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil,

administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

According to the Criminal Law 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.

According to the Criminal Procedure Law an investigator with a consent of a supervising prosecutor, prosecutor or a court may terminate criminal proceedings, if 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.

According to the Latvian Administrative Violations Code a person may be released from administrative liability, if he or she has committed an administrative violation during a period when he or she was subjected to trafficking in human beings and was forced to commit it. An institution (official) authorized to investigate an administrative violation case, having examined the application and other materials regarding the corresponding administrative violation, may refuse to initiate proceedings in this administrative violation case if the committed violation is considered minor or if it was committed at the time when the person was subjected to trafficking in human beings and therefore was forced to commit the respective violation. This end of validity of the Latvian Administrative Violations Code is 1 July 2020. The new Law – Administrative Liability Law was adopted on 25 October 2018 and will enter into force 1 July 2020. The law provides legal provision that a person may be released from administrative liability, if he or she has committed an administrative violation during a period when he or she was subjected to trafficking in human beings and was forced to commit it.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Yes, persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation. For example in forced sham marriage cases there are criminal offences committed which are qualified pursuant to the Criminal Law Section 154.¹ "Human Trafficking" and Section 285.² "Ensuring, in Bad Faith, 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". But to have access to remedies for victims of trafficking, including State compensation the person should be recognised as a victim in accordance with the procedures laid down in the Criminal Procedure Law.

8. Protection of victims and witnesses (Articles 28 and 30)

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

According to the Criminal Procedure Law a person who is threatened in connection to the fulfilment of his or her criminal procedural obligation has the right to request the person directing the proceedings to take the measures provided for by law for the protection of such person and his or her property, as well as for the protection of the immediate family of such person.

When receiving the mentioned information, the person directing the proceedings shall, depending on the specific circumstances, decide on the necessity to take one or more of the following measures:

- 1) to initiate another criminal proceeding for the investigation of the threat;
- 2) to select a corresponding security measure for the person in the interest of whom the threat has taken place;
- 3) to institute determination of special procedural protection for the person who is being threatened;

4) to assign law enforcement institutions with the task of protecting the person or his or her property, as well as protecting the immediate family of such person.

A victim, his or her guardian or trustee has the right, in all stages of criminal proceedings and in all forms thereof, to request that a European protection order is issued, if the grounds for taking a European protection order laid down in the Criminal Procedure Law exist.

Chapter 17 of the Criminal Procedure Law regulates institution of special protection. The reason for special procedural protection shall be a real threat to the life, health or property of a person, expressed real threats, or information that provides sufficient grounds for the person directing the proceedings to believe that a threat may be real in connection with the testimony provided by such person.

A written submission of a threatened person, or the representative or defence counsel thereof, if a threatened person agrees to it and a proposal of the person directing the proceedings shall be the grounds for the determination of special procedural protection.

The Criminal Procedure Law provides for the sequential pursuit of certain activities to determine special procedural protection:

- 1) a written submission regarding the necessity to determine special procedural protection shall be submitted to the person directing the proceedings.
- 2) an assessment by the person directing the proceedings regarding the necessity and the existence of a reason to apply special procedural protection, and when establishing the grounds for the application of special procedural protection, shall submit the proposal thereof to the Prosecutor General for the taking of a decision to determine special procedural protection (procedure depends on the stage of the proceeding, because during trial of a case, a threatened person shall submit a submission regarding the determination of special procedural protection to the court, which shall examine such submission itself or assign a prosecutor to examine such submission).
- 3) Having become familiarised with a submission, a proposal of the person directing the proceedings, and materials of criminal case, and, if necessary, having listened to a threatened person, and the representative or defence counsel thereof, the Prosecutor General shall take a decision to determine special procedural protection, or, with a decision thereof, shall refuse to determine special procedural protection for a person. If a person has submitted to a court a submission regarding the necessity to determine special procedural protection for him or her, the court shall take a decision to determine such protection.

The court upon its initiative may also take decision to determine special procedural protection for a person, if the necessity has come about, during the process of trial, to put a person under special procedural protection, and the person has agreed to such protection.

If a decision regarding the provision of special procedural protection has been taken, the relevant decision shall be executed by the person directing the proceedings and/or by the special protection authority, depending on the means specified.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

According to the Criminal Procedure Law one of fundamental rights of a victim in criminal proceeding is to request information regarding the direction of the criminal proceedings, regarding the officials who conduct or have conducted criminal proceedings.

A specially protected victim may request and receive information regarding release or escape of such arrested or convicted person from a place of imprisonment or a place of temporary detention who has inflicted harm to him or her, if there is a threat to the victim and there is not risk of harm to the arrested or convicted person. Such request may be notified until making of a final ruling in criminal proceedings.

If an application of a specially protected victim has been received in which it is requested to provide information regarding release or escape of such arrested person from a place of imprisonment or a place of temporary detention who has inflicted harm to him or her, the person directing the proceedings shall send the relevant information to the victim as soon as he or she has become aware of release or escape.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

A criminal case regarding a criminal offence against the morality and sexual inviolability, and regarding a criminal offence committed by a minor or against a minor, and also a criminal case in which the protection of a State or adoption secret is necessary shall be tried in a closed court hearing.

A court may determine a closed court hearing with a reasoned decision in order to not disclose intimate circumstances of the lives of persons involved in criminal proceedings; in order to ensure protection of persons involved in criminal proceedings. A court ruling shall be announced publicly. In a criminal case that has been tried in a closed court hearing, the introductory part and operative part of the court ruling shall be announced publicly, without disclosing information identifying the victims.

A specially protected victim may request that his or her participation and hearing in a court hearing takes place using technical means.

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

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

Since 2005 special procedural protection measures were applied to two victims of trafficking in human beings – adult females. Witness protection measures/programmes are not applied to victims of trafficking in human beings if there is no reason and grounds for special protection.

A reason for prescribing special protection shall be a threat that has actually occurred to the life, health or other legal interests of a person, expressed imminent threats, or sufficient grounds for believing that the danger may be imminent due to a provided testimony or participation in the uncovering, investigation or adjudication of a crime.

The grounds for the prescription of special protection shall be a written submission of a person testifying in criminal proceedings or his or her representative or counsel and a proposal of the performer of procedures; or the initiative of a court, if a reason for prescribing special protection has arisen during the course of adjudication; or a written submission of another person to be protected or his or her legal representative.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

The Ministry of Welfare has signed the agreement "On provision of social rehabilitation services and support services during the criminal proceedings to the victims of trafficking in human beings" with two NGOs – mandated social service providers – "Shelter "Safe House"" and "Centre MARTA" for two years period 2019-2020; the previous period was 2017-2018.

The subject of the agreement is that the Ministry of Welfare purchases services and covers expenses and the mandated social service providers commit themselves to provide the services. Services include activities taken before starting the services, for example, identification procedure, travelling of victim from foreign country to Latvia as well as safe accommodation abroad etc), provision of social rehabilitation services and consultations after the rehabilitation programme. Social rehabilitation services contain also a requirement to service provider to provide – if necessary, a safe shelter and accommodation of a client in premises which conform to the requirements laid down for exploitation of residential premises, in co-operation with the law enforcement authorities and other social service providers, or using other possibilities for accommodation laid down in laws and regulations. All requirements for social service providers which provide a social rehabilitation service for victims of trafficking in human beings are specified by the Cabinet Regulation No 338 "Requirements for Social Service Providers".

Mandated social service providers have cooperation agreements with other specialized NGOs, religious organisations and municipalities to provide safe and confidential accommodation for victims of trafficking in human beings. NGO "Centre MARTA" has its own anonymous flat where it is possible to accommodate

victims which are threatened, but who are not recognized as victims in the criminal proceedings and thus it is not possible to apply measures of special procedural measures.

Investigators of the criminal proceedings and prosecutors who provide prosecution in trafficking in human beings cases successfully cooperate with both mandated social service providers – “Shelter “Safe House”” and “Centre MARTA”.

Society “Shelter “Safe House”” is well recognized by experts for contribution provided to victims of trafficking in human beings – medical, legal, social and psychological assistance to victims of human trafficking. The experts of the society “Shelter “Safe House”” actively participate in criminal proceedings providing opinion of an expert – psychologist, the opinion contains comprehensive and in-depth analysis on the psychological condition of the victim, harm caused to the victim by criminal offence of trafficking in human beings, as well as providing other very important information for investigation, for example regarding recruitment methods etc. Mandated social service provider not only provides the State funded social rehabilitation services, but also explain to victims their right in the criminal proceeding and encourage victims to use these rights, support victims to develop application to receive the State compensation. In certain criminal cases the lawyer of this NGO has exercised representation of victims of trafficking in human beings in a court and expressing a detailed and reasoned view on important issues in the trial, including the relevance of the consequences of the harm caused to the type and extent of the punishment to be determined to the accused person.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

A specially protected victim – all minors as well as persons who have suffered from human trafficking – may participate in procedural activities, with a permission of the person directing the proceedings, together with the trusted person, unless it is a person against whom criminal proceedings have been initiated, a detained, a suspect, or an accused.

An interrogation of a specially protected victim is performed in a separate room appropriate for such purposes or without the presence of persons not related to the particular procedural action.

Interrogation of such person who has been recognised as a victim of violence committed by a person upon whom the victim is dependent financially or otherwise, a victim of human trafficking, or a criminal offence directed against morality or sexual inviolability of the person, shall be conducted by a performer of an investigative action of the same gender. The abovementioned condition need not be conformed to, if the victim himself or herself or his or her representative agrees thereto.

The course of interrogation of a minor who is recognized as a victim of human trafficking shall be recorded in an audio and video recording, except when it is in contradiction with the best interests of the minor or hinders the achievement of the objective of criminal proceedings. The length of an interrogation of a minor without the consent of such minor may not exceed six hours, during a twenty-four-hour term, including an interruption.

A minor shall be interrogated by a performer of an investigative action who has special knowledge regarding communication with a minor during criminal proceedings. If the performer of an investigative action has not acquired special knowledge regarding communication with a minor during criminal proceedings or if the performer of an investigative action deems it necessary, the minor shall be interrogated in the presence of a pedagogue or a psychologist. The representative of a minor has the right to participate in interrogation if the minor does not object thereto. If a psychologist considers that the psyche of a person who has been recognised as a victim of human trafficking may be harmed by repeated direct interrogation, such direct interrogation shall be conducted only with the permission of the investigating judge, but in a court - with a court decision.

If a psychologist considers that the psyche of a person who has been recognised as a victim of human trafficking may be harmed by a direct interrogation, it may be performed with the intermediation of technical means and a psychologist. If an investigator or prosecutor does not agree, the direct

interrogation shall be performed only with the permission of the investigating judge, and in a court - with a court decision.

The person directing the proceedings and another person invited by him or her shall be located in another room where technical means shall ensure that the person to be interrogated and the psychologist may be seen and heard. The person being interrogated shall be located together with the psychologist in a room that is suitable for a conversation with a minor, and in which it has been technically ensured that the questions asked by the person directing the proceedings are heard only by the psychologist.

If a person to be interrogated has not reached 14 years of age, a psychologist, complying with the specific conditions, shall explain to the minor the necessity of the operations taking place and the meaning of the information provided by such minor, ascertain personal data, ask the questions of the person directing the proceedings in a form that corresponds with the psyche of the minor, and, if necessary, inform regarding a break in the investigative action and the resuming thereof.

If the person to be interrogated has reached 14 years of age, the person directing the proceedings shall inform a minor, with the intermediation of a psychologist, regarding the essence of the investigative action to be performed, ascertain the personal data of such minor, explain his or her rights and duties, and notify of the liability for the non-execution of the duties thereof, ask the questions of the person directing the proceedings in a form that corresponds with the psyche of the minor, and, if necessary, inform regarding a break in the investigative action and the resuming thereof.

In addition, the special procedural protection provided for in Chapter 17 of the Criminal Procedure Law may be applied for the protection of the minor victim.

9. Specialised authorities and co-ordinating bodies (Article 29)

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

There is a specialized anti-trafficking unit established in the State Police – it is the 3rd Unit of the Organized Crime Enforcement Board of the Main Criminal Police Board. There are 18 officials implementing tasks of the Unit. It is not possible to provide information regarding financial means and resources as funding for anti-trafficking actions in the State Police is not specifically separated.

