



EVALUATION REPORT

LATVIA

Third evaluation round

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

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

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Executive summary

Since the second round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Latvia has continued to develop the legislative and policy framework relevant to action against trafficking in human beings. The Law on State Compensation to Victims was amended to increase the maximum amount of state compensation to be paid to victims of trafficking in human beings. Further, the Administrative Violations Code was amended in 2017, releasing from administrative liability victims of trafficking who have committed administrative violations as a result of being trafficked. A new National Action Plan against trafficking in human beings (2021-2023) was adopted in close co-operation with specialised NGOs.

Latvia used to be primarily a country of origin of victims of trafficking in human beings, but since 2019, there has been an increase in the number of foreign victims identified in Latvia. Trafficking for the purpose of labour exploitation has gradually emerged as the main form of exploitation, and the number of identified male victims has also increased over the years.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

Victims of human trafficking are informed about their rights by the police and providers of victim support services, in particular the two specialised NGOs to whom victims of trafficking are referred for assistance (Centre MARTA and Shelter "Safe House"). Stressing that victims should be provided with information on rights in a manner which takes into account their cognitive skills and psychological state, GRETA considers that the Latvian authorities should strengthen the systematic provision of information to victims of trafficking, including through the development of written materials in a variety of languages.

Victims of trafficking are provided with legal assistance and court representation by the NGOs Centre MARTA and Shelter "Safe House", which have concluded agreements with the Ministry of Welfare to provide social rehabilitation services. GRETA considers that the Latvian authorities should take further steps to facilitate and guarantee access to justice for victims of trafficking, in particular by ensuring that a specialised lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking.

Since 2016, only two victims of trafficking have claimed - and were awarded by criminal courts - compensation from perpetrators. The number of victims who claimed and received state compensation was 12 in the period 2016-2020. GRETA is concerned that, in practice, effective access of victims of trafficking to compensation remains sporadic. GRETA therefore urges the Latvian authorities to make full use of the legislation on the freezing and forfeiture of assets, as well as of international co-operation, to secure compensation to victims of trafficking, as well as to include the topic of compensation in the training programmes for lawyers, prosecutors and judges, and to encourage them to use all the possibilities the law offers to uphold compensation claims by victims of trafficking.

Furthermore, GRETA is concerned by the low number of investigations, prosecutions and convictions for trafficking in human beings, and the fact that a significant number of the sentences handed down were suspended. Adequate resources and capacity building should be provided to the Police Anti-Trafficking Unit to enable them to proactively investigate human trafficking cases, making use of special investigation techniques in order to collect evidence. The knowledge and sensitivity of judges, prosecutors and investigators about the seriousness of human trafficking, the severe impact of exploitation on the victims, and the need to respect their human rights should continue to be improved.

While welcoming the legislative changes introduced to the Administrative Violations Code, GRETA considers that the Latvian authorities should take further steps to ensure effective consistent application of the principle of non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so. Such measures should include the development of guidance for police officers and prosecutors on the scope and application of the non-punishment provision.

Furthermore, GRETA urges the Latvian authorities to make full use of the available measures to protect victims and witnesses, and to prevent intimidation during the investigation, as well as during and after the court proceedings.

GRETA welcomes the existence of police investigators and prosecutors specialised in trafficking in human beings, and considers that the Latvian authorities should also promote specialisation and training of labour inspectors and judges. Further, GRETA considers that the Latvian authorities should ensure adequate human and technical resources of the Police Unit for the Fight against Human Trafficking.

The report examines progress made on the implementation of previous GRETA recommendations on selected topics. While welcoming the steps taken in Latvia since the second evaluation to prevent and detect human trafficking for the purpose of labour exploitation, GRETA considers that the Latvian authorities should reinforce the human resources of the State Labour Inspectorate, encourage safe reporting procedures for foreign workers, and review the legislative framework with a view to preventing foreign recruitment agencies from facilitating the exploitation of migrant workers.

The regulation on the identification and social rehabilitation of victims of trafficking was amended in 2019, resulting in changes to the multi-disciplinary commission of experts entitled to recognise a person as a victim of trafficking. The commission comprises a social worker, a psychologist and a lawyer, and if necessary, other specialists, including representatives of the two specialised NGOs providing services to victims of trafficking. In addition to this, GRETA considers that the Latvian authorities should adopt regulations or guidance on the procedures for screening asylum seekers and irregular migrants for trafficking indicators, including amongst persons placed in detention.

Furthermore, GRETA urges the Latvian authorities to ensure that the funding envisaged for assistance to victims of human trafficking is sufficient to cover the needs of all victims, including appropriate and safe accommodation, and to allow the provision of assistance for the duration necessary to achieve their recovery.

Finally, GRETA calls on the Latvian authorities to review the legal provisions on the recovery and reflection period in order to comply with Article 13 of the Convention.

Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

In accordance with Article 38, paragraph 1, of 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, 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, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

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. GRETA's findings and analysis of these topics are presented in a separate chapter.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for the Republic of Latvia on 1 July 2008. GRETA’s first evaluation report on Latvia was published on 31 January 2013¹, and the second evaluation report was published on 23 March 2017.²

2. On the basis of GRETA’s second report, on 10 March 2017, at the 20th meeting of the Committee of the Parties to the Convention, the Committee adopted a recommendation to the Latvian authorities, requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Latvian authorities on 9 March 2018 was considered at the 23rd meeting of the Committee of the Parties on 9 November 2018 and was published.

3. On 1 October 2019, GRETA launched the third round of evaluation of the Convention in respect of Latvia by sending the questionnaire for this round to the Latvian authorities. The deadline for submitting the reply to the questionnaire was 1 February 2020, and the authorities’ reply was received on 31 January 2020.³

4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Latvian authorities, the above-mentioned report submitted by them in reply to the Committee of the Parties’ recommendation, additional information submitted by them in reply to the Committee of the Parties’ recommendation, and information received from civil society. An evaluation visit to Latvia was expected to take place in May 2020, but GRETA was prevented from carrying out the visit due to the travel and sanitary restrictions related to the COVID-19 pandemic. Mindful of the importance of proceeding with the third evaluation of Latvia without further delay, GRETA decided to hold a series of online meetings on 11, 14 and 17 December 2020, while reserving the possibility of organising a targeted physical visit whenever possible. The online meetings were carried out by:

- Mr Ryszard Piotrowicz, first Vice-President of GRETA at the time of the meetings;
- Ms Antoaneta Vassileva, member of GRETA;
- Ms Alexandra Malangone, independent expert assisting GRETA during the evaluation of Latvia;
- Ms Petya Nestorova, Executive Secretary of the Convention;
- Mr Alexander Bartling, Administrator in the Secretariat of the Convention.

5. Online meetings were held with the then National Anti-Trafficking Co-ordinator, Ms Lāsma Stabina (Senior Expert at the Sectoral Policy Department of the Ministry of the Interior), as well as with officials from the Ministry of the Interior, the State Police, the State Border Guard, the Prosecutor’s Office, the State Labour Inspectorate, the Ministry of Justice, the Legal Aid Administration, the Judicial Training Centre, the Ministry of Welfare, the Children’s Rights Protection State Agency, the Ministry of Education and Sciences, the National Centre for Education, and the Ombudsman’s Office. Separate online meetings were held with representatives of civil society.

¹ <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063bc2f>

² <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680665339>

³ <https://rm.coe.int/greta-2018-26-lva-rep/16809e4101>

6. In order to complete the collection of information necessary for drawing up the final report, a physical visit to Latvia was carried out on 11-12 October 2021 by Ms Antoaneta Vassileva, first Vice-President of GRETA, and Ms Petya Nestorova, Executive Secretary of the Convention. During the visit, the GRETA delegation held meetings with the State Secretary of the Ministry of the Interior, Mr Dimitrijs Trofimovs, the National Anti-Trafficking Co-ordinator, Ms Agnese Zile-Veisberga, as well as with officials from the State Police, the State Border Guard, the Office of Citizenship and Migration Affairs, the Legal Aid Service, the State Labour Inspectorate, the Specialised Prosecutor's Office for Organised Crime, and judges from Riga Regional Court. Separate meetings were held with representatives of NGOs and trade unions.

7. The list of the national authorities and NGOs with which GRETA's delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them. GRETA wishes to place on record the excellent co-operation provided by Ms Lāsma Stabiņa, National Anti-Trafficking Co-ordinator at the time of the online meetings, and Ms Agnese Zile-Veisberga, National Anti-Trafficking Co-ordinator at the time of the physical visit.

8. The draft version of the present report was approved by GRETA at its 41st meeting (5-8 July 2021) and was submitted to the Latvian authorities for comments. The authorities' comments were received on 20 October 2021 and were taken into account by GRETA when adopting the final report at its 42nd meeting (22-26 November 2021). The report covers the situation up to 26 November 2021; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and trends in the area of trafficking in human beings in Latvia

9. Latvia used to be primarily a country of origin of victims of trafficking in human beings (THB), but in the last three years it has emerged also as a country of destination. According to data provided by the Latvian authorities, 19 victims of THB were identified in 2016, 25 in 2017, 23 in 2018, and 39 in 2019 (a total of 106 victims).⁴ In 2016-2018, all but two of the identified victims were Latvian nationals (the two foreign victims were from Tajikistan⁵). In 2019, in addition to 15 Latvian victims, there were 24 foreign nationals identified as victims (15 from Tajikistan, eight from Uzbekistan and one from India). During the reporting period, 60 of the identified victims were female and 46 were male; the number of children amongst them was 10. Out of the total of 106 identified victims, 77 were trafficked transnationally and 29 internally (i.e. within Latvia). The main countries of destination of Latvian victims were Germany, Cyprus, Spain, United Kingdom and USA. As regards the forms of exploitation, 51 of the identified victims were trafficked for labour exploitation, 35 for sexual exploitation, 17 for sham marriages, two for domestic servitude, and one for forced criminal activities. In 2020, there were 48 formally identified victims of THB (of whom 34 were male and 14 were female, including two children). The majority of them were trafficked for the purpose of labour exploitation (37), followed by sexual exploitation (10) and forced sham marriage (one). There were 17 Latvian citizens amongst the victims and the remainder were from Tajikistan (18), India (7) and Uzbekistan (6). Seven of the victims were trafficked to other countries (Serbia, Romania, United Kingdom, Brazil, Romania, Russian Federation, USA), and 41 were trafficked to and within Latvia. At the time of the GRETA visit in October 2021, there were 31 identified victims in 2021.

10. During the reporting period, trafficking for the purpose of labour exploitation has emerged as the main form of exploitation. Thus, in 2019, out of 39 formally identified victims, 28 were victims of labour exploitation, and in 2020, 34 out of 48 victims. GRETA was informed that there had been an increase in complaints about unpaid wages received from migrant workers from Tajikistan and Uzbekistan working in construction and agriculture. Further, according to the authorities, the State Labour Inspectorate has been increasingly identifying Ukrainian workers sent to Latvia as "posted workers"⁶ when carrying out checks on unregistered employment and violations at construction sites (see paragraph 159). In 2021, there were new detected cases of THB for the purpose of labour exploitation which concerned vulnerable Latvian citizens with addictions, the agricultural sector and a factory manufacturing cookies (see paragraph 83).