The Anti-Trafficking Unit provides acquiring of information, information collection and analysis, and realization of information about regional, inter-regional and international organized crime groups engaged in trafficking in human beings and related crimes, detection of criminal offences and investigation if the cases are regional, inter-regional or international.

The Anti-trafficking Unit provides its tasks and responsibilities regarding criminal offences of trafficking in human beings (Criminal Law Section 154.¹ "Human Trafficking") and related criminal offences which create risks of trafficking in human beings (Criminal Law Section 164 Involvement of a Person in Prostitution and Use of Prostitution, Section 165 Living on the Avails of Prostitution, Section 165.¹ Sending a Person for Sexual Exploitation, Section 285.² Ensuring, in Bad Faith, 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 Anti-Trafficking Unit is not very well equipped, among usual office equipment Unit uses IBM I2 analytical software.

There are five Regional Police Boards in Riga, Kurzeme, Latgale, Zemgale and Vidzeme. Since 2016 Regional Police Boards had initiated 4 criminal proceedings on trafficking in human beings pursuant Criminal Law Section 154.¹ "Human Trafficking": Zemgale Regional Police Board has initiated a criminal proceeding on forced sham marriage and one criminal proceeding on labour exploitation, Riga Regional Police Board has initiated two criminal proceedings on sexual exploitation.

As it was mentioned in the answer for question No 6.5 the Prosecutor's Office has established the practice that criminal proceedings initiated on trafficking in human beings pursuant to the Criminal Law Section 154.¹ "Human Trafficking" are subject to supervision and prosecution by prosecutors of the Specialised Public Prosecutor's Office of Organised Crime and Other Sectors. Prosecutors of this unit exercise these

functions in criminal proceedings related to trafficking in human beings which have been initiated in the territory of the region of Riga. In the rest of the State, the exercise of duties and rights imposed on the public prosecutor in criminal proceedings of such nature shall be performed in the territorial offices of the Prosecutor's Office in accordance with the territorial jurisdiction referred to in Section 388 of the Criminal Procedure Law.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

On 31 December 2016 Asset Recovery Office (ARO) was established in the 2nd Unit (Unit of Criminally Acquired Assets Recovery and Information Analysis) of the Criminal Intelligence Management Board of the Main Criminal Police Board of the State Police. ARO is the competent institution established in compliance with the Council Decision 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime.

ARO also provides the processing and transfer of requests from structural units of the State Police departments and other Latvian law enforcement authorities for execution to the criminal recovery services of other Member States, as well as support to the structural units of State Police in the identification of funds at the national level.

In cooperation with the ARO in criminal proceedings regarding trafficking in human beings properties abroad and other assets of suspected persons are identified for freezing them in order to ensure the confiscation in the criminal proceedings pursuant to the Criminal Law Section 154.¹ "Human Trafficking". The State Police for internal use has elaborated "Guidelines on provision of confiscation of presumed criminally acquired property in investigation stage", the guidelines contain Annex 1 "Identification of the property, business, financial resources abroad of persons who have committed criminal offences and persons associated with them".

On 1 November 2018 the "Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing" was amended and since 1 January 2019 the Financial Intelligence Unit of Latvia (FIU Latvia) is supervised by the Cabinet of Ministers. The role of FIU Latvia is to acquire, receive, register, process, compile, store, analyse and provide information to pre-trial investigating institutions, the Office of the Prosecutor or a court which may be used for the prevention, detection, pre-trial criminal proceedings or trial of money laundering, terrorism financing or an attempt to carry out such actions or another associated criminal offence.

10. International co-operation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

According to the Law On State Compensation to Victims the Legal Aid Administration cooperates with other Member States of the European Union paying a compensation to the victim regarding the injury that has occurred as a result of a criminal offence in the territory of Latvia, as well as submitting the request for the State compensation and other documents to the competent authority of the relevant European Union Member State if an injury has occurred as a result of a criminal offence in the territory of another European Union Member State.

Joint Investigation Team (JIT) is an important cross-border anti-trafficking measure/tool to combat trafficking in human beings providing investigation, prosecution, conviction, and identification of victims, provision of support and assistance to them as well as enabling victims to realise their rights to redress and compensation.

Joint investigation was performed by the Latvian State Police and Derbyshire Constabulary (United Kingdom). The detention took place in September 2017 in the UK. Two police officers from Latvia were invited to take part in the detention, it was crucial and played a major role in an initial interviewing of the victims. Because only one of the victims (out of total 14 persons) could speak English, the others spoke either Russian language or Latvian language. The presence of the Latvian Police officers contributed to reducing the stress of the victims, as well as allowing them to feel safe, secure and avoid ignorance about their future fate. Coordination meetings were organised in Latvia and the UK which facilitated the establishment of correct interrogation tactics and contacts with victims, and victims' trust to the police, the trust was reached after several meetings with victims.

Many victims returned back to Latvia (ten persons stayed in the UK, found new working places and continued to work) where they received the State funded social rehabilitation services and support services during the criminal proceedings.

Victims who returned back to Latvia have not applied for the compensation through the Legal Aid Administration. As far as the Ministry of the Interior of Latvia is informed that victims so far have not received any compensation from the UK and perpetrators.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

Joint investigation was performed by the Latvian State Police and Derbyshire Constabulary (United Kingdom). Operation Doubrava was a complex investigation into an organised crime group of citizens of Latvia responsible for trafficking vulnerable Latvian nationals from Latvia to the United Kingdom, for the purpose of financial exploitation, through means of compulsory forced labour.

In January 2018, a JIT agreement was concluded between the UK and Latvia's law enforcement authorities, which further facilitated the conduct of the investigation and helped to accelerate the exchange of information between Member States for the purpose of carrying out procedural activities.

The success of the investigation was facilitated by international partners: Latvian Embassy, Europol, Eurojust, UK Crown Prosecution Service, Derbyshire Constabulary, State Police of Latvia, Specialized Prosecutor's Office on Organized Crime and Other Branches of Latvia.

The detention took place in September 2017 in the UK. Six (6) members of the organized criminal group were detained and 14 victims of labour exploitation were rescued.

In February 2018, four (4) members of the organised criminal group were arrested in Latvia (two of them were main role players), five places of detainees were searched, restraint on numerous residential properties and land, seizure and restraint of three vehicles (Mercedes S350, BMW 730 and Hummer H3), recovery of crucial exhibits. A victim of trafficking in human beings 63 years old man was rescued (he was kept in a squalid shack in minus 16 degrees without heating) and handed over to the specialized social service provider of Latvia. One more member of this criminal group was arrested in the UK.

An arrest was imposed by the Latvian State Police on the movable and immovable properties of detainees and their relatives of EUR 301 500.

An effective financial investigation, as well as an analysis of the bank accounts and money transfers of members of organized criminal group and victims helped detect the ambushes of criminal assets.

A trial started in September 2018 in the UK. Eleven defendants were charged with human trafficking and modern slavery in the UK. Seven weeks into the trial, after 15 of the 28 victims identified by the investigation had given evidence, nine of the defendants pleaded guilty to human trafficking. After careful consideration of the facts in the prosecution case and the sentencing powers available to the court, the UK Crown Prosecution Service accepted these pleas on the basis that they trafficked the victims with a view to exploitation and had exploited those victims once they arrived in the UK.

Sentences:

Principal organized crime group members:

male, 54, was sentenced to 5.5 years in prison

female, 55, was sentenced to 5.5 years in prison

male, 25, was sentenced to 6 years in prison

female, 24, was sentenced to 6 years in prison
 male, 33, was sentenced to 3 years, 8 months in prison
 Significant and peripheral organized crime group members:
 female, 37, was sentenced to 2 years in prison
 male, 42, was sentenced to 2 years in prison
 male, 39, was sentenced to 1 year, 3 months in prison
 female, 33, was sentenced to 1 year, 2 months in prison

Summarizing experience from the Joint Investigation Team: from July 2017 until February 2018 a set of actions were taken, for example, initial engagement through Europol, coordination meetings, enforcement in Latvia and the UK, followed by post enforcement JIT activities: extradition of four organized crime group members from Latvia to the UK, evidential recovery from Latvian based victims and witnesses, victim safeguarding and engagement, trial preparation, trial in the UK – in total 15 victims presented their evidence at court in the UK and through video conferences at court room in Latvia.

On the Latvian side the investigation is ongoing as criminal episodes which were not investigated by the British police are being investigated in Latvia, as well as an investigation of the financial part of the crime. The investigation in Latvia was prolonged by the fact that Latvia had to await the judgment of the British court, and only then investigation of the crime in Latvia could be continued as two Latvian citizens (females) were recognized as suspected persons for commitment of the criminal offences pursuant to the Criminal Law of Latvia Article 195 Laundering of the Proceed from Crime in Latvia, but both of them are in imprisonment in the UK.

Based on materials collected by the State Police of Latvia during the Doubrava Operation, a new criminal case was initiated in 2019 one adult male Latvian citizen was recognized as a suspected person for trafficking in human beings for the purpose of labour exploitation in the UK and two Latvian citizens adult females were recognized as victims in the criminal proceedings.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

According to statistics the Ministry of Justice as the central authority has received three (3) requests for legal assistance during the time period between the year 2018 and 19 November 2019. During that indicated time period European Investigation Orders were received:

- two (2) related to the Criminal Law Section 154.¹ "Human Trafficking";
- one (1) related to the Criminal Law Section 165.¹ "Sending a Person for Sexual Exploitation"

Due to technical problems with data base of requests for criminal-legal co-operation, it is currently not possible to inform about the results of requests for legal assistance.

The Anti-Trafficking Unit of the State Police in 2018 submitted four (4) European Investigation Orders to foreign investigative institutions, as the result essential information was received for investigation in Latvia based on which the State Police finalized investigation in three (3) criminal proceedings which were sent to the Public Prosecutor's Office for prosecution – one (1) criminal proceeding in 2018 and two (2) criminal proceedings in 2019.

The Public Prosecutor's Office submitted legal assistance request to Ukraine in 2018 regarding criminal proceedings on trafficking in human beings (Criminal Law Section 154.¹ "Human Trafficking"), this legal assistance request was executed in 3 months.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

The Anti-Trafficking Unit and the Public Prosecutor's Office acknowledge that approach of establishment of Joint Investigation Team between countries is very successful form of international cooperation. Also mutual legal assistance request and European Investigation Order are well used, as well as possibilities of requests of extradition of persons and takeover of criminal proceedings. For example in 2016 the General Prosecutor's Office submitted two applications as the result: 1) Croatia extradited one

person for commitment of criminal offence pursuant Criminal Law Section 165.¹ "Sending a Person for Sexual Exploitation", 2) Germany took over a criminal proceeding on commitment criminal offence of sending a person for sexual exploitation which was initiated in Latvia.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

One of such instruments is European Protection Order – that is a European protection order is a decision taken by a competent authority of a European Union Member State to take a protection measure in order to ensure the protection of a victim or witness against a criminal act of a suspect, accused, or convicted person which may endanger his or her life, physical or psychological integrity, dignity, personal liberty or sexual integrity, regardless of the location of the victim or witness (hereinafter - the protected person) in the European Union. A protection measure is such security measure applied to a suspect, accused, or convicted person which is not related to the deprivation of liberty or an alternative sanction or alternative sanction which provides for a prohibition to visit a certain area, place, or territory, a prohibition to contact the protected person, or a prohibition to approach the protected person.

Provisions of implementation of this instrument is described in the Criminal Procedure Law Chapter 86 Recognition, Execution, and Taking of a European Protection Order.

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

So far law enforcement institutions in Latvia have not faced such situations, but the possible solutions could be following:

- 1) Latvia may take over criminal proceedings launched in a foreign state;
- 2) Latvia may extradite a person to a foreign state if criminal proceedings have been initiated in a foreign state and states have concluded a contract regarding the mutual extradition of citizens;
- 3) Latvia may request legal assistance to a foreign state if criminal proceedings have been initiated in Latvia.

Victim's rights to be protected, supported and assisted are provided by national legal acts and information on that is provided in other replies of this Questionnaire.

11. Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

The mechanisms for the protection of victims specified in the Criminal Procedure Law and the rights attached thereto shall not depend on the immigration status of the person and the type of exploitation (exploitation) of the victim.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

As regards to investigative activities, the Criminal Procedure Law provides to take into account the gender of the performer of the investigative action, thereby ensuring that the interests of the victim are respected:

- interrogation of such person who has been recognised as a victim of human trafficking shall be conducted by a performer of an investigative action of the same gender. This condition need not be conformed to, if the victim himself or herself or his or her representative agrees thereto. If the victim of a criminal offence directed against morality or sexual inviolability of a person and the

person who has the right to defence is of the same gender and if it is requested by the victim or his or her representative, the interrogation shall be performed by a performer of an investigative action of the opposite gender.