III. Developments in the legislative, institutional and policy framework for action against human trafficking

11. The legislative framework related to action against THB has evolved since GRETA's second evaluation report. The Law on State Compensation to Victims was amended on 6 September 2018 (in force from 1 January 2019), increasing the maximum amount of state compensation to be paid to victims of trafficking in human beings from 70% to 90% of five minimum monthly wages (see paragraph 67).

12. Further, the Administrative Violations Code was amended on 9 November 2017 (in force from 6 December 2017), releasing from administrative liability victims of THB who have committed administrative violations as a result of being trafficked. This amendment is related to one of the recommendations made in GRETA's second report, to extend the scope of the non-punishment provision to cover all offences victims of THB are compelled to commit, including administrative and immigration-related offences (see paragraph 97).

⁴ By way of comparison, the number of identified victims in the period covered by the second GRETA report was as follows: 25 in 2012, 22 in 2013, 34 in 2014, 12 in 2015 (a total of 93).

⁵ According to a Council of Baltic Sea States report, these two victims were identified as asylum seekers with special procedural or reception needs and were accepted by the assistance system. They had been exploited in other countries prior to their arrival in Latvia.

⁶ Pursuant to 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.

13. On 22 July 2017, Parliament adopted the Law on Execution of Confiscation of Criminally Acquired Property (in force since 1 August 2017). According to it, half of the confiscated proceeds from crime transferred to the State budget, but not more than two million euros in a financial year, shall be transferred to a separate budget programme of the Ministry of Justice in order to implement measures for combating financial and economic crimes and providing support to victims. Further, on 1 November 2018, the Law on Prevention of Money Laundering and Terrorism and Proliferation Financing was amended and, as of 1 January 2019, the Financial Intelligence Unit (FIU) of Latvia is an independent authority acting under the supervision of the Cabinet of Ministers.

14. Cabinet of Ministers Regulation No. 344 "Regarding the Procedures by which Victims of Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of Trafficking in Human Beings"⁷ was adopted on 16 July 2019, repealing the previous Regulation No. 889 of 31 October 2006. As a result, the composition of the commission of experts entitled to recognise a person as a victim of trafficking in human beings was changed. Currently, it must comprise at least one social worker, psychologist and lawyer, as well as, if necessary, other specialists. It also comprises representatives of the two specialised NGOs providing services to victims of THB (Centre MARTA and Shelter "Safe House"). The regulation enables adults and children staying at care institutions to receive social rehabilitation as victims of trafficking.

15. It is also noteworthy that on 7 February 2019 Parliament adopted the Law "On the Council of Europe Convention against Trafficking in Human Organs". As a result of Latvia's ratification of this Convention, Section 139 of the Criminal Law (CL) was amended (concerning illegal removal of tissues and organs) and a new provision was added (Section 139¹, entitled "recruitment of donors and recipient of human tissues and organs").

16. The Ministry of the Interior is responsible for planning and co-ordinating national anti-trafficking policy. The National Anti-Trafficking Co-ordinator is an official of the Ministry of the Interior. In early 2021, the previous National Co-ordinator moved to a new job and was replaced by another Ministry of the Interior official who took up her function in May 2021.

17. The Inter-institutional Working Group on Combating Human Trafficking was established in a new composition by a Prime Minister's order in 2017,⁸ and continues to co-ordinate the activities of governmental agencies, municipal institutions and NGOs, under the lead of the National Co-ordinator. GRETA was informed that the Inter-Institutional Working Group did not meet in 2020. Following criticisms expressed by the Ombudsman's Office concerning the functioning of the Working Group, which was found to be focusing on the referral of victims, awareness raising and training, but lacking on strategic decision making, it was foreseen to review the aims and role of the Working Group in 2021. The Latvian authorities have specified that the scope and tasks of the Working Group remain the same and that its next meeting was foreseen on 9 November 2021. GRETA was informed that the agenda of the meeting included the drafting of a binding document (law) on the National Referral Mechanism, the designation of an independent National Rapporteur on human trafficking, and the draft law on prostitution. **GRETA considers that the Latvian authorities should ensure that the Inter-institutional Working Group meets regularly and is provided with the necessary human and financial resources to make progress on the activities envisaged in the new National Action Plan.**

⁷ Available at: <https://likumi.lv/ta/en/en/id/308253-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>

⁸ It consists of the 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, State Police, General Prosecutor's Office, State Border Guard, 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, Ombudsman's Office, Association of Municipalities, as well as the NGOs Shelter "Safe House", Centre MARTA and For free Vidzeme from Trafficking in Human Beings.

18. Latvia has not designated an independent National Rapporteur on human trafficking. GRETA was informed that the Ministry of the Interior assumes the tasks and responsibilities of National Anti-Trafficking Co-ordinator and partly the tasks of National Rapporteur. The possibility of the Ombudsman's Office fulfilling the latter's role has been discussed. The new National Action Plan (see paragraph 20) includes as an action the discussion of the designation of a national rapporteur's institution in Latvia, and how it could be integrated into the Ombudsman's institution in terms of an additional position and additional funding. In the Ombudsman's view, the Ombudsman's institution could not take on the role of national rapporteur on THB within the existing capacity. At the same time, within the framework of the existing resources, the Ombudsman is already actively involved in action against THB, providing recommendations, training and support for the improvements of the legal framework. As noted in the second report on Latvia, GRETA is of the view that the key features of National Rapporteurs' mechanisms within the meaning of Article 29, paragraph 4, of the Convention should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. A structural separation between these monitoring functions and executive functions makes possible an objective evaluation of the implementation of anti-trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations. **GRETA invites the Latvian authorities to finalise the process of designation of an independent National Rapporteur or designating another already existing independent mechanism with a view to ensuring effective monitoring of the anti-trafficking activities of state institutions and making recommendations to the persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).**

19. As mentioned in GRETA's second report, since 2014, Latvia has been implementing a policy document entitled "Guidelines for the Prevention of Trafficking in Human Beings" (2014-2020).⁹ The actions envisaged by it have been funded through the budgets of relevant national stakeholders as well as through international projects. The Ministry of the Interior developed a mid-term evaluation report on the implementation of the Guidelines, which was approved by the Cabinet of Ministers in May 2018. A final evaluation report is expected by the end of 2021 and it will be prepared by the National Anti-Trafficking Co-ordinator. In the absence of funding, it has not been possible to commission an external, independent evaluation of the implementation of the Guidelines and in the meantime, a new National Action Plan has been adopted (see paragraph 20).

20. A new National Action Plan against trafficking in human beings (2021-2023) was adopted on 28 September 2021.¹⁰ It was adopted in close co-operation with specialised NGOs and follows the 4-P model (prevention, protection, prosecution and partnership). For each of the measures, operating results, performance indicators, responsible authorities, deadlines for execution and funding resources are indicated. The foreseen activities of the plan will be carried out within the existing budget of the responsible institutions and with the support of funding available from international projects. **GRETA considers that the Latvian authorities should ensure that the implementation of the new National Action Plan is supported by adequate, dedicated funding, and that its implementation is the subject of an independent evaluation.**

21. GRETA was informed that only two local municipalities allocate funding for anti-trafficking activities and the provision of services and assistance to victims of trafficking. The Latvian authorities have specified that municipalities can allocate funding for people who reside in that municipality. It is difficult to allocate annual funding for services to victims of THB when it is not known how many of them there would be, if any. Awareness rising activities are planned in an *ad hoc* manner.

⁹ See paragraph 23 of GRETA's second report on Latvia.

¹⁰ Available at: <https://likumi.lv/ta/id/326420-par-cilveku-tirdzniecibas-noversanas-planu-2021-2023-gadam>

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

22. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right of access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

23. The right to effective remedies is a reflection of the human rights-based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of trafficking, and effectively investigate trafficking offences.¹¹

24. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,¹² the right to an effective remedy is considered to include restitution,¹³ compensation,¹⁴ rehabilitation,¹⁵ satisfaction¹⁶ and guarantees of non-repetition.¹⁷

¹¹ *Rantsev v. Cyprus and Russia*, no. 25965/04, ECHR 2010; application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgement 30 March 2017.

¹² UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, 28 July 2014, A/69/33797.

¹³ Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identify and travel documents and other personal belongings.

¹⁴ Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

¹⁵ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

¹⁶ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims or their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

¹⁷ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

25. All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which outlines the main steps to be taken to improve access to justice, fair treatment, restitution, compensation and social assistance for victims of crime.¹⁸

26. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid.

27. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26) according to which victims of human trafficking must not be imposed penalties for their involvement in unlawful activities committed while they were being trafficked. Further, the Convention requires State Parties to enable the seizure and confirmation of the assets of traffickers, which could be used to fund state compensation schemes for victims.

28. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.¹⁹

29. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, have a key responsibility in enabling victims of THB to claim compensation and other remedies.²⁰ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons²¹ and Justice at Last - European Action for Compensation of Victims of Crime,²² which aim to enhance access to compensation for trafficked persons.

30. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.²³ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate access to remedies for victims for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²⁴ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

31. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

¹⁸ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

¹⁹ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8. Available at: http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf

²⁰ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

²¹ <http://www.compactproject.org/>

²² <http://lastradainternational.org/about-lsi/projects/justice-at-last>

²³ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

2. Right to information (Articles 12 and 15)

32. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

33. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.²⁵

34. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Lack of knowledge of the language, procedures and laws adds to their isolation and is one of the factors preventing them from claiming their rights. Apart from the language, information to presumed trafficked persons is often provided under time-constraint, in writing, in a formal and lengthy way, in a conceptually non-user-friendly format. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. That being said, the use of cultural mediation is often necessary in order to verify the full conceptual understanding of information provided. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters and cultural mediators.²⁶

35. In Latvia, pursuant to Section 96 of the Criminal Procedure Law (CPL), a person shall be recognised as a victim by the person directing the criminal proceedings, through a written decision taking the form of a resolution, and shall be informed in a timely manner of the rights of victims in criminal proceedings. Section 97 of the CPL provides for a series of rights for victims of criminal offences, including the following: to receive information regarding the conditions for applying for, and receipt of, compensation, including state compensation; to participate in criminal proceedings, if necessary with the assistance of an interpreter; to engage a lawyer for the provision of legal assistance and to meet the advocate in circumstances that ensure confidentiality of conversations; to apply for protection measures in case of a threat to himself or herself, his or her relatives or property; and to receive information regarding the support and medical assistance available. According to the same provision, as soon as a person is recognised as a victim, he or she shall, without delay, be provided with information regarding victims' basic rights. The victim shall confirm by signature that the information has been issued and, if necessary, the rights have been explained. The person directing the proceedings provides victims with information about the available assistance and social service providers. It is up to the victim to decide which social service provider to approach. Depending on the situation, the police may contact a social service provider immediately to refer the victim for provision of urgent services.