- if an examination is related to the denuding of the body of the person to be examined, but the executor of the investigative action is a person of the opposite sex, the performer of the investigative action shall assign a medical specialist to perform such operation.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

The legislator has established a mechanism for ensuring the rights and interests of the minor victim in the most valuable way, by providing the possibility of receiving State-ensured legal aid, as well as the victim's representative has the right to ask the person directing the proceedings to take a decision on inviting a lawyer as a representative of the minor victim.

Legal regulation of Latvia provides that submissions and complaints that are related to the protection of the rights of the child shall be examined without delay. A child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to the child, either directly or through his or her lawful representative or through a relevant institution. Matters that are related to ensuring the rights or interests of the child, also criminal matters in which the defendant is a minor, shall be adjudicated in court by emergency procedure.

According to the Criminal Procedure Law Section 12 "Guaranteeing of Civil Rights" A criminal proceeding involving a minor shall be conducted by taking into account the age, maturity and any special needs of the minor.

The Criminal Procedure Law provides, for example, the following mechanisms:

- the minor victim is recognized a specially protected victim;
- taking into account the views of the psychologist with regard to repeated and/or direct interrogations;
- the course of interrogation of a minor shall be recorded in an audio and video recording, if it is in the best interests of the minor and if it is necessary for achieving the objective of criminal proceedings;
- the rights of a minor to participate in procedural activities together with the trusted person;
- participation and hearing in a court hearing takes place using technical means;
- interrogation of a minor is performed in a separate room appropriate for such purposes or without the presence of persons not related to the particular procedural action, and shall be conducted by a performer of an interrogation of the same gender;
- the compulsory provision of legal assistance to the minor victim and the minor victim's representative shall be when a criminal offence is committed related violence committed by a person upon whom the victim is dependent financially or otherwise, or a criminal offence directed against the morality or sexual inviolability of a person.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

More and more attention recently is paid to the issue of responsibility and involvement of businesses to take steps to prevent labour exploitation and trafficking in human beings for the purpose of labour exploitation. There are committed businesses who already have established human rights standards and the CSR principles in their business and also requires the same from sub-contractors in their supply chains.

According to the Public Procurement Law the contracting authority shall exclude a candidate or tenderer from participation in a procurement procedure in a case if a candidate, a tenderer or a person who is a

member of the board or council, a person with representation rights or a proctor of the candidate or tenderer, or a person who is authorised to represent the candidate or tenderer in activities related to a branch, has been found guilty of any of the following criminal offences by such prosecutor's penal order or a court judgment that has entered into effect and has become incontestable and unappealable, or a coercive measure has been applied thereto: establishment or leading of a criminal organisation, involvement in such organisation or in an organised group included within such organisation, or in another criminal formation, or participation in criminal offences committed by such organisation; accepting bribes, giving of bribes, misappropriation of a bribe, intermediation in bribery, unlawful participation in property transactions, unauthorised receipt of benefits, commercial bribery, unlawful requesting, receiving and giving of benefit, trading with influence; fraud, misappropriation or money laundering; terrorism, financing of terrorism, establishment or organisation of a terrorist group, travelling for terrorism purposes, justification of terrorism, invitation to terrorism, terrorism threats or recruitment or training of a person for the commitment of acts of terrorism; trafficking in human beings; evasion of tax payments or payments equivalent thereto.

An excellent business initiative – programme of “Ambassadors of Responsible Business” is led by the Corporate Social Responsibility Platform of Latvia (CSR Latvia). The goal of the programme is to bring together responsible business representatives who see the opportunities for their companies to develop and improve respecting environmental, social and economic challenges at the national, regional and global levels.

Implementing the project FLOW “Flows of illicit funds and victims of human trafficking: uncovering the complexities” the business risk management tool is being developed together with national business representatives in order to validate the CSR guidelines and enhance their knowledge on risks related to labour exploitation.

Paying particular attention to the construction sector in order to provide efficient performance of control measures at construction sites the State Border Guard has elaborated and published an informative material “Information for performers of construction works” in which information is provided regarding the rights of officials of the State Border Guard at the construction site, the conduct of the examination of the employment of foreigners at the construction site, a list of documents and information which officials of the State Border Guard are eligible to request to present or submit, information regarding the duties of the employer, prohibitions of employment and liability in Latvia.

As it is described in replies of this Questionnaire there are options for exploited persons to be recognized as victims of trafficking in human beings by the person directing the criminal proceedings or the mandated social service provider, receive State funded social rehabilitation services and support services during criminal proceedings, to apply for compensations etc.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

Please see answer 6.4.

Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA’s second evaluation report concerning:

- **emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);**

Since the 2018 the Latvian State Labour Inspectorate increasingly identifies workers from Ukraine who have been sent to Latvia for the provision of work/employment services [*in the framework of the Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services*] when carrying out checks on unregistered employment and the violations at construction sites.

As regards Ukrainian construction workers, the posted workers directive is used for the purpose of executing the construction contracts. The individuals are recruited in Ukraine by a recruiter/company, concluded with a company in Poland or Lithuania that further has a construction services contract with a company in Latvia. The primary purpose of the contract is the delivery of construction works, and the general contractor (LV) agrees on services, rather than hiring out workers. This way, the responsibility for the workers primarily lies on the sub-contractor, not the main contractor.

Through a recruitment company or an individual recruiter, the individual worker concludes contact with the construction or temporary work agency in Poland and receives labour contract in accordance with Polish law. Generally, in these cases under the conditions of Posted workers directive and respective laws, the worker is sent from Ukraine to Latvia directly, without performing work in Poland or Lithuania, usually for up to 90 days within the limits of the D visa.

The chain of businesses set-up for the purpose of sending Ukrainian workers includes intermediaries, who do not provide any real construction service, but are set-up for the purpose of transferring money. Stakeholders report that once the tax checks, possible financial crimes or labour dispute investigations are initiated, the involved shell companies in the chain are often closed. By the time investigative agencies collect relevant information from Poland and Lithuania, and receive required response from the relevant companies and stakeholders, there is no perpetrator (legal person) to be prosecuted.

Motivating factors for this kind of exploitation include:

- Reducing cost of construction works: by paying salaries to the Polish company, the construction costs are reduced, since the salaries paid are under minimum salary rules, not industry average and taxes are not paid in Latvia. There are no control possibilities over payment of taxes in Poland. If person was employed in Latvia, the costs would increase.
- Illicit money transfers are made to avoid paying taxes and corruption in the form of shell companies and straw men may be utilised
- Perpetrators view business of exploiting workers as "normal" business;
- Profit based on taking % of salaries as intermediary fees is seen as legitimate business by businesses and state institutions;
- Limited risks of prosecution due to lengthy chains of real or shell companies, and difficulties of state authority cooperation;
- True beneficiary of the enterprise is not known; the representative is not necessarily the owner.

Most of the victims do not recognize their exploitation and complain only about the unpaid wages. Working conditions of Ukrainian workers differ and State Labour Inspectorate investigators at construction sites can see the difference between many local construction company workers having proper equipment and protective gear, and foreigners employed at the site who are less well equipped. Interviewees pointed out that Ukrainian workers cross the border with own protective gear (gloves, face masks). Many workers are not able to demonstrate work contract, or contract are hand written notes not conforming to required labour law standards. While in other cases, the workers are quick to name to inspectors their contract number, not just answer yes or no. Furthermore, there are examples concerning of accidents at work, at least in one case of an Ukrainian worker was heavily injured at work and was left on his own because of lack of mandatory insurance. He and other colleagues from Ukraine have been covering his hospital bills. Authorities have little information on living conditions of Ukrainian workers, apart from the fact that many are renting flats together and sharing costs. Usually they are free to move and travel during their limited free time and are not subjected to violence or threats as far as interviewed experts have noted.

Companies that register their posted workers with State Labour Inspectorate in Latvia have no (or few) labour law violations. On the other hand, 8 administrative proceedings have been initiated in 2019 against companies who have not reported posted workers and workers in such situations have various other labour related issues identified, including no or inadequate labour contracts.

Now more and more complaints about unpaid wages are received from workers who have arrived from Tajikistan and Uzbekistan to work in Latvia in construction and agriculture sectors. When workers are interviewed by officials of the State Labour Inspectorate it appears that there are more information which evidence about labour exploitation – a set of abusive conducts where the worker is subjected to poor terms of employment, is working long hours with wages below the national limits (underpayment), in poor or even unsafe conditions and has little choice or possibility to change the situation, because when workers are willing to approach institutions to complain the employer threaten that worker's visa or residence permit will be terminated. When it happens and a worker appears in a situation without a legal grounds to reside in Latvia such persons are immediately identified as victims of trafficking in human beings by mandated social service providers and the State Police is approached with the request to grant reflection period.

The Riga Municipal Police and the State Police who are competent institutions to provide measures regarding the fulfilment of Cabinet Regulation No 32 "Regulations Regarding Restriction of Prostitution" adopted on 22 January 2008, have identified a new trend that adult females from Ukraine, Russia and Belarus are prostituting in Riga. But so far no signs of trafficking in human beings for forced prostitution are detected. According to the Regulation a minor is prohibited to be engaged in prostitution; a person is allowed to offer or provide sexual services for fee only in a living space which is his or her property or regarding which he or she has entered into a rental contract. A person is prohibited to offer or provide sexual services for fee, as well as to receive such services in the living space referred: if it is located less than 100 meters from an educational institution or church; if a minor is present therein; or if other persons living in this space or house where the room is located, object against it.

- **the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);**

The Regulation of the Cabinet of Ministers No 344 "Regulations Regarding the Procedures by Which the Victims of the Trafficking in Human Beings Receive Social Rehabilitation Service, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings" was adopted on 16 July 2019. This Regulation prescribes the procedures by which a person who has been recognised a victim of the trafficking in human beings shall receive social rehabilitation service for the State budget funds, and the criteria for the recognition of the person as a victim of the trafficking in human beings.

Cabinet Regulation No. 889 of 31 October 2006, Regulations Regarding the Procedures by Which Victims of Human Trafficking Shall Receive Rehabilitation Services and the Criteria for the Recognition of a Person as a Victim of Human Trafficking, is repealed.

The major changes compared to the previously existing Cabinet regulations have affected those parts of the regulation, which prohibited the social rehabilitation service provided to victims of trafficking in human beings to be received at the same time to those population groups that already received long-term social care and social rehabilitation services financed by the State or local government (for example, children from municipal orphanages). It also clarifies the criteria on the basis of which service providers can recognise a person as a victim of trafficking in human beings.

A minor change is provided regarding the composition of the commission of experts entitled to recognise a person as a victim of trafficking in human beings: the representative of the State Police does not take part in the identification, the commission must include at least one representative from each mandated social service provider who has rights to provide State funded social rehabilitation services to the victims of trafficking in human beings.

On 6 September 2018 **the Amending Law to the Law "On State Compensation to victims"** was adopted, entered into force on 1 January 2019 providing that the State compensation to be paid to the victim of trafficking in human beings is increased from 70% to 90%.

The Parliament of the Republic of Latvia adopted **the Law "On the Council of Europe Convention against Trafficking in Human Organs"** on 7 February 2019.

Transposing the requirements of the Council of Europe Convention against Trafficking in Human Organs **the Amending Law to the Criminal Law** was adopted on 6 June 2019, entered into force on 3 July 2019 supplementing the Criminal Law Section 139 Illegal Removal of Tissue and Organs from a Human Being and Use Thereof

(1) For a person who commits illegal removal of tissue or organs from a deceased human being or uses them for medical or any other purposes,

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

(2) For a person who commits illegal removal of tissue or organs from a living human being or uses them for medical or any other purposes,

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

(3) For a person who commits the acts provided for in Paragraphs one or two of this Section, if they have been committed for the purpose of acquiring property or if they have been committed by a group of persons,

the applicable punishment is deprivation of liberty for a period up to seven years.

(4) For a person who commits the acts provided for in Paragraphs one or two of this Section, if they have been committed by a medical practitioner or if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of up to ten years, with deprivation of the right to engage in the practice of medical treatment for a period of up to five years.

and introducing the new legal regulation the Criminal Law Section 139.¹ Recruitment of a Donor and Recipient of Tissue and Organs from a Human Being

(1) For a person who commits recruitment of a donor or recipient for illegal removal or transplantation of tissue or organs from a living human being,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed for the purpose of acquiring property or if they have been committed by a group of persons, or if they have been committed by a medical practitioner,

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

The **Amending Law to the Law "On the Protection of the Body of Deceased Human Beings and the Use of Human Tissues and Organs in Medicine"** was adopted on 16 May 2019, entered into force on 13 June 2019.

- **the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);**

There is a national anti-trafficking inter-institutional working group established by a Prime Minister since 2010.

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

The 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,

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

NGOs: Society "Shelter "Safe House"", Society "Center MARTA", Society "For free Vidzeme from Trafficking in Human Beings" (Vidzeme is one of five regions of Latvia),
civil partner: Association of Municipalities in Latvia.

The position of the National Rapporteur is not established in Latvia. The Ministry of the Interior within its competence provides tasks and responsibilities of the National Anti-Trafficking Coordinator and partly tasks of the National Rapporteur.

In September 2019 in the Parliament the Parliamentary Commission on Human Rights and Public Affairs and the society "Centre MARTA" organized the conference "Towards development of national plan to eliminate trafficking in human beings". The aim of the conference was to stimulate a debate in the political environment on possible legislative improvements and new policy initiatives in the field of preventing trafficking in human beings, in particular the idea of setting up a national referral mechanism for the recognition of and assistance to victims of trafficking in human beings.

Among the issues presented – criminalization of purchase of sexual exploitation, need for legislation which would describe National Referral Mechanism, efficient cooperation and communication between law enforcement and NGOs – an issue on need to establish the position of the National Rapporteur was raised but no further steps were agreed.

At the conference the Ombudsman during his speech committed himself to start work in 2020 on setting up a mechanism for National Referral Mechanism and strengthening such arrangements at the level of regulatory framework. Moreover, the Ombudsman has an objective to start discussion on the development of one comprehensive, so-called, umbrella law on trafficking in human beings, covering all aspects related to preventing and combating trafficking in human beings.

From 1 July 2018 until 30 June 2019 Latvia fulfilled for the third time the duties of the Presidency of the Council of the Baltic Sea States (CBSS). Latvian Presidency in the CBSS identified public safety (Integrity & Social Security), sustainable development, territorial development, climate change (Responsibility) and cultural heritage (Dialogue) as the main priorities for the work.

The Ministry of the Interior chaired the work of the TF-THB. During the Latvian Presidency the Ministry organised three the CBSS Task Force against Trafficking in Human Beings (CBSS TF-THB) meetings held on 26-27 September 2018 and 20 February 2019 and 13 – 14 June 2020. Discussing the trends and risks of trafficking in human beings in the Baltic Sea region, efforts to strengthen counter-trafficking actions and mutual cooperation as well as the anti-trafficking initiatives in the CBSS Member States it was concluded that labour exploitation is the most common and prevailing form of exploitation in the Baltic Sea Region.

During the Presidency the CAPE project developed by the Ministry of Interior of Latvia entitled "Competence building, Assistance provision and Prosecution of labour Exploitation cases in the Baltic Sea Region" which was approved in May 2019 and got co-financing from the CBSS Project Support Facility (PSF) Fund.

The implementation of this regional project was launched under the Danish Presidency in autumn 2019 and will be concluded under the Lithuanian Presidency in 2021. The CAPE Project focuses on labour exploitation topic which will be analysed and considered through baseline researches on issues regarding low number of prosecutions, recruitment of people to work abroad, forms of exploitation in the destination countries, at transnational experts' workshops collecting knowledge and well-functioning practices, acknowledging problems, gaps and challenges, and will be finished at a high-level conference in Lithuania where the project outcomes and required actions in the CBSS Member States will be presented. There is an ambitious objective to develop the Vilnius declaration on combating trafficking for labour exploitation in the Baltic Sea Region which will provide argument based background for further regional and national activities and tasks to be included in national policy planning documents to prevent trafficking in human beings.

The conference “Human Trafficking – a crime with too few convictions and too many victims” was considered as a culmination of the Latvian Presidency in the CBSS TF-THB. The conference focused on prosecution of human trafficking cases and victim’s rights in legal proceedings. It gathered more than 80 participants from the CBSS Member States and Observer States during which policy makers, researchers, investigators, prosecutors and judges were discussing experience and best practises of combating trafficking in human beings.

The overall aim of this event was to promote the importance of inclusive partnerships to enhance anti-trafficking efforts in the Baltic Sea Region and strengthen cooperation and coordination among relevant actors as well as to discuss ways of improving prosecution efforts.

With representatives of all 11 Member States of the Council of the Baltic Sea States and 11 countries with Observer Status, as well as academics and researchers in attendance, the conference served as a cooperation platform for exchanging good practices and knowledge, as well as for providing nexus between research and practical implementation of anti-trafficking legislation.

Considering the importance of the strategic partnership between the CBSS and the Nordic Council of Ministers (NCM) a Forum on Corporate Responsibility of Businesses: Prevention of Labour Exploitation was organized during the Latvian CBSS Presidency. The Forum focused on awareness raising of the employers by focusing on trafficking in human beings in a forced labour perspective and discussing exploitation of labour workers, and difference between unsatisfactory working conditions and being a victim of human trafficking by introducing concrete cases from the Nordic and Baltic countries and North-West Russia as well as from other Member States of the Council of the Baltic Sea States. The Forum took place at the Ministry of the Interior of the Republic of Latvia in Riga on 6 – 7 June 2019.

The Forum encouraged companies and businesses to integrate respect of human rights and corporate responsibility, to develop policies and appropriate processes in the companies in order to fulfil the responsibility for good working conditions according to national laws and international conventions; discussed prevention of labour exploitation as an indicator of corporate social responsibility (CSR) and how employers (industry), trade unions and authorities can be supported to cooperate already during the recruitment processes to guarantee working conditions in line with the legislation.

The Organization for Security and Co-operation in Europe (OSCE) contributed to the Forum by organizing a panel on how public procurement practices could be leveraged to combat trafficking in human beings in supply chains. Governments should ensure that goods purchased and services contracted by state institutions are not being made through exploitation of people. The panel discussed why it is important to use public procurement to prevent human trafficking, existing policies and practices adopted by countries in the OSCE area in this space, efforts by international actors to harmonize policies across different jurisdictions and how governments should cooperate with the private sector to combat human trafficking in supply chains.

More than 70 participants participated in the Forum: policy planners, practitioners providing anti-trafficking efforts, supporting and assisting victims, international organisations and businesses.

- **the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);**

The anti-trafficking policy planning document was approved by the Government on 21 January 2014. The National Strategy for the Prevention of Trafficking in Human Beings 2014 – 2020 (official translation is “Guidelines for the Prevention of Trafficking in Human Beings 2014 – 2020”) is medium-term policy planning document for seven years.

The policy planning document contains two main policy goals:

1. To promote awareness of society and understanding about trafficking in human beings and to provide assistance and support for the victims of human trafficking.

2. To achieve the reduction of latency of trafficking in human beings, to develop capacity of law enforcement agencies and relevant stakeholders to combat trafficking in human beings.

The main directions of the policy planning document:

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

The main tasks: awareness raising, training, provision of support and assistance to victims of trafficking in human beings, provision of investigation, prosecution, conviction, cooperation and exchange of information.

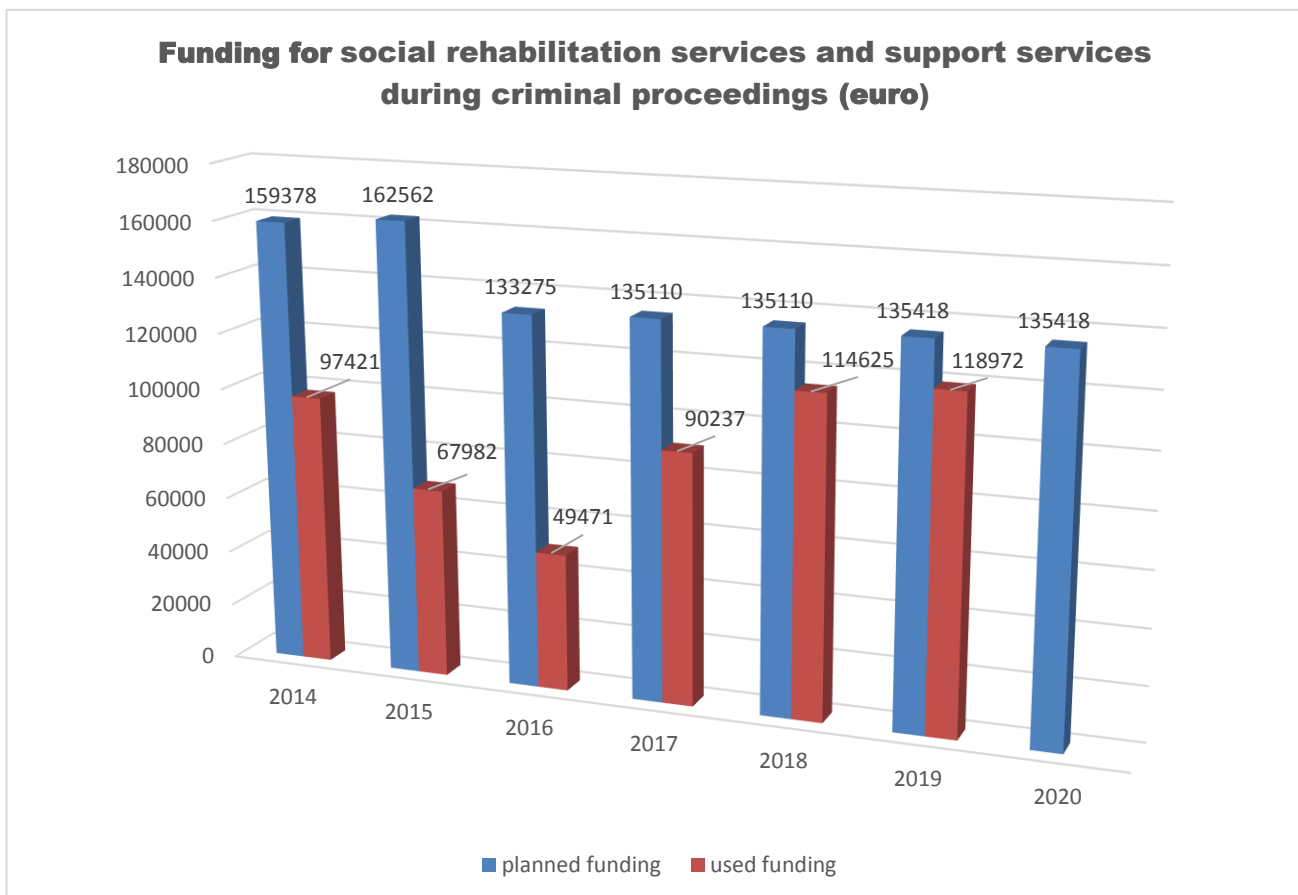
The Ministry of the Interior developed the mid-term evaluation report on implementation of the National Strategy in 2014 – 2016, report was approved by the Cabinet of Ministers in May 2018. It was concluded that despite lack of funding for anti-trafficking activities the tasks stated by the National Anti-Trafficking Strategy have been very well implemented, only a few tasks were not implemented.

It was mentioned in the Report that it is planned that next anti-trafficking policy planning document will be the Action Plan on Prevention of Trafficking in Human Beings 2021-2023.

The tasks provided by the National Anti-Trafficking Strategy are implemented within annual budgets of national anti-trafficking stakeholders as well as by attracting funding from international financial programmes and funds through implementation of transnational projects.

There are a couple local municipalities (out of 119 local municipalities) which allocate some funding for anti-trafficking activities as well as provide social services and assistance to victims of trafficking in human beings.

Only funding is annually provided to the Ministry of Welfare to provide State funded social rehabilitation services and support services during criminal proceedings.



➤ **recent case law concerning THB for different forms of exploitation.**

Recent case law or summary about court practise on criminal cases of trafficking in human beings were not provided.

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 62 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 analysed. The analysis 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 judges considered and approved the summary on court practise on 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.