²⁵ See Explanatory Report on the Convention, paragraphs 160-162.

²⁶ See 8th General report on GRETA's activities.

36. Victims of THB are informed about their rights by the police and/or providers of victim support services. This is done orally and there are no written materials on victims' rights which the State Police or other first-line agency provide to victims. Translation and interpretation, when needed, is covered by the budgets of the State Police, the State Border Guard and the Office for Citizenship and Migration Affairs. The two NGOs to whom victims of THB are referred for assistance - Centre MARTA and Shelter "Safe House", referred to as "mandated service providers" - inform victims of THB about their rights, using native language speakers from amongst their staff and, when necessary, translation and/or interpretation are covered by the organisation's budget.

37. GRETA welcomes the operation of the telephone helpline 116006 ("Helpdesk to victims of crime"), run by the NGO Skalbes, which provides an opportunity for victims of crime to receive emotional and psychological support, as well as information about their procedural rights, support services and opportunities to facilitate their participation in criminal proceedings. This telephone line operates daily from 12h00 to 22h00, and consultations are provided in Latvian, Russian and English. Advice is provided regardless of whether criminal proceedings have been instituted. The helpline has been promoted through the social campaign on zero tolerance towards violence against women "Violence Likes Silence".²⁷ In addition, there are several other helplines, notably the one run by Centre MARTA (67378539), which is available between 10h00 and 18h00, and was described in GRETA's first and second reports. The Shelter "Safe House" ensures the operation of another helpline (28612120), available 24 hours a day, seven days a week, through which information was reportedly provided on 103 occasions in 2020; most of the callers wanted to receive information related to sham marriages and how to prevent them, forced labour or violations of labour law. Information to victims of THB is also provided on the website of Shelter "Safe House".²⁸

38. Further, the toll-free helpline 80001801 of the Legal Aid Administration provides information on how to apply for legal assistance, free legal aid and state compensation. Such information is also available on the website of the Legal Aid Administration (in Latvian and English).²⁹ **GRETA invites the Latvian authorities to continuously promote the helplines through social media and other means.**

39. 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 might assist in the disclosure of THB offences, the State Border Guard, investigative body or social service provider shall inform in writing the person concerned of the possibility to obtain a reflection period (see paragraph 209). However, there is no written document informing presumed victims of THB about the reflection period. The authorities have indicated that the three most common languages in which information is provided orally are Latvian, Russian and English, and in case of need, an interpreter would be engaged to help with communication.

40. GRETA stresses that victims should be provided with information on rights in a manner which takes into account their cognitive skills and psychological state. For example, victims who are traumatised may have difficulties in adequately understanding and analysing the information before taking a decision. This is why it is important that information on rights be provided repeatedly by different professionals, including psychologists, social workers and lawyers, while ensuring that the provision of information is structured and consistent throughout the victims' pathway of engaging with different agencies and organisations. Further, GRETA notes that the willingness of victims of trafficking to co-operate in the investigation of THB offences often depends on the manner in which they are treated at the moment they enter into contact with law enforcement authorities, as well as their access to information and protection. GRETA stresses that access to information on rights must not in any way depend on the victim's willingness to act as a witness or otherwise co-operate in investigations and prosecutions.

²⁷ More information available at: <https://www.cietusajiem.lv/en/about-us/news/project-violence-likes-silence>
²⁸ [Assistance To Victims of Human Trafficking | Patvērums Drošā Māja \(patverums-dm.lv\)](https://www.patverums-drosa-maja.lv/)
²⁹ <https://jpa.gov.lv/pub/?id=67&id=67>

41. **GRETA considers that the Latvian authorities should strengthen the systematic provision of information to presumed and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. This should involve the development of written materials in a variety of languages which explain to victims their rights and are handed over to victims by police and immigration officers. Law enforcement officers, labour inspectors and staff working on the helplines should be trained and instructed on how to properly explain to victims of THB their rights, taking into account their cognitive skills and psychological state. Similarly, staff working at asylum reception centres and detention centres should continue to be trained and instructed on how to provide information, in a proactive manner, to persons and groups at risk of being trafficked.**

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

42. Article 15(2) of the Convention establishes the obligation for Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case law³⁰ also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in civil matters, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

43. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to undertake civil actions for compensation and redress.³¹

44. In Latvia, access to legal aid is regulated by the State-ensured Legal Aid Law. Section 3 of this law defines who is entitled to legal aid, namely citizens of Latvia, stateless persons, EU citizens residing legally in Latvia, third-country nationals residing legally in Latvia, persons entitled to legal aid in accordance with international agreements to which Latvia is a party, asylum seekers and foreigners subject to removal. These persons have the right to request legal aid if they have obtained the status of a person with low income or in need, or find themselves in a situation and material conditions preventing them from ensuring the protection of their rights (due to a natural disaster or force majeure or other circumstances beyond their control), or are on full social support of the state or local government.

45. Legal aid is provided throughout the criminal proceedings until the final court decision, including to claim compensation and execute compensation orders. Legal aid is also available for any labour disputes including to claim unpaid wages. According to the Asylum Law, legal aid is available to appeal decisions refusing to grant international protection. Pursuant to the Administrative Violations Code, no legal aid is available in case of administrative violations.

³⁰ *Airey v. Ireland* judgment, 9 October 1979.

³¹ 8th General report on GRETA's activities.

46. The Legal Aid Administration covers the costs of legal aid in accordance with Cabinet Regulation No. 1493 of 22 December 2009 entitled "Regulations Regarding the Amount of State-ensured Legal Aid, the Amount of Payment, Reimbursable Expenses and the Procedures for Payment Thereof". Information on how to apply for legal aid is available on the toll-free helpline 80001801 of the Legal Aid Administration during working hours as well as on the website of the Legal Aid Administration.³² In practice, a person has to submit an application to the Legal Aid Administration, stating that they are a presumed victim of THB and declaring their financial situation. No separate assessment is made of their financial situation at this stage. On the basis of the application, the Legal Aid Administration the legal aid provider (a sworn attorney or a lawyer). At the first legal consultation, the legal aid provider assesses the personal situation of the client and the level of proof (evidence) needed to proceed further with the provision of legal aid. The maximum amount of legal aid covers seven hours of legal consultations and the preparation of seven procedure-related documents, as well as the time needed to study materials. The person granted free legal aid is exempted from paying expenses in court. No information is available on the number of victims of THB who received free legal aid during the reporting period.

47. In practice, victims of THB assisted by the two mandated NGOs service providers are provided with legal assistance and court representation by these NGOs. Centre MARTA and Shelter "Safe House" have concluded agreements with the Ministry of Welfare to provide social rehabilitation services to victims of THB, including legal assistance. Legal assistance and free legal aid are provided through two state programmes for social rehabilitation of victims, as follows: 1) adult victims of violence can receive up to 20 consultations (legal and psychological), based on their individual needs; 2) victims of trafficking can receive legal assistance for up to six months, including consultations, preparation of documents and support in litigation. If the criminal process is initiated, the person can have legal assistance for up to three years.

48. The decision to grant legal assistance is taken by the Social Integrating State Agency of the Ministry of Welfare (SISA), on the basis of either a formal identification as a victim of trafficking by a law enforcement agency or an assessment by the commission entitled to recognise a person as a victim of trafficking. Legal assistance is provided from the moment SISA adopts a decision, but the NGOs work with victims of trafficking before this decision and provide some legal assistance at their own expense (e.g. help to obtain travel documents). The NGOs then appoint a lawyer to represent the victims in any criminal proceedings.

49. The Council of Sworn Lawyers (i.e. Bar Association) does not have a list of sworn lawyers who specialise in providing legal aid and representation to victims of trafficking in human beings. There is no specific training that lawyers must undergo prior to providing legal aid to victims of THB. However, if a victim received social rehabilitation services from an NGO, the lawyers who work for the NGO usually have experience in working with victims of THB. The Legal Aid Administration concludes contracts with legal aid providers which stipulate that they must continuously update their professional qualifications.

50. **GRETA considers that the Latvian authorities should take further steps to facilitate and guarantee access to justice for victims of THB, in particular by ensuring that:**

- **a specialised lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the persons concerned have to decide whether or not they want to co-operate with the authorities and/or make an official statement;**
- **the authorities and the Council of Sworn Lawyers encourage training and specialisation of lawyers to provide legal aid to trafficking victims, and trafficking victims are systematically appointed a specialised lawyer.**

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<https://jpa.gov.lv/pub/?id=67&id=67>

4. Psychological assistance (Article 12)

51. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking deal with the trauma they have been through and achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic attention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of his/her particular readiness for therapy conducted by an experienced clinician.³³

52. The two NGOs mandated by the Government to provide services to victims of THB provide psychosocial assistance, including individual consultations with a psychologist. State funding is provided for up to six months; after this period, NGOs rely on their own resources to provide psychological assistance.

53. After the end of the rehabilitation programme, NGOs continue to maintain contacts with their clients and to provide psychological support as far as possible.

54. **GRETA considers that the Latvian authorities should take further steps to ensure that victims of THB are provided with long-term psychological assistance, if needed after the six months rehabilitation programme, to help them overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion.**

5. Access to work, vocational training and education (Article 12)

55. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, microbusinesses and social enterprises.³⁴ GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.³⁵

56. The Latvian authorities have not provided information on any measures taken in Latvia to enable victims of trafficking to have access to the labour market, vocational training and education. **GRETA considers that the Latvian authorities should ensure effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.**

6. Compensation (Article 15)

57. Article 15 (3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4)

³³ OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

³⁴ Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

³⁵ 8th General report on GRETA's activities.

suggests setting up a compensation fund or introducing measures or programmes for social assistance to and social integration of victims that could be funded by assets of criminal origin.

58. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm cause by the offender, access to justice, empowerment of victims, and may be seen as punishment and have a deterrent effect. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of human rights violations.

59. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State Parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

60. The Latvian legislation regarding access to compensation for victims of criminal offences from the perpetrators remains as described in GRETA's second report.³⁶ Pursuant to Sections 350-353 of the CPL, victims of criminal offences, regardless of their nationality or residence status in Latvia, have the right to request compensation for injuries, including moral injury, physical suffering and financial loss. An adhesion procedure³⁷ is available to victims of crime, allowing them to file a claim for compensation against the defendant as part of the criminal trial. A victim has the right to submit an application regarding compensation at any stage of the criminal proceedings before the first instance court hearing. The victim must provide justification of the financial and material losses suffered. When assessing the extent of moral damages, the judge may ask for an expert opinion by a psychologist.

61. According to the CPL, during the trial, the prosecutor should express a point of view regarding the amount of compensation requested by the victim. The person who caused the harm may voluntarily agree to pay compensation in the amount claimed by the victim, or the amount may be determined by mutual agreement, which will form an integral part of the minutes of the court proceedings. The court may impose the duty to pay compensation upon an accused who has been found guilty of committing a criminal offence, as well as upon a legal person.