Among conclusions it was highlighted that:

When imposing penalties for trafficking in human beings and related criminal offences, the general principles of international law regarding the increased risk of such offences and the need to combat them must be respected, including the penalties corresponding to the offence, as well as the general principles for determining the punishment referred to in Article 46 of the Criminal Law. The courts should motivate the application of the provisions of the Criminal Law Section 49 "Determination of a Lesser Punishment than the Punishment Provided for by Law", Section 55 "Suspended Sentence" and assess whether there are legal grounds for applying individual mitigating circumstances. The courts must motivate the imposition of a specific penalty, paying particular attention to the justification for the application of Articles 49, 55 of the Criminal Law.

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

➤ **strengthen efforts to prevent trafficking in children, and to identify and assist child victims of trafficking;**

In the Ombudsman's view, it is very important to raise awareness among professionals about trafficking in human beings, the risks and consequences of trafficking in human beings, as well as the education of identified victims and potential victims of trafficking in human beings about their right to be protected.

A special risk group is children who remain without parental care, boarding school pupils, children and adolescents from high-social risk families, street children, children whose parents have travelled abroad for work and better earnings, persons with mental disabilities and students of special boarding schools.

In view of this, in 2019 the Ombudsman carried out a study about the risks of trafficking in human beings in Latvian boarding schools. As part of the study, the employees of the Ombudsman's Office carried out education of children and teachers of boarding schools about the risks of trafficking in human beings, as well as did questioning of children and teachers to find out whether children and teachers recognize the risks of trafficking in human beings and are they informed how to respond to risk situations. When assessing the results of these questionnaires, it is concluded that it is necessary to continue to educate both children and teachers of boarding schools about the risks of trafficking in human beings, since the overall level of awareness is insufficient. Teachers also indicated they would need additional expertise in identifying the risks of trafficking in human beings.

In order to continue the education of children and specialists on various issues of trafficking in human beings and to raise awareness and the ability to recognise potential risks, the Ombudsman has been involved in the school programme "Ready for Life" and will also conduct lectures on trafficking in human beings in 2020 with a view to strengthening pupils' knowledge about the different forms of trafficking in human beings, developing skills to recognise potential risks and develop knowledge of available right protection mechanisms.

The State Inspectorate for Children's Rights (henceforth – The Inspectorate) protection main task is to supervise and control how the children's rights are respected in the places where the children are when they are not in their families at home. Mostly the places are public and private schools, kindergartens, camps, orphan houses, dance studios etc. (henceforth – Institutions), where The Inspectorate supervises the respecting of children's rights. One of the methods of supervising is to gather the information from the children about how they feel at the place, are they respected there, what knowledge do they have about the basic skills required for the adult life (earning money, learning to cook etc.). The Inspectorate informs the children and the administration of the Institutions about the risks of trafficking in human beings if the situation requires it to do so. If necessary, The Inspectorate provides the children and the administration with the brochure about the prevention of human trafficking (<http://www.ld.riga.lv/files/Bukleti/cilveku-tirdznieciba-pedejais.pdf>)

Regarding the fact that children in the regions are at higher risk of trafficking in human beings (due to the lower choice of job offers), The Inspectorate pays higher attention to informing children who live in regions (outside the larger cities) about the high risk of trafficking in human beings and recommended actions to prevent risks to become a victim. In practise, if the inspector has been informed about child's intentions in working abroad (especially, in the model agency, hotel business or babysitting service), the inspector in a separate conversation informs the child about risks and precaution actions.

- **make further efforts to prevent human trafficking for the purpose of labour exploitation;**

In the beginning of January 2020 the Ministry of Foreign Affairs of the Republic of Latvia approached the Foreign and Commonwealth Office and informed of its decision to endorse the Call to Action to End Forced Labour, Modern Slavery and Human Trafficking initiated by the United Kingdom of Great Britain and Northern Ireland at the General Assembly of the United Nations in 2017.

An informative campaign on 26 June 2018 by the Ministry of Foreign Affairs and Ministry of the Interior about safe travel and risks of labour exploitation abroad was launched and it took place by the end of summer 2018. Two animation movies was demonstrated and printed materials were distributed at main public transportation hubs as well as on public busses.

In April 2019 the Organized Crime Enforcement Board of the State Police together with the State Labour Inspectorate and the State Border Guard implemented ant-trafficking activities addressing trafficking in human beings for the purpose of labour exploitation in the framework of Joint Action Days (JAD) organized by Europol EMPACT THB. As the result of the JAD 16 persons who might comply with criterions of the trafficking in human beings were identified. Persons were referred to a mandated social service provider. The Organized Crime Enforcement Board took a decision to grant reflection period.

In December 2019 the Organized Crime Enforcement Board provided check of received information about possible slavery of foreigners into agriculture sector. 6 persons who might comply with criterions of the trafficking in human beings were identified. Persons were referred to a mandated social service provider. The Organized Crime Enforcement Board took a decision to grant reflection period. An investigation was started by the Organized Crime Enforcement Board on recruitment, transportation, accommodation using means of deceit with the purpose of labour exploitation in agriculture sector. 5 persons were recognized as victims in criminal proceedings. Necessary activities are being implemented to provide temporary residence permits to victims

In January 2020 the Organized Crime Enforcement Board provided check of information received from an NGO about possible slavery of foreigners into construction sector. 3 persons who might comply with criterions of the trafficking in human beings were identified. An investigation was started by the Organized Crime Enforcement Board on recruitment, transportation, accommodation using means of deceit with the purpose of labour exploitation in construction sector. Persons were referred to a mandated social service provider. Necessary activities are being implement to provide temporary residence permits to victims.

The Ministry of the Interior provides partnership in the international project FLOW "Flow of illicit funds and victims of labour trafficking; uncovering the complexities" with European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) from Finland, The Center for the Study of Democracy (CSD), from Bulgaria, the University of Tartu from Estonia. The FLOW project promotes a holistic approach to the prevention and investigation of trafficking in human beings in conjunction with economic crime and engages businesses in the prevention of trafficking in human beings. Providing the partnership in the FLOW project the Ministry of the Interior provided the national data collection exercise – the purpose of the review was to assess the flow and interconnectedness of trafficking of human beings for labour exploitation with other related crimes, map the key challenges and possible cross sector indicators in identifying labour exploitation and trafficking. As the result of data collection activity in Latvia, Finland, Estonia and Bulgaria an analytical tool "Shady business. Uncovering the business model of labour exploitation" was published. This tool describes the business model of human trafficking and labour exploitation outlining how different legitimate business structures may be used to hide and implement labour exploitation, and highlighting the links between labour exploitation, trafficking and economic crimes. This analytical tool is useful for national anti-trafficking policy planning and awareness raising. The first mutual learning workshop with law enforcement, labour inspectors and tax authorities was organized in September 2019 – it became clear that the most important issue for future and next steps is to achieve awareness and clear understanding among specialists and anti-trafficking experts about concepts used to describe labour exploitation and labour trafficking/trafficking in human beings for the purpose of labour exploitation. It is evident that in Latvia public officials of relevant institutions use "labour exploitation" [into Latvian language "darbaspēka ekspluatācija"] to describe trafficking in human beings, exploitative employment containing means characteristic for trafficking in human beings. Labour exploitation as it is defined in the FLOW Project's analytical tool is not used, accepted and understood by public officials as this phenomena is understood as a violation of employment legal regulation or Labour Law. It is clear that when in Latvia somebody says "darbaspēka ekspluatācija" (labour exploitation) it means trafficking in human beings + victim (identified by Police, prosecutor, judge in the criminal proceeding or by mandated NGOs) + most probably a criminal proceeding might/should be initiated (Criminal Law Article 154.¹ + Article 195 Laundering of the Proceeds from Crime). Violation of employment legal regulation refers to situations when poor terms of employment exist, long working hours, underpayment, unsafe work conditions (Criminal Law Article 177 Fraud, Labour Law violations which might result into administrative cases and the most of it an administrative sanction – a warning). But concerns are that such a warning and administrative fines do not achieve the main goal – to deter persons from committing a crime or an administrative violence. In the framework of the FLOW Project an investigation aid for law enforcement and checklist for labour inspectors is being created in order to enhance holistic approach to investigation of THB in conjunction with economic crime/illicit funds.

Round table meeting with businesses was organized in October 2019. The topic – human rights and employee exploitation is not popular and companies do not recognize it as business risk. The main argument is that all human rights issues are covered by "Labor Law" and the responsibility lies only according to that law. Organizers of the workshop have reached out to businesses with an argument that at a time when employers are addressing labour shortages in companies, one of the ways in which companies choose to address this issue is to recruit people from third countries or recruit them in cooperation with recruitment agencies, temporary employment agencies and / or subcontracting. That kind of strategies can create risks of human rights violation and employee exploitation.

Discussion was created around the main questions: Company experience in addressing human rights / employee exploitation risks; Employment practices with third-country workers; Subcontracting practices that provide employees to support the operations of the company; Collaboration with recruitment companies and agents; What support would the company need to address the risks of human rights abuses / employee exploitation? The main issue why business owners are trapped to "ignore" or "close eyes" to red flags when they cooperate with employee recruiting agencies or subcontractors is the lack of people to employ in Latvia. Companies are interested to work fair and they need a guidance. The risk assessment tool is necessary and other ideas should be considered to develop further. In the framework of the FLOW Project the normative framework guide and risk management tool for businesses is being developed.

- **strengthen efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector;**

The Ministry of Justice has elaborated a proposal of draft legal regulation for discussions to supplement the Criminal Law. To provide demand reduce a draft regulation on use of services of a victim of trafficking in human beings was proposed for discussion. The first discussion took place in May 2019 during the Permanent Working Group of the Criminal Law, it was acknowledged that it is very important to have legislation to reduce demand, but it is important to elaborate explanatory notes for such legal regulation. The Ministry of Justice in cooperation with the Ministry of the Interior continues to analyse the EU and the CoE legal acts and explanatory notes as well as legal framework of other EU member States.

Latvia provides awareness raising of the society explaining the phenomenon of trafficking in human beings, exploitation of people, explaining that victims are exploited to provide cheap products and services, their human rights and dignity are violated, that we as consumers we create and maintain very high demand for these cheap products and services, and that we are all responsible for the crime of human trafficking. Marking the EU Anti-Trafficking Day an awareness raising campaign "Anti-Trafficking month with the "OLEG" movie" was implemented in the close cooperation of the Ministry of the Interior and the Latvian movies' production company TASSE FILM: screening of movie in various regions of Latvia and in Riga accompanied by discussions and supplementing information on trafficking in human beings by anti-trafficking experts (law enforcement, consular officials, NGOs) and lawyers were organized, also Director of the movie Juris Kursietis and Script Writer participated. In total four anti-trafficking events were organized.

This awareness raising activity was continued by screening of movie and discussions with anti-trafficking experts in educational establishments (secondary schools, colleges, professional schools). In total nine education establishments were attended.

These events were very well attended and covered by media (TV, newspapers, Internet portals).

<https://www.youtube.com/watch?v=UFo44L22R5s> Movie OLEG is based on true story about Latvian non-citizen who was a butcher by profession, he became a victim of exploitation in Belgium.

In order to raise citizens' awareness on cross-border security cooperation, in 2019 the European Commission (EC) is implementing the EU information campaign - #EUprotects. Within the framework of the campaign, everyone is invited to get to know the everyday life of Latvian professionals and learn more about how they work with colleagues in Europe to keep us and our family safe. Every day the EU supports and connects these people, helping them to cooperate across borders in order to protect us.

National Anti-Trafficking Coordinator (NATC) was selected as an Ambassador of the informative campaign #EUprotects in Latvia. Information about trafficking in human beings was published on the internet portal delfi.lv, as well as NATC gave many interviews to internet portals, radio, TV channels, as well as she was speaking to people during anti-trafficking activities at music festival Positivus.

There were also TV stories about work of Chief Inspector from Anti-Trafficking Unit and police investigation about labour exploitation of Latvians in the UK. And there was also a story how the EU together fights against forced sham marriages. https://europa.eu/euprotects/our-safety/sham-marriages-how-eu-helping-mend-heartbreak-human-trafficking_en

The European Crime Prevention Network (EUCPN) and the European countries, including Latvia, launched a prevention campaign on Trafficking in Human Beings on 17 October 2019. The campaign informed citizens that they could be or become a victim, have EU wide rights and where they can find help, protection and information. The campaign aimed to warn (potential) victims that they could be or become a victim and tell them where they can find help, protection and information. In addition, the campaign informed (potential) victims that they have EU-wide rights, which they can claim in every Member State: Assistance & support, protection, compensation, human & labour rights, reflection period & Residence rights and reintegration. The campaign consisted of a poster, a sticker and a video. In Latvia information was disseminated into Latvian and Russian languages through the Internet and social media platforms and distributed also through printed materials. As in 2019 there was not special funding available for the campaign the Ministry of the Interior applied for funding EUR 5000, the project application was awarded and printing of posters and stickers will be funded from the Confiscation Fund.