62. As noted in paragraph 35, Section 97 of the CPL entitles victims to receive information on the conditions for applying for compensation, including state compensation. It is the responsibility of the police and prosecution to inform victims about the possibility to claim compensation, including foreign victims who choose to leave the country. Information on state compensation is available, in Latvian and English, on the website of the Legal Aid Administration.³⁸ In cases where the person does not have knowledge of Latvian or English, it is possible to request the assistance of the person directing the proceedings and the associated interpreter in completing the state compensation request.

63. The CPL envisages measures to guarantee the payment of compensation. Section 361 provides that the defendant's property can be seized within criminal proceedings to provide compensation for harm to a victim. Section 528 envisages a period of 30 days during which the defendant has to execute the court decision on compensation. Pursuant to Section 359, after the final court ruling has entered into force, resources acquired as a result of the confiscation of criminally acquired property shall be used first for the ensuring and payment of compensation claims. Victims are exempt from the enforcement fees of court-registered bailiffs. According to NGOs, although the State may pursue the offenders if they do not pay the compensation, in practice this never happens.

³⁶ See paragraph 146 of GRETA's second report on Latvia.

³⁷ An adhesion procedure or ancillary proceedings is a procedure through which a court can rule on compensation for the victim of a criminal offence. Rather than pursuing damages in a separate civil action, the victim files a civil claim against the offender as part of the criminal trial.

³⁸ [Legal Aid Administration of the Republic of Latvia - State compensation \(jpa.gov.lv\)](https://jpa.gov.lv)

64. GRETA was informed that, since 2016, only two victims of THB (one woman and one man) had claimed compensation from the perpetrators, and were awarded, respectively, 500 and 1,000 euros. These victims additionally received state compensation of 1,330 euros each, in 2018 (see paragraph 82). According to the prosecutors and judges met by GRETA, victims of THB rarely file civil claims as part of the criminal proceedings.

65. In addition, victims have the right to claim compensation from the offender through civil proceedings, in accordance with the procedures laid down in the Civil Procedure Law,³⁹ if they consider that all the harm caused has not been compensated. In such cases, any compensation received in criminal proceedings should be taken into account when determining the amount of civil compensation. Victims are discharged from state fees in this respect.

66. Victims can claim compensation and/or recovery of unpaid wages and social contributions on the basis of the Labour Law through civil proceedings. In April 2019, one of the mandated social service providers identified 15 citizens of Tajikistan and two 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, being paid very small amounts of money. 14 victims received state-funded social rehabilitation services and a social worker assisted them to find new employment opportunities. As the employer ignored an order issued by the State Labour Inspectorate on 2 August 2019 to calculate and pay the remuneration due to the workers by 28 August 2019, the lawyer of the mandated social service provider, on behalf of the victims, prepared applications for the recovery of wages and losses, which were submitted to court. To calculate unpaid wages and losses in this case, the lawyer took into consideration the labour contract and agreed wage to be paid per month, as well as the provisions of the Labour Law (which sets a minimum wage), the Civil Code (which defines loss), Cabinet Regulation No. 564 "Regulations Regarding Residence Permits", adopted on 21 June 2010, and 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. The court hearing was scheduled for 11 March 2020. The Latvian authorities could not provide further information on the outcome of this case.

67. As noted in GRETA's second report, the Law on State Compensation to Victims was amended in 2013 to include victims of THB among the categories of victims of crimes eligible for state compensation. The maximum amount of state compensation was raised from three to five times the minimum monthly wage in Latvia (which was the equivalent of 430 euros in 2020). Since January 2019, the maximum amount of state compensation to be paid to victims of THB has been increased from 70% to 90% of five minimum monthly wages (i.e. $90\% \times 5 \times 430$ euros = 1,935 euros). State compensation is not taxable.

68. In order for a victim of THB to be entitled to state compensation, several preconditions must exist: the person must have been recognised as a victim in accordance with the procedures laid down in the CPL; the harm must have resulted from an intentional criminal offence; there must exist indicators of trafficking in human beings to establish the nature of the harm caused as a result of the criminal offence. The victim can request state compensation before a final verdict has been reached in the criminal trial or after the completion of criminal proceedings (i.e. it is not necessary to await the final decision in order to receive state compensation). 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. The Latvian authorities have indicated that the nationality and place of residence of the person is irrelevant to the decision on the payment of state compensation.

³⁹

Available here : <https://likumi.lv/ta/en/en/id/50500-civil-procedure-law>

69. According to the Law on State Compensation to Victims, the victim shall submit a request for state compensation to the Legal Aid Administration, using a designated form. Victims may submit their request without the assistance of a lawyer. GRETA was informed that victims may ask for free legal aid in order to submit a claim for state compensation. Information on how to claim compensation is provided on a government website⁴⁰ and leaflets "Explanation on fundamental rights of the victim" have been developed in Latvian and English.

70. Long-term residents of other EU member States may claim state compensation for injuries which occurred as a result of criminal offence committed in Latvia. The request shall be submitted to the Legal Aid Administration within one year after the day the person was recognised as a victim or became aware of the facts that give such person the right to be recognised as such. The request is to be submitted in Latvian or English. The Legal Aid Administration shall, within seven days from the date of receipt of the request, provide the victim with information on the receipt or refusal of the request, as well as the time-period for reaching a decision. The decision to pay compensation or not shall be sent by the Legal Aid Administration to the victim and the competent authority of the relevant EU member State, if a request has been received from it. The Latvian authorities have specified that if harm to victims has occurred as a result of a criminal offence committed in the territory of another EU Member State, a victim who resides permanently in Latvia and who has suffered harm as a result of such an offence has the right to submit a request for state compensation directly or through the Legal Aid Administration to the competent authority of the relevant EU Member State. The Legal Aid Administration shall forward the request for compensation in accordance with Directive 2004/80/EC of the Council of the EU relating to compensation to crime victims and send it, together with other necessary documents, to the competent authority of the relevant Member State of the EU, which shall assess the request in accordance with the laws and regulations in force in its country.

71. According to information provided by the authorities, in 2016, three victims of THB (two men and one girl) were awarded state compensation; in 2017, one man; in 2018, one man and one woman; in 2019, four victims (two women, one man and one girl); and in 2020, two women. The amount of state compensation ranged from 1,260 euros (in 2016) to 1,935 euros (in 2019 and 2020). All victims who received state compensation were Latvian.

72. While noting the gradual increase in the number of victims who claimed and received state compensation, GRETA is concerned that, in practice, effective access of victims of trafficking to compensation remains sporadic. GRETA notes that the application for compensation is a complex administrative process which requires building the capacity of legal practitioners to assist victims. Effective access to information on how to seek compensation is not guaranteed by the mere existence of information on a website and in brochures. Victims may not be able to complete the forms correctly, and may not be able to provide additional documentation without expert advice and assistance.

73. **GRETA urges the Latvian authorities to make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:**

- **making full use of the legislation on the freezing and forfeiture of assets, as well as of international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim or used to compensate the victim;**
- **including the topic of compensation in the training programmes for lawyers, prosecutors and judges, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB.**

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<https://www.tm.gov.lv/lv/cits/cietuso-tiesibu-skaidrojums>

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

74. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aims at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

75. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties, which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The freezing and confiscation of proceeds of crime is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify, freeze and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

76. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

77. In Latvia, THB is criminalised under Section 154² of the CL, and the sanctions are provided for in Section 154¹ of the CL. THB is punishable upon conviction with imprisonment of up to eight years and, in the case of children, from three to 12 years. In case of aggravating circumstances (i.e. endangering the life of a victim or causing serious consequences, using especially cruel means, the offence being committed by an organised group), the punishment is deprivation of liberty for a term of five years to 15 years. As noted in GRETA's second report, the reform of the criminal penalties implemented in 2013 reduced the minimum penalties, in favour of applying alternative punishments, such as community service and fines.

78. According to Section 97¹ of the CPL, a victim has the right to reach a settlement with a person who has inflicted harm on him/her. In the case of a settlement, an intermediary trained by the State Probation Service may facilitate the conciliation of a victim and the defendant. According to the CPL, a person who has committed an offence, except for offences resulting in a person's death, may be released from criminal liability if there is a settlement with the victim or their representative, and within the last year the person has not previously 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. Further, according to Section 433 of the CL, a prosecutor may enter into an agreement with the defendant regarding an admission of guilt and punishment, but the victim has the right to object to this agreement. Section 437 of the CPL provides that the agreement shall indicate, *inter alia*, the extent of the harm caused by the offence, and an agreement regarding the compensation of such harm. GRETA was informed that because trafficking in human beings is a serious crime, settlements or agreements between victim and perpetrator are not used, and may not influence the direction of the criminal proceedings.

79. According to information provided by the Latvian authorities, the number of investigations for THB was as follows: in 2016, four (three related to sham marriage and one to labour exploitation in Latvia); in 2017, seven (two related to sham marriage, three for labour exploitation abroad, one for labour exploitation in Latvia, and one for sexual exploitation in Latvia); in 2018, four (two related to sham marriage and two for labour exploitation in Latvia); and in 2019, three (one related to a sham marriage, one for labour exploitation abroad, and one for sexual exploitation in Latvia). As regards the number of prosecutions, there were four in 2016, two in 2017, one in 2018 and three in 2019. During the visit in October 2021, the authorities provided updated information according to which in 2020, seven criminal proceedings were initiated for THB, and two cases were submitted to court (one of which was for labour exploitation).

80. The number of persons convicted of THB was as follows: in 2016, four (two men and two women); in 2017, four (one man and three women); in 2018, one man, and in 2019, two men. These figures indicate a drop in the number of convictions for THB.⁴¹ The penalties were as follows: in 2016, four suspended prison sentences and two orders for confiscation of assets; in 2017, three suspended prison sentences and one fine; in 2018, one suspended prison sentence (five years); and in 2019, two prison sentences of five years and two months, with probation for three years. No legal entities were convicted of THB.

81. By comparison, the number of convictions for the related offence of "transfer a person for the purpose of sexual exploitation" (Section 165¹ of the CL)⁴² was 12 in 2016, six in 2017, one in 2018 and seven in 2019. The penalties were suspended in 21 of the cases, and there were four prison sentences handed down (two of up to one year, and two of six years and six months).

82. GRETA was informed of a case of trafficking for the purpose of labour exploitation in the agricultural sector identified by the State Labour Inspectorate after a person contacted them in May 2017, indicating that she had not been paid for work carried out over a period of time. The State Labour Inspectorate detected signs of human trafficking, and reported the case to the Anti-Trafficking Unit of the State Police, which initiated criminal proceedings pursuant to Section 154¹, paragraph 1, of the CL. During the investigation, it was found that a second person had worked for the same employer under the same conditions; he was interviewed by the police and identified as a victim of trafficking. Both victims were paid state compensation of 1,330 euros each. The first instance court convicted the defendant of THB for the purpose of labour exploitation and issued a suspended sentence, but did not rule on the victims' claims for compensation of unpaid wages, referring them to address their claims to a civil court. The Prosecutor's Office submitted an appeal against that sentence and the refusal to rule on the compensation claim. The Appeal Court acquitted the accused, stating that the victims were not in a state of such helplessness that would have prevented them from leaving the exploitative work conditions or defending their rights. The Prosecutor's Office appealed the judgment of the Appeal Court, and on 2 July 2020 the Supreme Court made a decision to initiate cassation proceedings. At the time of writing, the court hearing was expected to take place in November 2021.