- **implement social, economic and other measures for groups vulnerable to THB as a means of combating the root causes of THB for different purposes of exploitation;**

In 2019 the Constitutional Court on the basis of the Ombudsman's applications, has initiated three cases concerning the socio-economic situation of Latvia and is directly related to the reduction of poverty and inequality in society. In his applications to the Constitutional Court the Ombudsman has contested the conformity of the guaranteed minimum income level, the recognition of the minimum income level family (person) as poor and the amount of the State social security allowance with Articles 1 and 109 of the Constitution of the Republic of Latvia¹ (Latvia is an independent democratic republic. Everyone has the right to social security in old age, for work disability, for unemployment and in other cases as provided by law.)

Taking into consideration that poverty is one of the root causes of human trafficking, directing and viewing such issues at the Constitutional Court is also essential in the context of preventing and combating human trafficking.

Ministry of Education and Science of the Republic of Latvia has started very important changes in approach to education in order to develop the new competency-based education content, which will promote successive and sustainable learning process.

The significant basis for the planned changes is provided, which includes the implementation of the new Pre-school education guidelines, which started in 2019/2020 school year. The new General Basic Education Standard was approved in 2018 and the new General Secondary Education Standard was approved in 2019, both will come into force as of the 2020/2021 school year, promoting the implementation of the competency-based approach.

According to the new approach, curriculum will strengthen knowledge, skills and competences, including issues on human rights, *inter alia*, risks and prevention measures of human trafficking.

The new curriculum will be supported by the new and improved teaching and learning materials, which will provide better and deeper understanding of the content in accordance with student's age.

Within the process of development of the new competency-based education content, it is planned to organize professional development courses for teachers in order to ensure better implementation of the new curriculum, which *inter alia* includes the above-mentioned issues.

¹ More information is available into Latvian language: <http://www.tiesibsargs.lv/news/lv/tiesibsargs-iesniedz-pieteikumu-satversmes-tiesa-par-gmi-neatbilstibu-satversmei>
<http://www.tiesibsargs.lv/news/lv/tiesibsargs-satversmes-tiesa-iesniedz-pieteikumu-par-trucigas-personas-ienakuma-slieksna-neatbilstibu-satversmei>
<http://www.tiesibsargs.lv/news/lv/tiesibsargs-iesniedz-pieteikumu-satversmes-tiesa-par-valsts-sociala-nodrosinajuma-pabalsta-apmera-neatbilstibu-satversmei>

As minors, persons with disabilities, persons with addictions are among persons in risk who might be subjected to trafficking in human beings and become victims of exploitation and in fact in Latvia the most often – become victims of trafficking in human beings, the Ministry of Welfare has initiated several national initiatives which are not specifically designed to prevent trafficking in human beings, but in general might prevent or reduce risks of trafficking in human beings:

- 1) The problems of addictions of adolescents are increasing and it is important to provide support right now and completely change methods of rehabilitation. The use and dependency of addictive substances is one of the greatest health risks in the adolescent population. Nowadays this problem is also accompanied by a dependence on information technologies (Internet, mobile phones) and processes (gambling, eating, self-cutting etc.). Studies show that addictive behaviour in adolescence significantly increases the risks of various diseases, mental disorders, trauma, even death, but in the long term poses a significant additional burden on health, welfare and justice systems. In 2017 the Ministry of Welfare launched the first community based programme which provides qualified support to adolescents with risks of addiction of computer, internet, mobile phone or addictive substances. The target group of the programme are 12 – 18 years old adolescents. An interdisciplinary team of specialists is involved – a mentor, social worker, child psychiatrist, child narcologist, psychologist, psychotherapist, sports educator and other specialists. The main objective is to achieve the normal functioning of teens in school, community and family. Since 2018 this programme is the State funded psycho-social rehabilitation services. In average 200 adolescents can receive services per year. Consultations of specialists are provided not only to adolescents but also to their parents.
- 2) Deinstitutionalisation - Latvia still moving towards the deinstitutionalisation which goal is that people with mild mental disabilities never appear in social care centres but receive appropriate services living with the family and local community (municipality). It is relatively difficult and the numbers are not pleasing, but it is slowly happening. This initiative is extremely important because: it draws the public's attention to the fact that there are persons with this type of interference; it obliges local governments to participate in the development of the services for such persons and to ensure the quality of the life of such people; it draws the attention of families to the fact that persons with mental disabilities do not have to live in social care centres; etc.
- 3) Social entrepreneurship – in 2013 the Ministry of Welfare started elaboration of new policy initiative to promote elaboration of legal regulation of social entrepreneurship and integration into labour market those persons who are in more unfavourable situation. On 1 April 2018 the "Social Enterprise Law" entered into force. The purpose of the Law is to facilitate improvement in the quality of life of the society and to foster employment of population groups at risk of social exclusion, creating an economic activity environment favourable to social enterprises.

➤ **take measures to improve the identification of victims of trafficking, including among foreign nationals;**

The Ministry of Foreign Affairs of the Republic of Latvia has included the topic of prevention of Trafficking in Human Beings in the training of consular officials and consular secretaries. The Ministry of Foreign Affairs has developed the Inner guidelines on plan of action in case of suspected victim of Trafficking in Human Beings that is based on National legislation.

The Ministry of Health in co-operation with specialists of the Centre for Disease Prevention and Control and the Ministry of the Interior has developed recommendations for medical practitioners for the recognition of victims of trafficking in human beings. These recommendations contain practical information on both the problem of trafficking in human beings and the possible behaviour of a medical practitioner, recognising the potential victim of trafficking in human beings. The recommendations are designed as a tool for medical practitioners to present the forms and features of modern human trafficking, which may indicate that a person may have become a victim of human trafficking. In addition, informative material provides advices for making communication between the doctor and the possible victims of trafficking, screening issues for identification of the victim, and information on access to assistance in police, social services and public organisations working with victims of trafficking in human beings.

World experience has shown that medical practitioners can be among professionals first in contact with victims of trafficking. The proposed recommendations therefore aim to promote the possibility that medical practitioners can recognise a potential victim of trafficking in human beings in their day-to-day work and, without the necessary medical assistance, offer the possibility for a person to seek assistance in order to get out from the exploitative situation.

In March 2019 the Ombudsman's Office in cooperation with the State Border Guard started a new multi-year project "Efficient implementation of observation and removal process (1st stage)" (No TSB/PMIF/2018/1). The overall object of the project is to ensure that the processes of monitoring of forced returnees comply with requirements and provision of the 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.

As part of the project, special attention will be paid to the protection of the rights of unaccompanied minors and to improving the procedures for recognising victims of trafficking in human beings in the process of removal.

The project will strengthen inter-institutional cooperation to identify victims of trafficking in human beings prior to removal and ensure the protection of their rights, including against repeated victimisation and exposure to traffickers.

Since the beginning of 2018 the members of national anti-trafficking inter-institutional working group and other national stakeholders were met for several times at a conference, workshops and meetings dedicated to the identification of victims of trafficking, including among foreign nationals and improvement of procedures and mechanism for efficient referral of victims of trafficking in human beings.

National Anti-Trafficking Coordinator did a presentation on Latvia's NRM – National Referral Mechanism – mechanism of interinstitutional cooperation to recognize, identify and refer victims of trafficking in human beings. The presentation contains information regarding target groups of possible victims, visualisation of procedures and involved stakeholders providing recognition of presumed victims (first contact points), referral of victims, exchange of information, taking decisions regarding reflection period, rehabilitation services, information regarding rehabilitation services and victim's rights.

The General Model of Latvia's NRM is developed based on existing practise related to inter-institutional cooperation dealing with human trafficking cases and discussions, outcomes from the international conference "Practical Aspects of Recognition and Identification of Victims of Trafficking in Human Beings" organized by the European Migration Network Latvian Contact Point and the Ministry of the Interior of Latvia, held on 7 – 8 June 2018 in Riga, the Round-table "Identification and referral of victims of trafficking in human beings among foreigners in Latvia including within the process of returns" organised by the National Anti-Trafficking Coordinator of Latvia, in cooperation with the International Centre for Migration Policy Development (ICMPD) in the framework of the project "Forced-Return Monitoring II" (FReM II) on 11 October 2018 in Riga, and a National meeting organized by the Ministry of the Interior of the Republic of Latvia in the framework of the Project "Paving the Way for the Harmonized Operational Framework in the Baltic Sea Region" (HOF-BSR) in Riga 18 December 2018.

During these events the main outcome was that – in general the National NRM is simple and easy to apply and implement if a victim is legally residing in Latvia. When a victim is residing in Latvia illegally there is a lack of practice and understanding in applying procedures related to cooperation and communication between national stakeholders, particularly when it comes to application for reflection period. The relevant institutions do not recognize clearly their role and responsibilities in these procedures. It was identified that there are difficulties, gaps, lack of knowledge and understanding to apply in practice the Law “On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia”. Participants of the HOF-BSR national meeting decided that there is an urgent need to do a comparative analysis of legal norms of the Law and legal norms arising from Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities. It is clear that the Law needs amendments and explanatory notes clearly explaining roles, tasks and responsibilities of involved stakeholders and procedures to apply the provisions and requirements of the Law. It was decided that by the end of January 2019 the Ombudsman’s Office would provide a comparative analysis of legal provisions stated by the Law “On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia” and the Directive 2004/81/EC.

The Ombudsman’s Office did analysis and acknowledged that the procedure of granting the reflection period does not comply with the objective of the Directive 2004/81/EC and understanding and substance of the reflection period as well as best interests of persons suffered from trafficking in human beings. The Ombudsman approached the Ministry of the Interior with the request to consider legal regulation of the Law “On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia” and provide necessary measures to provide its compliance with provisions and requirements of the Directive 2004/81/EC.

This proposal was considered and discussed by inter-institutional working group and sectoral experts and acknowledged that legal regulation provided by the Law “On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia” is relevant and there is no need to elaborate any changes. The main problem was the lack of practise, nobody had real practise how to implement the legal regulation regarding granting the reflection period – the practical procedure was not known and tried.

In 2019 the first cases of exploitation of third country nationals were identified which required real practical action – identification, granting of the reflection period and provision of the State funded social rehabilitation services. Relevant stakeholders managed to provide all necessary steps which confirms that legislation might be confusing without practise and practise and experience will provide national anti-trafficking stakeholders with understanding whether legislation need to be supplemented.

www.bsr-trm.com Transnational Referral Mechanism (TRM) of the Baltic Sea Region (Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia & Sweden), Bulgaria, Romania and Ukraine has been created in 2019 by the Council of the Baltic Sea States (CBSS) Task Force against Trafficking in Human Beings (TF-THB). It was developed in the framework of the transnational project “Paving the Way for the Harmonized Operational Framework in the Baltic Sea Region” (HOF-BSR). A Transnational Referral Mechanism for professionals working in the Baltic Sea Region and beyond was developed to provide them with the right tools in order to successfully assist victims.

- **ensure that the recovery and reflection period is defined in national legislation in compliance with Article 13 of the Convention, and ensure that all possible foreign victims of trafficking, including EU and EEA citizens, are effectively offered such a period.**

As it is mentioned above since 2019 Latvian competent institutions provide identification of third country national who were exploited in Latvia, procedure to grant reflection period and the State funded social rehabilitation services. In 2019 in total 22 third country nationals received reflection period for 30 days. In April 2019 16 persons received reflection period, investigation on trafficking in human beings was not started, 9 persons received temporary residence permits based on employment, voluntary return was provided to 7 persons. In the end of December 2019 8 persons received reflection period, in the beginning of January 2019 two criminal proceedings on trafficking in human beings for the purpose of labour exploitation were initiated by the Anti-Trafficking Unit of the State Police, 8 persons are recognized as victims of human trafficking in criminal proceedings and the person directing the criminal proceedings has approached the Office of Citizenship and Migration Affairs to issue temporary residence permits based on these criminal proceedings.