83. During the visit in October 2021, GRETA was informed of three recent investigations related to labour exploitation. The first one concerned the exploitation of Indian citizens in a factory manufacturing cookies. A foreign embassy which the Indian workers had contacted alerted the Latvian authorities about this case. Seven Indian victims of THB were identified in this case and taken to a safe house. A financial investigation was carried out and assets were frozen, including property in Cyprus, for a total of some 1.8 million euros. The case has been transferred to the Prosecutor's Office for the bringing of charges, including against a legal person (the owner of the factory).

⁴¹ By comparison, in the preceding period, the number of convictions for THB was 19 in 2012, 13 and 2013 and 14 in 2014.

⁴² Section 165¹ of the CL establishes as a criminal offence "transfer of a person with his or her consent for sexual exploitation, that is, for any act which facilitates legal or illegal movement, transit or residence of a person for such purpose within the territory of one country or several countries" (unofficial translation).

84. The second case involved some 100 Latvian citizens with alcohol and other addictions who had been recruited from the streets and accommodated in three locations under the false pretext that they would follow "rehabilitation"; instead, they were forced to work in agriculture, forestry and/or wood processing. Following a police operation, the victims were referred to the two mandated NGOs, and some of them accepted to start a rehabilitation programme. About 12 of them decided to participate in the proceedings as injured parties and were assigned lawyers. Four suspects were placed in pre-trial detention. Several properties and bank accounts were frozen (for a total of some 200,000 euros), and criminal proceedings were opened against a legal person used to cover up the criminal activity.

85. The third recent case concerned the exploitation of one foreign and several Latvian workers in agriculture. Following a police operation, one person was placed in pre-trial custody and the investigation continued at the time of writing.

86. According to the information available in the Court Information System (CIS), in 2019 there were three cases of human trafficking reviewed in the Supreme Court: one case against two persons under Section 154¹, paragraph three, of the CL; one case against one person under Section 165¹, paragraph two, of the CL; and one case against three persons pursuant to Section 165¹, paragraph three, of the CL. All three cases were reviewed in 2019 and the Supreme Court refused to initiate cassation proceedings, upholding the decision of the appellate courts. In the first of the three cases, the sentence of the appellate court was five years and two months' imprisonment for each defendant and probation for three years. The defendants had recruited women to supposedly work in a vegetable sorting plant in the United Kingdom, but the women were forced to marry Pakistani citizens.

87. GRETA was informed about the findings of the study "Judicial practice in criminal cases on human trafficking", prepared by Dr Valentija Liholaja, Professor at the Criminal Law Department of the University of Latvia. The study analysed court judgments issued in 2009-2013 under Section 154² (trafficking in human beings) and Section 165¹ ("transfer of a person for the purpose of sexual exploitation") of the CL (51 judgments of first instance courts and 11 judgements of appeal and cassation courts). In the analysed cases, 75 persons were prosecuted, including 24 women; 65 were charged under Section 165¹ of the CL and 10 under Section 154². The study concluded that the nature and degree of harm of human trafficking and related criminal offences are not properly assessed in Latvia, as a result of which the punishment is often inadequate and inconsistent with penal and preventive objectives. Further, the study noted that the main difference between the offences provided for in Articles 154² and 165¹ of the CL is that an offence under Article 165¹ is committed with the consent of the person sent for sexual exploitation, whereas consent is not mentioned in Article 154 of the CL and should be irrelevant. The results of the study were discussed at the general meeting of judges of the Department of Criminal Cases of the Supreme Court.

88. As regards the duration of court proceedings in THB cases, the Latvian authorities have provided the following examples:

- Criminal Case xxxxxx3813: criminal offences committed in 2011, criminal proceedings initiated in 2013, sent for trial in 2016, court decision in February 2018, appeal court decision March 2019 (resulted in imprisonment of five years and two months and probation for three years);
- Criminal Case xxxxxx0414: criminal proceedings initiated on 8 January 2014, sent for trial on 29 March 2016, sent for adjudication on 27 April 2016, decision pending;
- Criminal Case xxxxxx2216: criminal proceedings initiated on 6 December 2016, sent for trial on 30 December 2016, court decision on 20 June 2017;
- Criminal Case xxxxxx0117: criminal proceedings initiated on 6 January 2017, sent for adjudication on 31 January 2017, court decision on 21 March 2017;
- Criminal Case xxxxxx3717: criminal offences committed in 2016 - early 2017, criminal proceedings initiated in May 2017, sent for prosecution in August 2018, sent for trial in November 2018, court decision in September 2019, prosecutor's appeal submitted to court in December 2019.⁴³

⁴³ The authorities indicated that there were also criminal cases which had started in 2005-2008 and the final decisions were taken in 2016-2017.

89. The Latvian authorities have noted that the length of the proceedings may be related to the volume of the case, the number of persons involved (including witnesses), the complexity of the case, and the need to use instruments of international co-operation. At a meeting of the Council for the Judiciary on 13 November 2020, it was concluded that the timely adjudication of cases does not need changes to the regulatory framework, but is rather a matter of organisation of court proceedings. Therefore, the working group asked the Judicial Training Centre to organise training for judges on planning of court proceedings and conducting court hearings. In this context, GRETA was informed that the number of judges, especially outside Riga, was insufficient.

90. As noted in paragraph 13, on 22 July 2017, Parliament adopted the Law on Execution of Confiscation of Criminally Acquired Property (in force since 1 August 2017). The purpose of this law is to ensure an efficient execution of confiscation of criminally acquired property by satisfying the claims of victims, which are substantiated by enforcement documents submitted to the record-keeping of a sworn bailiff. A writ of execution or an extract of the public prosecutor's decision or penal order on property confiscation shall serve as the grounds for the execution of the property confiscation. The criminal procedural framework of confiscation of the proceeds of crime has thus been improved, a new standard of proof has been added regarding the recognition of criminally acquired proceeds, and the procedural rules regarding the actions related to confiscated criminal proceeds and the possibilities for seizing the proceeds of crime in pre-trial criminal proceedings have been specified. At the same time, the new legal framework provides the right to actively engage in criminal proceedings for third parties whose property is seized, but which are not suspected or accused. **GRETA welcomes the adoption of the Law on Execution of Confiscation of Criminally Acquired Property, and invites the Latvian authorities to continue strengthening the capacity to locate, seize and confiscate assets, including by specialisation of police officers and their deployment to all units investigating THB related offences.**

91. The Latvian authorities have specified that when investigating any criminal offence that could bring financial gain to its perpetrators, attention is paid to the determination of the circumstances regarding the laundering of the proceeds of crime or other property (Section 195 of the CL). This is a mandatory requirement for crimes committed for financial gain. According to information provided by the Latvian authorities, there were two judgments in THB cases resulting in the confiscation of assets (in 2016).

92. GRETA is concerned by the low number of investigations, prosecutions and convictions for THB, and the fact that a significant number of the sentences handed down were suspended. Failure to convict traffickers and the absence of effective sentences engenders a culture of impunity and undermines efforts to support victims to testify. Adequate resources and capacity building should be provided to the Police Anti-Trafficking Unit to enable them to proactively investigate THB cases and collect evidence. The knowledge and sensitivity of judges, prosecutors and investigators about the seriousness of THB, the severe impact of exploitation on the victims and the need to respect their human rights should continue to be improved.

93. **GRETA urges the Latvian authorities to take measures to strengthen the criminal justice response to THB, including by:**

- **ensuring that human trafficking offences are proactively and promptly investigated, making use of special investigation techniques in order to gather material, documentary, financial and digital evidence, and not having to rely exclusively on testimony by victims or witnesses;**
- **sensitising prosecutors and judges to the rights of victims of THB, providing training which includes the case-law of the European Court of Human Rights, and encouraging the development of specialisation to deal with THB cases (see also paragraph 120);**
- **ensuring that THB prosecutions lead to effective, proportionate and dissuasive sanctions for those convicted.**

94. **GRETA also considers that the Latvian authorities should take steps to ensure that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ).**⁴⁴

8. Non-punishment provision (Article 26)

95. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so. As stressed by GRETA in its 2nd General Report, the criminalisation of victims of trafficking not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the State's obligation to investigate and prosecute those responsible for THB. GRETA considers that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of treating them differently depending on the prosecutor in charge of the case.

96. In Latvia, Section 58, paragraph 6, of the CL provides that a person may be released from criminal liability if he or she has committed a criminal offence while subjected to human trafficking and was forced to commit it. According to Section 379, paragraph 5, of the CPL, an investigator, with the 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 subjected to human trafficking and was forced to commit the offence.

97. In its second report on Latvia, GRETA urged the authorities to extend the scope of the non-punishment provision to cover all offences victims of THB are compelled to commit, including administrative and immigration-related offences. As noted in paragraph 12, the Administrative Violations Code⁴⁵ was amended on 9 November 2017 (in force from 6 December 2017), releasing from administrative liability victims of THB who have committed administrative violations while being subjected to trafficking. An institution (official) authorised to investigate an administrative violation case, having examined the application and other materials regarding the alleged violation, may refuse to initiate proceedings in this case, if the committed violation is considered minor or if it was committed while the person was subjected to trafficking in human beings and therefore forced to commit the respective violation.

⁴⁴ <https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b>

⁴⁵ The end of validity of the Latvian Administrative Violations Code was 1 July 2020. The new Administrative Liability Law was adopted on 25 October 2018 and entered into force on 1 July 2020.