It is important to note that reflection period needs to be granted in cases when the person has not legal grounds to reside in Latvia. If the person is the national of the Republic of Latvia, the citizen of other Member State of the European Union and EEA or third country national legally residing in Latvia there is no need to grant reflection period. The person receives the status of the victim of trafficking as the result of evaluation done by the commission of specialists of mandated social service providers, and based on the status of victim of trafficking in human beings the State funded social rehabilitation services are granted for 180 days. It means that person has time to decide to cooperate with law enforcement agencies.

Part III - Statistics on THB

14. Please provide the following statistics, **per year starting with 2016**, where available disaggregated as indicated below:

According to the national anti-trafficking policy planning document "Guidelines for the Prevention of Trafficking in Human Beings 2014 – 2020" task No 39 "Development of guidelines for collection and analysis of statistical data on trafficking in human beings" the Ministry of the Interior has elaborated guidelines for data collection, set of indicators and criterions for data collection.

The Ministry of the Interior provides collection of data according these guidelines since 2018, the guidelines are constantly improved, but thanks to the guidelines it is possible to report statistical data in quite detailed manner.

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

		Total number of victims	Number of victims by sex	Number of victims by age	Number of victims by nationality	Number of victims by form of exploitation	Number of victims by internal/transnational trafficking	Number of victims by body which identified them
2016	identified	19	15 females 4 males	6 minors 13 adults	19 Latvia	14 sexual exploitation 4 labour exploitation including forced labour 1 forced sham marriage	14 internal trafficking 5 transnational	7 – police 12 – social service providers
	presumed	14	n/i	n/i	n/i	n/i	n/i	social service providers
2017	identified	25	17 females 8 males	3 minors 22 adults	23 Latvia 2 Tajikistan	8 sexual exploitation 8 labour exploitation including forced labour 8 forced sham marriage 1 domestic servitude	5 internal trafficking 20 transnational	9 – police 16 – service providers
	presumed	17	n/i	n/i	n/i	n/i	n/i	social service providers
2018	identified	23	12 females 11 males	23 adults	23 Latvia	6 sexual exploitation 11 labour exploitation including forced labour 5 forced sham marriage 1 forced criminal activities	5 internal trafficking 18 transnational	12 – police 11 – service providers
	presumed	4	n/i	n/i	n/i	n/i	n/i	social service providers
2019	identified	39	16 females 23 males	1 minor 22 adults	15 Latvia 1 India	7 sexual exploitation	5 internal trafficking 34 transnational	3 police 36 social service providers

					15 Tajikistan 8 Uzbekistan	28 labour exploitation including forced labour 3 forced sham marriage 1 domestic servitude		
	presumed	1	1 female	1 adult	1 Latvia	1 forced marriage	1 exploitation abroad	social service providers

➤ **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**

	Number of victims	Number of victims by sex	Number of victims by age	Number of victims by nationality	Number of victims by form of exploitation
2016	0	0	0	0	0
2017	2	1 female 1 male	1 minor 1 adult	2 Tajikistan	2 sexual exploitation
2018	0	0	0	0	0
2019	0	0	0	0	0

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

	Total number of victims	Number of victims by sex	Number of victims by age	Number of victims by nationality	Number of victims by form of exploitation	Number of victims by internal/transnational trafficking
2016	19	15 females 4 males	6 minors 13 adults	19 Latvia	14 sexual exploitation 4 labour exploitation including forced labour 1 forced sham marriage	14 internal trafficking 5 transnational
2017	25	17 females 8 males	3 minors 22 adults	23 Latvia 2 Tajikistan	8 sexual exploitation 8 labour exploitation including forced labour 8 forced sham marriage 1 domestic servitude	5 internal trafficking 20 transnational
2018	23	12 females 11 males	23 adults	23 Latvia	6 sexual exploitation 11 labour exploitation including forced labour 5 forced sham marriage 1 forced criminal activities	5 internal trafficking 18 transnational
2019	38	16 females	1 minor	15 Latvia	7 sexual exploitation	5 internal trafficking

		22 males	21 adults	1 India 14 Tajikistan 8 Uzbekistan	27 labour exploitation including forced labour 3 forced sham marriage 1 domestic servitude	33 transnational
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➤ **Number of child victims of THB who were appointed legal guardians.**

	Number of child victims – appointed legal guardians
2016	0
2017	0
2018	0
2019	0

➤ **Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).**

	Number of victims granted reflection period	Number of victims by sex	Number of victims by age	Number of victims by nationality	Number of victims by form of exploitation
2016	0	0	0	0	0
2017	0	0	0	0	0
2018	0	0	0	0	0
2019	22	22 males	22 adults	14 Tajikistan 8 Uzbekistan	22 labour exploitation including forced labour

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

	Number of victims	Number of victims by sex	Number of victims by age	Number of victims by nationality	Number of victims by form of exploitation
2016	0	0	0	0	0
2017	2 (permanent residence permits as refugees)	1 female 1 male	1 minor 1 adult	2 Tajikistan	2 sexual exploitation
2018	0	0	0	0	0
2019	9 (temporary residence permit – employment 1 year)	9 males	9 adults	9 Tajikistan	2 labour exploitation including forced labour

➤ **Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).**

	Number of victims	Number of victims by sex	Number of victims by age	Number of victims by nationality	Number of victims by form of exploitation
2016	0	0	0	0	0
2017	0	0	0	0	0
2018	0	0	0	0	0
2019	0	0	0	0	0

- **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).**

	Number of victims	Number of victims by sex	Number of victims by age	Number of victims by nationality	Number of victims by form of exploitation	The compensation provided	Amount awarded (euro)
2016	3	1 female	1 minor	1 Latvia	n/i	State compensation	1260
		2 males	2 adults	2 Latvia	n/i	State compensation	1295
						State compensation	1295
2017	1	1 male	1 adult	1 Latvia	n/i	State compensation	1295
2018	4	1 male	2 adults	2 Latvia	2 labour exploitation including forced labour (internal)	State compensation/perpetrator	1330/500
		1 female				State compensation/perpetrator	1330/1000
		1 female	1 adult	1 Latvia	n/i	State compensation	1330
		1 female	1 adult	1 Latvia	n/i	State compensation	1505
2019	4	1 female	1 minor	1 Latvia	n/i	State compensation	1935
		1 male	1 adult	1 Latvia	n/i	State compensation	1935
		1 female	1 adult	1 Latvia	n/i	State compensation	1935
		1 female	1 adult	1 Latvia	n/i	State compensation	1505

- **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**

	Number of victims
2016	n/i
2017	n/i
2018	n/i
2019	n/i

- **Number of victims of THB who received free legal aid.**

	Number of victims
2016	n/i
2017	n/i
2018	n/i
2019	n/i

- **Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).**

	Number of victims	Number of victims by sex	Number of victims by age	Number of victims by nationality	Number of victims by form of exploitation
2016	3	3 females	3 adults	3 Latvia	2 sexual exploitation, 1 forced sham marriage
2017	4	2 females, 2 males	4 adults	4 Latvia	3 labour exploitation including forced labour, 1 sexual exploitation

2018	3	3 females	3 adults	3 Latvia	2 forced sham marriage, 1 sexual exploitation
2019	8	8 males	8 adults	8 Tajikistan	8 labour exploitation including forced labour

Please note that statistics are provided for both criminal offences – Section 154¹ Human Trafficking and Section 165¹ Sending a Person for Sexual Exploitation

- **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**

	Criminal Law Section 154 ¹ Human Trafficking			Criminal Law Section 165 ¹ Sending a Person for Sexual Exploitation	
	Number of investigations	Type of exploitation	Number of victims	Number of investigations	Number of victims
2016	4	3 forced sham marriage 1 labour exploitation (internal)	0 4 males	10	0
2017	7	1 labour exploitation (internal) 1 sexual exploitation (internal) 3 labour exploitation (transnational) 2 forced sham marriages (transnational)	in total 1 male and 3 females	8	0
2018	4	2 forced sham marriages (transnational) 2 sexual exploitation (internal)	in total 2 males and 3 females	2	0
2019	3	1 labour exploitation (transnational) 1 sexual exploitation (internal) 1 forced sham marriage (transnational)	2 females 1 female 0	1	0

- **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**

	Criminal Law Section 154 ¹ Human Trafficking			Criminal Law Section 165 ¹ Sending a Person for Sexual Exploitation		
	Number of criminal cases*/ Type of exploitation	Number of victims	Number of defendants	Number of criminal cases*	Number of victims	Number of defendants
2016	4 in total 4	in total: 2 minor females (sexual exploitation (internal)) 10 females (forced sham marriages (transnational))	in total: 11 (6 females, 5 males)	4	0	4 (2 females, 2 males)
2017	2 1 labour exploitation (internal) 1 forced sham marriage	6 males 1 female	in total: 3 (1 female, 2 males)	4	0	5 (2 females, 3 males)
2018	1 1 labour exploitation (internal)	1 female, 1 male	1 male	1	0	1 male
2019	3 1 sexual exploitation (internal)	1 male 2 females	in total: 3 (2 females, 1 male)	3	0	4 (1 female, 3 males)

		2 forced sham marriages (transnational)					
* number of criminal cases sent for adjudication							

➤ Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).

		Number of convicted perpetrators	Number of convicted perpetrators by sex	Number of convicted perpetrators by age	Number of convicted perpetrators by nationality	Number of convicted perpetrators by form of exploitation
2016	Criminal Law Section 154 ¹ Human Trafficking	4	2 males, 2 females	1 (18-24 years old) 3 (30-49 years old)	4 Latvia	inc
	Criminal Law Section 165 ¹ Sending a Person for Sexual Exploitation	12	9 males, 3 females	1 (18-24 years old) 2 (25-29 years old) 9 (30-49 years old)	10 Latvia 1 Cuba 1 Germany	sexual exploitation
2017	Criminal Law Section 154 ¹ Human Trafficking	4	1 male, 3 females	2 (18-24 years old) 2 (30-49 years old)	4 Latvia	inc
	Criminal Law Section 165 ¹ Sending a Person for Sexual Exploitation	6	3 males, 3 females	1 (18-24 years old) 1 (25-29 years old) 4 (30-49 years old)	6 Latvia	sexual exploitation
2018	Criminal Law Section 154 ¹ Human Trafficking	1	1 male	1 (30-49 years old)	Latvia	inc
	Criminal Law Section 165 ¹ Sending a Person for Sexual Exploitation	1	1 male	1 (50 years old-older)	Latvia	sexual exploitation
2019	Criminal Law Section 154 ¹ Human Trafficking	2	2 males	2 (30-49 years old)	Latvia	forced sham marriages
	Criminal Law Section 165 ¹ Sending a Person for Sexual Exploitation	7	6 males, 1 female	1 (25-29 years old) 6 (30-49 years old)	Latvia	sexual exploitation
inc - information is not collected according such criterion						

➤ Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.

		Number of convicted perpetrators	Number of convicted perpetrators by form of exploitation	Type and duration of the penalties	Real/suspended
2016	Criminal Law Section 154 ¹ Human Trafficking	4	inc	4 (imprisonment suspended) 2 (confiscation of assets)	4 suspended
	Criminal Law Section 165 ¹ Sending a Person for Sexual Exploitation	12	sexual exploitation	2 (imprisonment (up to a year)) 10 (imprisonment suspended)	2 real 10 suspended
2017	Criminal Law Section 154 ¹ Human Trafficking	4	inc	3 (imprisonment suspended) 1 (a fine)	3 suspended

	Criminal Law Section 165 ¹ Sending a Person for Sexual Exploitation	6	sexual exploitation	6 (imprisonment suspended)	6 suspended
2018	Criminal Law Section 154 ¹ Human Trafficking	1	inc	1 (imprisonment (5 years) suspended)	suspended
	Criminal Law Section 165 ¹ Sending a Person for Sexual Exploitation	1	sexual exploitation	1 (imprisonment (2 years) suspended)	suspended
2019	Criminal Law Section 154 ¹ Human Trafficking	2	forced sham marriages	2 (imprisonment (5 years 2 months)) 2 (probationary supervision (3 years))	2 real
	Criminal Law Section 165 ¹ Sending a Person for Sexual Exploitation	7	sexual exploitation	2 (imprisonment (6 years 6 months)) 3 (confiscation of assets) 2 (probationary supervision (1 year 6 months)) 4 (imprisonment (2 years, 3 years, 3 years 6 months, 4 years) suspended)	2 real 4 suspended

➤ **Number of judgments in THB cases resulting in the confiscation of assets.**

	Number of cases resulting in the confiscation of assets
2016	2
2017	0
2018	0
2019	0

➤ **Number of convictions of legal entities for THB.**

	Number of convictions of legal entities
2016	0
2017	0
2018	0
2019	0

Annex: A list of legal acts with links to translations into English language used for elaboration of replies

Criminal Procedure Law <https://likumi.lv/ta/en/en/id/107820-criminal-procedure-law>

On State Compensation to Victims <https://likumi.lv/ta/en/en/id/136683-on-state-compensation-to-victims>

State Ensured Legal Aid Law <https://likumi.lv/ta/en/en/id/104831-state-ensured-legal-aid-law>

Regulations Regarding the Amount of State-ensured Legal Aid, the Amount of Payment, Reimbursable Expenses and the Procedures for Payment Thereof <https://likumi.lv/ta/en/en/id/202908-regulations-regarding-the-amount-of-state-ensured-legal-aid-the-amount-of-payment-reimbursable-expenses-and-the-procedures-for-payment-thereof>

Criminal Law <https://likumi.lv/ta/en/en/id/88966-the-criminal-law>

Law on Execution of Confiscation of Criminally Acquired Property <https://likumi.lv/ta/en/en/id/292019-law-on-execution-of-confiscation-of-criminally-acquired-property>

Cabinet Regulation No 564 "Regulations Regarding Residence Permits" <https://likumi.lv/ta/en/en/id/212441-regulations-regarding-residence-permits>

Cabinet Regulation No 225 "Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means" <https://likumi.lv/ta/en/en/id/290808-regulations-regarding-the-amount-of-financial-means-necessary-for-a-foreigner-and-the-determination-of-the-existence-of-financial-means>

Labour Law <https://likumi.lv/ta/en/en/id/26019-labour-law>

Civil Law <https://likumi.lv/ta/en/en/id/225418-the-civil-law>

Cabinet Regulation No 32 "Regulations Regarding Restriction of Prostitution" <https://likumi.lv/ta/en/en/id/169772-regulations-regarding-restriction-of-prostitution>

Cabinet Regulation No 338 "Requirements for Social Service Providers" <https://likumi.lv/ta/en/en/id/291788-requirements-for-social-service-providers>

Ombudsman Law <https://likumi.lv/ta/en/en/id/133535-ombudsman-law>

Immigration Law <https://likumi.lv/ta/en/en/id/68522-immigration-law>

Law on the Protection of the Children's Rights <https://likumi.lv/ta/en/en/id/49096-law-on-the-protection-of-the-childrens-rights>

The Constitution of the Republic of Latvia <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia>

For victims – Cietusajiem.lv

cietusajiem.lv/en/c/for-victims/

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CALL FOR SUPPORT
FOR CRIME VICTIMS

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FOR VICTIMS FOR WITNESSES INFORMATIVE MATERIALS

Cietusajiem.lv > For victims

REPORT A CRIME | LEGAL INFORMATION

FOR VICTIMS

Information for crime victims

HELPING VICTIMS

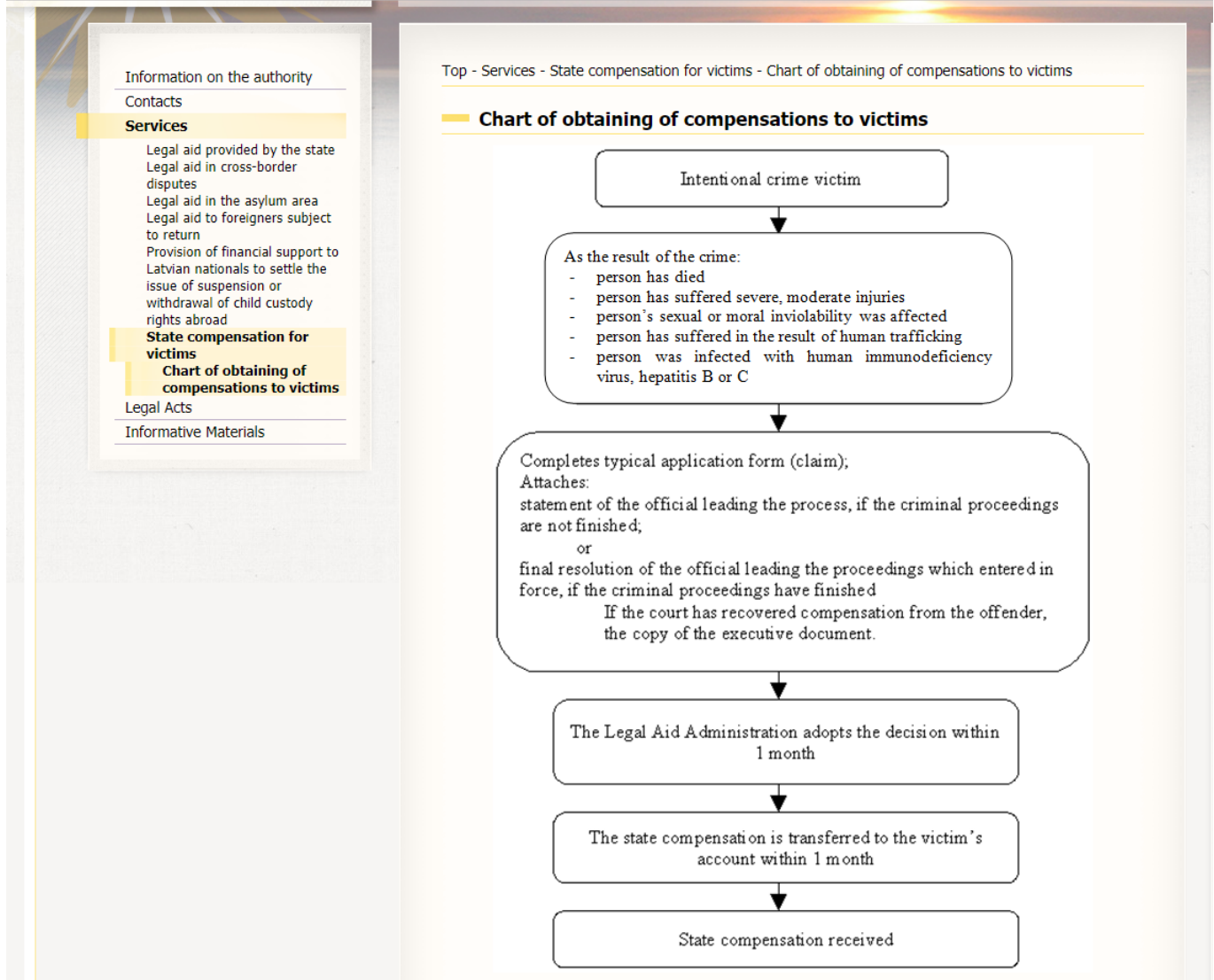
Information about Crisis and Counseling Centres in Latvia

STATE ENSURED LEGAL AID

To receive legal aid provided by the state, a person must complete and submit to the Legal Aid Administration an application...

STATE COMPENSATION TO VICTIMS

A person, who has been identified as victim in criminal proceedings, if the offence resulted in death of the person...



Information on the authority

Contacts

Services

- Legal aid provided by the state
- Legal aid in cross-border disputes
- Legal aid in the asylum area
- Legal aid to foreigners subject to return
- Provision of financial support to Latvian nationals to settle the issue of suspension or withdrawal of child custody rights abroad

State compensation for victims

Chart of obtaining of compensations to victims

Legal Acts

Informative Materials

Legal Aid Administration of the R x +

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Information on the authority

Contacts

Services

- Legal aid provided by the state
- Legal aid in cross-border disputes
- Legal aid in the asylum area
- Legal aid to foreigners subject to return
- Provision of financial support to Latvian nationals to settle the issue of suspension or withdrawal of child custody rights abroad
- State compensation for victims**
- Chart of obtaining of compensations to victims

Legal Acts

Informative Materials

Top - Services - State compensation for victims

State compensation for victims

In accordance with the [Law on State Compensation to Victims](#) and Regulations No 869 "Legal Aid Administration Regulation" adopted by the Cabinet of Ministers on 15 November 2005, the Legal Aid Administration pays state compensation to crime victims.

A person admitted a victim in criminal proceedings **is entitled to the state compensation** where an intentional criminal offence has resulted in:

- the death of a person;
- severe or moderate bodily injuries to the victim have been caused;
- morality or sexual inviolability of the person has been violated;
- the victim is a victim of trafficking in human beings;
- the victim has been infected with human immunodeficiency virus, Hepatitis B or C.

In order to receive state compensation, a person shall submit to the Legal Aid Administration a filled-in form of the application for state compensation (<http://jpa.gov.lv/valsts-kompensacijas-pieprasijuma-veidlapas>) accompanied with respective documents:

- 1) statement of the person directing the proceedings informing that the final ruling in the criminal proceedings is not made in the moment of the state compensation request;
- 2) the final ruling of the person directing the proceedings has entered into force in the moment of the state compensation request, the criminal proceedings is finished or the decision of the person directing the proceedings on the termination of the criminal proceedings has entered into force on the grounds of circumstances that do not rehabilitate the person. If the compensation for damage caused by a criminal proceedings as laid down in the court judgement or final ruling of the person directing the proceedings is not executed or is executed in part, the final ruling of the person directing the proceedings shall have enclosed the executive document or information about the court bailiff, to which it is submitted for enforced execution.

The state compensation request shall be submitted to the Legal Aid Administration within **three years** from the day, on which the person was admitted victim or found out the facts, which gives the person the right to do so.

For more information about the Legal Aid Administration services see: <https://jpa.gov.lv/services-eng>.

Free of charge informative telephone **80001801**

Informative and psychological support, as well as information on available victim support bodies and their services is available to victims and their relatives by calling **toll-free information support telephone 116006** "Helpline for crime victims" every day from 7:00 to 22:00.

Legal Aid Administration of the R x +

jpa.gov.lv/valsts-nodrosinata-juridiska-palidziba-eng59

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[Information on the authority](#)

[Contacts](#)

Services

Legal aid provided by the state

- Chart of obtaining legal aid
- Recovery
- Legal aid in cross-border disputes
- Legal aid in the asylum area
- Legal aid to foreigners subject to return
- Provision of financial support to Latvian nationals to settle the issue of suspension or withdrawal of child custody rights abroad
- State compensation for victims

[Legal Acts](#)

[Informative Materials](#)

Top - Services - Legal aid provided by the state

Legal aid provided by the state

In accordance with the [State Ensured Legal Aid Law](#) and Regulations No 869 "Legal Aid Administration Regulation" adopted by the Cabinet of Ministers on 15 November 2005, the Legal Aid Administration manages the funds for the state ensured legal aid.

In a Constitutional Court process, civil matters and certain administrative matters, the state ensured legal aid is available to a person*, who:

- has obtained the status of a low-income or needy person;
- suddenly finds itself in a situation and material condition which prevents from ensuring its rights (acts of God, force majeure or other reasons that cannot be affected by the person);
- is fully dependent on the state or municipality.

The partial state ensured legal aid in lawyer's civil matters of certain type (on admitting a decision of members or shareholders of capital companies null and void and matters resulting from the law of obligations if the claim amount exceeds 150,000 euro) is available to persons:

- whose income level does not exceed the national minimum monthly wage;
- whose property condition is appropriate for receiving the legal aid.

A whistle-blower can receive the state ensured legal aid under cases laid down in the [State Legal Aid Law](#) without assessing his or her property (as of 1 May 2019).

** The state ensured legal aid is available to a citizen of Latvia, a non-citizen of Latvia, a stateless person, a European Union citizen who is not a citizen of the Republic of Latvia, but resides legally in the Republic of Latvia, a third-country national (including a refugee and a person who has been granted the alternative status in the Republic of Latvia) who is not a citizen of a European Union Member State, if he or she legally resides in the Republic of Latvia and has received a permanent residence permit.*

The Legal Aid Administration provides legal aid:

- 1) in civil matters (except where the case is connected with customs or tax matters, it relates to a claim on infringement of honour and dignity, it relates to a claim which is directly related to the person's business activities or the commercial activities or independent professional activities etc.);
- 2) in administrative matters:
 - within appeal of orphans' court decision on the protection of child's rights and legal interests;
 - in appeal procedures within asylum granting process;
 - within appeal of a decision on contested departure order or decision on contested decision on deportation;