98. GRETA was informed that the Latvian Ombudsman had received an application from the NGO Centre MARTA, requesting an assessment of the situation of a child recognised as a victim of human trafficking by this NGO, in its capacity of mandated service provider. The child had committed a robbery and was detained, but the police refused to investigate the case as possible human trafficking and, following an appeal, the refusal was upheld by the prosecutor. The Ombudsman provided an opinion⁴⁶ according to which a separate examination should be performed in criminal proceedings to assess whether there are any indications that a person should be recognised as a victim of a crime related to human trafficking. In the Ombudsman's view, the evaluation by the mandated service provider about a person being recognised as a trafficking victim can undoubtedly be an important circumstance to be assessed when deciding on initiating criminal proceedings. The Ombudsman requested opinions from the Prosecutor General and the University of Latvia on how the relevant provisions of the CPL should be interpreted. The opinion provided by the University was that identification of a person as a trafficking victim by an NGO is an administrative act that cannot serve as the basis for criminal procedural decisions. The Prosecutor General noted that prosecutors had not made decisions on release of a person from criminal liability in accordance with Section 379, paragraph 5, of the CPL. The Ombudsman found the opinions provided ambiguous. In the opinion of the Ombudsman, from the point of view of human rights, it would not be permissible for different interpretations to serve as a basis for the institutions to avoid assessing the issue, indicating that it is within the competence of another institution. Considering the importance of the interests to be protected, the fact that the court had not exercised its powers specified in Section 371, paragraph 5, of the CPL should not deprive a person of the right to a separate and independent investigation into a possible trafficking offence. The Ombudsman also stressed that the State had a duty to conduct a comprehensive investigation in each case when information is received about a violation of a person's fundamental rights. In addition, the Ombudsman raised doubts about the objectivity of the Prosecutor's Office, given that the complaint against the refusal to institute criminal proceedings for THB was dealt with by the same prosecutor who had brought the charges against the child concerned for robbery. In view of the above, in the opinion of the Ombudsman, the examination of the Prosecutor's Office of the decision to refuse to initiate criminal proceedings cannot be recognised as objective and independent.

99. GRETA was also informed of the case of a Latvian woman detained in Morocco on charges of drug trafficking, in respect of whom there were strong indicators that she was a victim of trafficking. The Latvian authorities stated that information about this case had been provided by the Embassy of Latvia in France. The Ministry of Justice had contacted the person concerned, providing her with information on the possibilities of execution of the sentence in Latvia, as well as sending several requests to the Moroccan authorities, requesting that the Latvian woman be transferred to Latvia for the execution of the custodial sentence, in accordance with the principle of reciprocity. The Ministry of Foreign Affairs, within the scope of its competence, has been involved in this process in order to speed up the possible transfer of the Latvian woman for serving a custodial sentence in Latvia. No response has been received from the Moroccan authorities for the time being.

100. While welcoming the legislative changes introduced to the Administrative Violations Code and the above-mentioned opinion of the Latvian Ombudsman, GRETA considers that the Latvian authorities should take further steps to ensure effective consistent application of the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so. Such measures should include the development of guidance for police officers and prosecutors on the scope and application of the non-punishment provision,⁴⁷ including with regard to the application of Section 379, paragraph 5, of the CPL.

⁴⁶ Opinion verification procedure No. 2016-33-30.

⁴⁷ With regard to the non-punishment provision, see *V.C.L. and A.N. v. the United Kingdom* European Court of Human Rights final judgment of 5 July 2021. See also OSCE, Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, 2013, available at: <https://www.osce.org/secretariat/101002?download=true>

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

101. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often transnational and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

102. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 have to do with extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

103. As noted in GRETA's second report on Latvia, amendments to CPL adopted on 18 February 2016, in force since 23 March 2016,⁴⁸ with a view to transposing Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, introduced the status of "specially protected victim" in Section 96¹ of the CPL, which applies to victims of THB. Such victims have the right to be accompanied by a trusted person when participating in procedural activities, to be heard without being physically present, in particular through the use of communication technology, to be questioned in a separate room, by a person of the same sex as the victim, and to request and to receive information on detained or sentenced perpetrators who caused damage to the victim. These provisions also apply to children. The questioning 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 (Section 151¹ of the CPL).

104. A court may determine a closed court hearing with a reasoned decision in order not to disclose intimate circumstances of the lives of persons involved in criminal proceedings and to ensure their protection. A specially protected victim may request that his/her participation in a court hearing takes place using audio-visual means.

105. As noted in GRETA's first report, the Law on the Special Protection of Persons provides for a series of protection measures for participants in criminal proceedings, such as victims, witnesses and members of their families (e.g. relocation to confidential premises, change of identity, change of permanent residence and employment, relocation to another country). The use of these measures is regulated by Chapter 17 of the CPL. The grounds for such protection are a real threat to the life, health or property of a person 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, their representative or defence counsel and a proposal of the person directing the proceedings are needed to decide on taking special protection measures. The protection measures are granted by the Prosecutor General's Office, and are implemented by a special police unit. Court proceedings with the participation of a person under special procedural protection are conducted *in camera*. A protected person may also participate in a court session by video link.

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

106. According to the CPL, the prosecutor may authorise the application of the following protection measures to threatened witnesses and members of their immediate family: 1) initiation of another criminal proceedings for the investigation of the threat; 2) selection of a corresponding security measure for the person in the interest of whom the threat has taken place; 3) determination of special procedural protection for the person being threatened; 4) assigning 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.

107. Moreover, a victim, his/her guardian or trustee has the right, in all stages of the criminal proceedings, to request that a European Protection Order be issued, if the grounds laid down in the CPL exist. GRETA was informed by the State Police that the European Protection Order had not been applied so far to protect trafficking victims in Latvia.

108. In practice, the necessity for protection measures is evaluated by the police on the basis of a risk assessment. GRETA was informed that three victims of THB received special protection during the reporting period. According to NGOs, there is no co-operation with the police and prosecution with respect to the protection of victims, and there is lack of understanding of law enforcement authorities about THB and the vulnerability of victims. GRETA was informed that specialised NGOs provide expert opinions in criminal proceedings, such as a comprehensive analysis of the psychological condition of the victim, the harm caused to the victim by having been trafficked, as well as other important information for investigation, for example regarding recruitment methods.

109. For details concerning the protection of children in court proceedings, see the separate section below (paragraphs 134-140).

110. During the visit in October 2021, GRETA received worrying information about the cross-examination of victims of THB and suspected perpetrators of THB during the pre-trial proceedings which, according to prosecutors, happened frequently. Further, GRETA was informed that the pre-trial investigation testimonies of victims were not recorded by investigators, and when the victim was interviewed during the court proceedings the lawyers of the accused persons asked insensitive, re-traumatising questions to the victim.

111. GRETA urges the Latvian authorities to make full use of the available measures to protect victims and witnesses, and to prevent intimidation during the investigation, as well as during and after the court proceedings.

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

112. The State Police has a Unit for the Fight against Human Trafficking, which in December 2020 was staffed by 18 full-time police officers. It investigates cases of THB and related offences (transfer of a person for the purpose of sexual exploitation, involvement of a person in prostitution, living on the proceeds of prostitution...). GRETA was informed that the Police Anti-Trafficking Unit is understaffed and not very well equipped. It was subsequently reported to GRETA during the visit in October 2021 that the necessary equipment for remote surveillance and decoding of information should be delivered by the end of 2021. There are five Regional Police Boards - in Riga, Kurzeme, Latgale, Zemgale and Vidzeme – which can also investigate THB cases. Since 2016, they have initiated four criminal proceedings on trafficking in human beings (Zemgale Regional Police Board initiated one prosecution on sham marriage and one on labour exploitation, Riga Regional Police Board initiated two prosecutions on sexual exploitation).

113. The Prosecutor's Office has established a practice according to which criminal proceedings initiated with regard to trafficking in human beings are subject to supervision and prosecution by prosecutors of the Specialised Public Prosecutor's Office of Organised Crime and Other Sectors. These prosecutors are responsible for all prosecutions initiated in the Riga Region. GRETA was informed that the General Prosecutor's Office facilitated the specialisation of these prosecutors, engaging them in training, workshops and conferences in Latvia and abroad. In the rest of Latvia, prosecutions of THB cases are conducted by the territorial offices of the Prosecutor's Office in accordance with the territorial jurisdiction referred to in Section 388 of the CPL. The Intranet of the Prosecutor's Office has a separate section entitled "Prevention and combating trafficking in human beings", which contains information materials on trafficking in human beings.

114. During the visit in October 2021, GRETA was informed of a forthcoming reorganisation of the Prosecutor's Office, which is likely to result in a dismantling of the Specialised Prosecutor's Office of Organised Crime, and its replacement by specialised prosecution boards in five regions to which investigations of THB will be allocated randomly. Concerns were expressed that this organisation may result in the loss of expertise and specialisation.

115. On 31 December 2016, the Asset Recovery Office (ARO) was established in the Unit of Criminally Acquired Assets Recovery and Information Analysis of the Main Criminal Police Board of the State Police. The ARO is the competent institution in the field of tracing and identification of proceeds of, or other property related to, crime. The ARO also provides the processing and transfer of requests from State Police departments and other Latvian law enforcement authorities for execution to the criminal recovery services of other EU Member States, as well as support for the State Police in the identification of proceeds of crime at the national level. In co-operation with the ARO, properties abroad and other assets of suspected persons are identified for freezing in cases of THB.

116. The Judicial Training Centre in Latvia ensures the continuing training of judges and court employees, with particular attention to topics and improvements that increase the quality of judgments. It also provides training for other legal professions (prosecutors, lawyers, and employees of State administration and local government institutions). The Judicial Training Centre provided training on child trafficking in 2017 (with 126 participants, including 28 judges, 24 assistant judges, 6 Supreme Court employees, 46 prosecutors, 4 police officers and 18 other legal professionals). The Law "On Judicial Power" obliges judges to constantly update their knowledge, and training of judges is planned and ensured by the Court Administration. On 21 May 2021, the Council for the Judiciary approved guidelines for organising the training of judges in 2022. Four priority training themes have been identified: a methodology for adjudicating cases, covering in particular topics such as the assessment of evidence and the questioning of witnesses; process management; drafting of rulings; and financial and economic crime. On 3 March 2021, judges were provided with an opportunity to attend an online seminar on trafficking in human beings, which was organised by the US Department of Justice in co-operation with the Latvian Judicial Training Centre. The seminar focused on the coercion element, evidence analysis and victim questioning strategies to demonstrate the element of non-violent coercion, and the impact of trauma on the victim's willingness and ability to co-operate in investigations.

117. According to the Latvian authorities, specialisation of judges is a matter of organisation of the work of the court and is the responsibility of the President of the Court. Specialisation of a judge in specific branches of law and types of cases is possible within the framework of specialisations listed by the Council for the Judiciary, for example, criminal offences against the natural environment, compulsory measures of medical and educational nature, cases affecting the interests of children.

118. The Ministry of the Interior, with the support of the US Embassy in Riga and the Judicial Training Centre, hosted training for judges, prosecutors and law enforcement officials on "Strengthening Latvia's response to human trafficking: guidelines for more effective prosecution and sentencing", on 10-11 May 2018. A total of 125 participants attended this training.

119. The Local Government Training Centre organises four hours of training on THB annually, which covers the definition of THB, early identification, formal identification, inter-institutional co-operation, rights of victims, social rehabilitation services, compensation, and the non-punishment principle. In 2018, a total of 194 professionals attended this training, including 110 municipal police officials, 26 State Police officials, 24 lawyers and 15 prosecutors. In 2019 and 2020, a total of 202 professionals completed the training (63 judges, 24 municipal police officials, 41 lawyers, 49 psychologists and 25 prosecutors).

120. GRETA welcomes the existence of police investigators and prosecutors specialised in trafficking in human beings, and considers that the Latvian authorities should promote specialisation and training of labour inspectors (see also paragraph 165) and judges to deal with THB (see also paragraph 93). GRETA also considers that the Latvian authorities should ensure that the reorganisation of the Prosecutor's Office does not have a negative impact on the specialisation of prosecutors to deal with THB cases.

121. Further, GRETA considers that the Latvian authorities should ensure adequate human and technical resources of the Police Unit for the Fight against Human Trafficking.

11. International co-operation (Article 32)

122. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments⁴⁹ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

123. GRETA was informed that a JIT ("Doubrava") was set up by the Latvian State Police and Derbyshire Constabulary (United Kingdom). Six members of an organised criminal group were arrested and 14 victims of labour exploitation were rescued in the UK and Latvia, in February 2018. Five locations were searched, evidence was secured and vehicles were seized. A 63-year-old victim was rescued (he was kept in a squalid shack without heating) and referred to the specialised social service provider in Latvia. The Latvian State Police froze movable and immovable assets of the perpetrators and their relatives to the value of 301,500 euros. A financial investigation and an analysis of the bank accounts and money transfers of members of organised criminal group and the victims helped detect the criminal assets. Two police officers from Latvia took part in the operation in the UK, which was crucial as they played a major role in the initial interviews of the victims. The victims who returned to Latvia did not apply for compensation. As far as the Ministry of the Interior of Latvia is aware, no victims have received compensation from the perpetrators or the UK.

⁴⁹ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

124. From 1 July 2018 until 30 June 2019 Latvia held the Presidency of the Council of Baltic Sea States (CBSS). During the Latvian Presidency, the Ministry of the Interior organised the CBSS Task Force against Trafficking in Human Beings (CBSS TF-THB) meetings. One outcome of this was the conclusion that labour exploitation is the most common and prevailing form of exploitation in the Baltic Sea Region. The CAPE project developed by the Ministry of Interior of Latvia ("Competence building, Assistance Provision and Prosecution of Labour Exploitation Cases in the Baltic Sea Region") was approved in May 2019, and obtained co-financing from the CBSS Project Support Facility (PSF) Fund. A conference presenting the results of research under the CAPE Project took place on 9 June 2021.

125. The conference "Human trafficking – a crime with too few convictions and too many victims" was organised as part of the Latvian Presidency of the CBSS. The conference focused on prosecution of human trafficking cases and victims' rights in legal proceedings. More than 80 participants from the CBSS Member States and Observer States participated. Policy makers, researchers, investigators, prosecutors and judges discussed their experiences and best practices of combating trafficking in human beings.

126. Furthermore, as part of the strategic partnership between the CBSS and the Nordic Council of Ministers, a "Forum on Corporate Responsibility of Businesses: Prevention of Labour Exploitation" took place during the Latvian Presidency of the CBSS, on 6-7 June 2019. It encouraged companies and businesses to integrate respect of human rights and corporate responsibility, and discussed prevention of labour exploitation as an indicator of corporate social responsibility (CSR). More than 70 participants participated in the Forum: policy planners, anti-trafficking practitioners supporting and assisting victims, as well as international organisations and businesses.

127. In April 2019, the State Police together with the State Labour Inspectorate, the State Border Guard and the Riga Municipal Police participated in Joint Action Days (JADs) organised by Europol EMPACT THB focusing on labour exploitation and, in June 2019, on child exploitation. In September 2019, the JADs focused on sexual and labour exploitation. Further, in 2020, the State Police, in co-operation with the State Labour Inspectorate, the State Border Guard (Riga Regional Board) and the Riga Municipal Police, participated in JADs focusing on labour exploitation (14-18 September) and on child exploitation and exploitation of third-country nationals (5-9 October).

128. **GRETA welcomes the co-operation activities undertaken by the Latvian authorities, both in the criminal justice field and in the framework of the CBSS, and invites them to continue creating co-operation networks beyond the CBSS region, including with regard to financial investigations and enforcement of compensation orders.**

12. Cross-cutting issues

a. gender-sensitive criminal, civil, labour and administrative proceedings

129. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms, and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁵⁰ The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.⁵¹ GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.⁵² Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".⁵³

130. The Latvian authorities have referred to the CPL, which provides that during an investigation, the gender of the investigator should be taken into account in order to ensure that the interests of the victim are respected. Interviews of victims of THB shall be conducted by an investigator of the same sex.

131. GRETA refers to the Committee on the Elimination of Discrimination against Women (CEDAW) Concluding Observations on the combined fourth to seventh periodic reports of Latvia, which welcomed the fact that, since 2018, women in special circumstances, including victims of gender-based violence seeking temporary protection orders, are exempted from the threshold requirement for receiving State-funded legal aid, regardless of their residential status. CEDAW nevertheless expressed its concern that women who are victims of multiple or intersecting forms of discrimination are unable to gain access to justice owing to different barriers, including lack of awareness of the legal remedies and compensation mechanisms available to them.⁵⁴

132. In 2019, the Ministry of Welfare of Latvia published an informative guide about gender-based discrimination, which included information about available remedies.⁵⁵ The Ombudsman pays attention, among other things, to respect for the rights of women as a vulnerable part of society, for example, in the process of non-voluntary return, interviews, checks on living conditions and monitoring of expulsions. An Ombudsman's representative is also involved in the working group on reducing the risks of violence in family, created by the Committee on Social and Labour Affairs of the Parliament (Saeima). At the same time, the Ombudsman has the right to initiate a review case both on his/her own initiative and upon application of a person, to establish a violation of a person's human rights, and to make recommendations to institutions, thus facilitating the observance of the rights of a person.

⁵⁰ CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en

⁵¹ Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

⁵² Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

⁵³ Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

⁵⁴ CEDAW Concluding observations on the combined fourth to seventh periodic reports of Latvia, CEDAW/C/LVA/CO/4-7, 10 March 2020, pp.4-5.

⁵⁵ Available here: <https://www.lm.gov.lv/lv/media/2068/download>

133. GRETA considers that the Latvian authorities should raise awareness amongst women of the remedies available to them to claim violations of their rights, including through the Ombudsman's Office.

b. child-sensitive procedures for obtaining access to justice and remedies

134. In Latvia, matters related to the rights or interests of the child, including criminal matters in which the defendant is a child, are to be adjudicated in court by emergency procedure.

135. There are a number of provisions concerning children's participation in criminal proceedings. According to Section 12 of the CPL, criminal proceedings involving a child shall be conducted by taking into account the age, maturity and any special needs of the child concerned. According to Section 108, paragraphs 5 and 6, of the CPL, the provision of legal assistance and legal aid to a child victim is mandatory in criminal proceedings in the case of offences committed by a person upon whom the child is financially or otherwise dependent, as well as offences against morals or sexual.

136. Children are treated as specially protected victims pursuant to Section 96¹ of the CPL. As such, they have additional rights, already listed in paragraph 102. Interviews of specially protected victims are conducted in a separate room appropriate for such purposes, without the presence of persons not related to the particular procedural action. The interviewing is conducted by an investigator of the same sex as the victim.

137. The interviewing of a child victim of human trafficking shall be recorded (by audio and video), except when this is against the best interests of the child or hinders the likelihood of securing a conviction. Interviews of children may not exceed six hours during any 24-hour period, including breaks. The interview must be performed by an investigator who has specialist expertise in communication with children. If this is not possible, the child must be interviewed in the presence of a pedagogue or a psychologist.

138. If a psychologist considers that the psychological state of a child under the age of 14 or a child victim of violence, including human trafficking, may be harmed by direct questioning, the interview may be performed with the intermediation of technical means and a psychologist. Direct questioning of such victims can be performed only with the permission of the investigating judge or a court decision. GRETA stresses that when children are interviewed, the presence of a psychologist/child communication specialist is always a good practice, and such a measure must not be left to the discretion of the police.

139. GRETA was informed that it was not possible to provide objective assessment of investigation, prosecution and court practice on child trafficking cases because there had been only one prosecution of child trafficking since 2015. The court proceedings were still ongoing.

140. GRETA considers that the Latvian authorities should take steps to ensure child-sensitive procedures when investigating, prosecuting and adjudicating cases of THB, in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice,⁵⁶ including measures to ensure that there is a sufficient number of child-friendly interview rooms across the country.

⁵⁶ [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

c. role of businesses

141. Latvia was involved in the project FLOW “Flows of illicit funds and victims of human trafficking: uncovering the complexities”⁵⁷ (together with Finland, Bulgaria and Estonia), which focused on analysing the business model of labour exploitation and the links between labour trafficking, exploitation and economic crimes (see also paragraph 156). As part of this project, a business risk management tool was developed together with national business representatives in order to validate the CSR guidelines and enhance companies’ knowledge on risks related to labour exploitation.

142. GRETA was informed of a business initiative called “Ambassadors of Responsible Business”, led by the Corporate Social Responsibility Platform of Latvia, which was set up in December 2018 with the involvement of the National Anti-Trafficking Co-ordinator, as part of the project FLOW.⁵⁸

143. Further, GRETA was informed that an agreement was signed between Riga Airport, Air Baltic, the Ministry of the Interior and the two mandated social service providers to raise awareness of THB at the airport and on planes, train airport and airline staff, and to establish a protocol for detecting and referring victims. In addition, several training sessions were organised for airport staff and airlines crew in 2021. Another initiative concerns banks and financial institutions which were planning to organise a workshop in early 2021 on the typology on illegal funding acquired from THB. A guideline on co-operation on cases of presumed trafficking in human beings has been drafted.

144. According to the authorities, the State Border Guard has published an “Information for construction workers” which summarises the rules for conducting checks by the State Border Guard of construction sites, the rights of workers and the duties of employers.

145. According to the Public Procurement Law, candidates or tenderers which have been found guilty of certain offences, including THB, shall be excluded from participation in a procurement procedure.

146. GRETA welcomes the above-mentioned initiatives, and considers that the Latvian authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights⁵⁹ and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business,⁶⁰ with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and providing access to effective remedies.

d. measures to prevent and detect corruption

147. Trafficking in human beings can occur in various contexts. Human traffickers may form part of organised criminal groups, which frequently use corruption to circumvent the law, and money laundering to conceal their profits.

148. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO) whose country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context. GRETA refers to GRECO’s fourth report on Latvia, which focuses on corruption prevention in respect of members of parliament, judges and prosecutors. In this report, GRECO noted that Latvia had taken notable steps to set in place an overarching anti-corruption strategy. The Corruption Prevention and Combating Bureau (KNAB) plays a central role in the system, but according to GRECO, its independence should be strengthened.⁶¹

⁵⁷ <https://heuni.fi/-/flow>

⁵⁸ <http://www.trafficking.lv/en/ten-representatives-of-various-organizations-become-ambassadors-of-responsible-business/217>

⁵⁹ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁶⁰ Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers’ Deputies.

⁶¹ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c6d36>

149. The Latvian authorities have provided information on several cases involving state officials. In 2011, criminal proceedings were opened against a former official of the State Police, who was charged with extortion of a bribe from the owner of a brothel, abuse of an official position and disclosure of an official secret. In 2013, he was sentenced to five years' imprisonment and deprivation of the right to work in law enforcement for a period of five years. In 2014, the Riga Regional Court repealed the judgment and sent it back to the first-instance court for a new adjudication. Following an objection by the prosecutor, the Supreme Court annulled the decision of the Court of Appeal and submitted the case to a new trial in the Riga Regional Court. The Court of Appeal found the person guilty of all the offences mentioned above, and sentenced him to four years' imprisonment, as well as deprivation of the right to work in law enforcement for five years.

150. In 2014, criminal proceedings were instigated against two officials of the Riga Municipal Police, as well as several other persons. One police officer was charged with accepting bribes and the other with organised pimping and acting as an intermediary in bribery. The case went to court in 2015 and the main charges were establishment of a massage parlour where sexual services were provided for payment, and disclosure of information about planned enforcement measures. The proceedings are still ongoing at the time of writing.

151. GRETA considers the Latvian authorities should include measures against corruption in a THB context in the general policies against corruption, and effectively implement them.

V. Follow-up topics specific to Latvia

1. Measures to prevent and combat trafficking for the purpose of labour exploitation

152. In its second evaluation report, GRETA considered that the Latvian authorities should take further steps in the area of preventing trafficking for the purpose of labour exploitation, such as raising awareness of the risks of trafficking for the purpose of labour exploitation, strengthening the monitoring of recruitment and temporary work agencies, and working closely with the private sector.

153. As noted in paragraph 10, there has been a significant increase in the number of identified victims of THB for the purpose of labour exploitation.

154. An information campaign about safe travel and the risks of labour exploitation abroad was launched by the Ministry of Foreign Affairs and the Ministry of the Interior in the summer of 2018. Two animation films were shown, and printed materials were distributed at main public transportation hubs as well as on buses.

155. Further, as part of the "Work Smart" project, the NGO Shelter "Safe House" produced leaflets for migrant workers and Latvians working abroad, concerning the risks of labour exploitation, which are available in Latvian, Russian and Croatian. A podcast and a video were also prepared. The NGO Shelter "Safe House" runs an information centre for migrant workers who can receive consultations in case of problems with their employers.

156. Reference has been made already in paragraph 140 to Latvia's participation in the project FLOW "Flow of illicit funds and victims of labour trafficking: uncovering the complexities". The project promoted a holistic approach to the prevention and investigation of trafficking in human beings in conjunction with economic crime and engaged businesses in the prevention of trafficking in human beings. An analytical tool, "Shady business. Uncovering the business model of labour exploitation" was published, describing 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. The first mutual

learning workshop with law enforcement, labour inspectors and tax authorities was organised in September 2019. Other practical tools developed under the FLOW project involved tools for the detection and identification of victims of trafficking, as well as for the investigation of cases by law enforcements and a checklist for labour inspections. The practical tools developed under the FLOW project are used by the police officers and have reportedly helped to identify two cases of labour exploitation. In addition, this tool is used to identify other types of money laundering cases. The State Labour Inspectorate indicated that they also use the checklist for labour inspectors developed under the project.

157. The authorities informed GRETA that the State Labour Inspectorate had been increasingly involved in the prevention of trafficking in human beings in Latvia. There are 140 posts of labour inspectors throughout the country, but GRETA was informed that there were always vacancies due to high staff turnover. There is some thematic specialisation amongst the labour inspectors, for example, in Riga, 10 of them specialise on illegal employment. At the end of January 2017, extensive anti-trafficking training was organised for 100 officials at different levels of the State Labour Inspectorate (inspectors, heads of structural units and other employees). The training was led by the representative of the Anti-Trafficking Unit of the State Police. The topics addressed were trafficking in human beings, labour exploitation abroad and in Latvia, detection and identification of victims of human trafficking, and whom to approach when there is a suspicion of possible labour exploitation or trafficking in human beings. In total, 90% of the 130 employees of the State Labour Inspectorate participated in the training. However, due to the staff turnover, there is need to provide training in a systematic way.

158. According to the national anti-trafficking policy planning document, the State Labour Inspectorate is tasked with providing control measures to reduce trafficking in human beings and identify victims of trafficking in human beings. As an indicator to measure the implementation of this task, the number of potential cases of trafficking in human beings detected during checks performed by the State Labour Inspectorate are considered. The Labour Inspectorate carries out an average of 10,000 inspection visits per year. Of them, in 2016 there were 3,032 visits related to undocumented employment, in 2017 – 3,029, in 2018 – 2,883, in 2019 – 2,237, and in 2020 – 1,876. Some of the inspections are organised jointly with the State Police and the State Border Guard. Other inspection visits are related to work-related accidents, violations of labour law or data protection. In 2016, the State Labour Inspectorate detected five potential cases of trafficking in human beings. In 2017, three potential victims of THB were detected and referred to relevant institutions. The information is transmitted to the State Police for further investigation. The State Labour Inspectorate is not involved in the investigation and is not informed of the follow-up given to the cases.

159. Since 2018, the State Labour Inspectorate has increasingly detected workers from Ukraine sent to Latvia to work at construction sites. The workers are recruited in Ukraine by a company from Poland or Lithuania, which has a construction services contract with a company in Latvia. In this way, the responsibility for the workers lies with the sub-contractor, rather than the Latvian company, and the workers conclude contracts according to Polish or Lithuanian law. The workers are usually sent from Ukraine to Latvia directly, without performing work in Poland or Lithuania, for up to 90 days within the limits of their visas. In this way, the construction costs are reduced, since the salaries paid are lower than the minimum wages in Latvia. Illicit money transfers are reportedly made to avoid paying taxes. Most of the Ukrainian workers do not consider themselves as victims of trafficking, and complain only about unpaid wages. Many workers do not have a valid employment contract. Furthermore, there are accidents at work, due to lack of protective gear, and workers lack mandatory insurance. GRETA was informed that eight administrative proceedings were initiated in 2019 against companies which had not reported posted workers or because the workers' contracts were not valid. In 2021, amendments were made to the labour legislation concerning posted workers, introducing the obligation to inform them about their contract, remuneration and working conditions.

160. In April 2019, the State Labour Inspectorate participated in Joint Action Days (JAD) organised by Europol EMPACT THB to detect trafficking in human beings for the purpose of labour exploitation. As a result, 16 possible victims of THB were identified and referred to assistance. The Organised Crime Enforcement Board granted them a reflection period.

161. In December 2019, the Organised Crime Enforcement Board received information about possible forced labour in the agriculture sector. Six possible victims of THB were detected and referred to assistance by mandated service providers, as well as being granted a reflection period. An investigation was opened, and five persons were recognised as victims in criminal proceedings. In March 2021, the criminal proceedings were terminated. It was discovered that migrant workers from Uzbekistan had been promised a minimum wage of 720 euros, whereas Latvian workers received 2,000 euros for the same work, which gave rise to a complaint. The Prosecutor's Office concluded that the case was a civil dispute between the employer and the migrant workers because the persons were not compelled to perform work against their will through violence, threats or deceit, their freedom of movement was not restricted, and there was no abuse of their dependence on another person or a state of helplessness.

162. Further, in January 2020, the Organised Crime Enforcement Board received information from an NGO about exploitation of foreigners in the construction sector. Three persons were detected as possible victims of THB, referred to assistance, and granted reflection periods. An investigation was opened. In April 2021, the criminal proceedings were terminated as no evidence of trafficking in human beings had been obtained. It was concluded that the employment was not related to the use of deceit, violence or threats, nor to abuse of vulnerability or dependence.

163. There is a licensing procedure of recruitment and temporary work agencies and their number has increased to over 200 in recent years. However, GRETA was informed that foreign recruitment agencies, which are sometimes not licensed, use gaps in the legislation in order to recruit migrant workers.

164. The Free Trade Union Confederation of Latvia (ELBAS), which covers about 80% of the labour force in Latvia, has had some engagement in anti-trafficking work, in particular through the project ADSTRINGO, which was co-ordinated by the CBSS and focused on trafficking for forced labour and labour exploitation. However, ELBAS does not have contacts with foreign workers who are not unionised. There is an ongoing project which provides free-of-charge consultations to any worker, as well as a co-operation agreement with the State Labour Inspectorate.

165. While welcoming the steps taken in Latvia since the second evaluation to prevent and detect THB for the purpose of labour exploitation, GRETA stresses Latvia's positive obligations under Article 4 of the European Convention on Human Rights to put in place adequate measures to prevent THB for labour exploitation, to protect victims, and to effectively investigate any offences committed.⁶² **GRETA considers that the Latvian authorities should take further steps, including:**

- **reinforcing the human resources of the State Labour Inspectorate to enable it to contribute to the prevention and detection of THB for labour exploitation, including by addressing the factors which provoke high staff turnover;**
- **encouraging safe reporting procedures for foreign workers and creating incentives to come forward;**
- **strengthening the monitoring of recruitment and temporary work agencies;**

⁶² See European Court of Human Rights, *Chowdury and Others v. Greece*, application No. 21884/15, 30 March 2017.

- **reviewing the legislative framework with a view to preventing foreign recruitment agencies from facilitating the exploitation of migrant workers;**
- **developing guidance for relevant professionals to enable the detection and investigation of trafficking cases for the purpose of labour exploitation;**
- **further developing co-operation with trade unions in the prevention of THB for the purpose of labour exploitation;**
- **encouraging regular and co-ordinated multi-agency labour inspections and enhanced co-operation between relevant agencies, in order to strengthen the identification of victims of THB in workplaces, as well as the investigation of THB offences.**

2. Measures to discourage demand

166. The Latvian authorities have carried out awareness-raising activities aimed at explaining the phenomenon of trafficking in human beings and how victims are exploited to provide cheap products and services, including sensitisation activities focusing on consumer behaviour and demand for cheap products and services. By way of example, GRETA was informed about the awareness-raising campaign "Anti-trafficking month with the "OLEG" movie",⁶³ which took place through the close co-operation of the Ministry of the Interior and the Latvian film production company TASSE FILM. The screening of the film in Riga and various regions of Latvia was accompanied by discussions on trafficking in human beings, with the involvement of the director of the film, Juris Kursietis, and the script writer. In total, four anti-trafficking events were organised. The events were well attended and were covered by the media.

167. In 2019, the European Commission implemented the EU information campaign #EUprotects. The National Anti-Trafficking Co-ordinator was selected as an Ambassador of this campaign in Latvia and gave interviews to Internet portals, radio and television, as well as speaking during anti-trafficking activities at the music festival Positivus. Information about trafficking in human beings was published on the Internet portal delfi.lv. There were also television reports about the work of a Chief Inspector from the Police Anti-Trafficking Unit, a police investigation into labour exploitation of Latvians in the UK, and a story on how the EU together fights against forced marriages.

168. The European Crime Prevention Network (EUCPN) and European countries, including Latvia, launched a prevention campaign on 17 October 2019 aimed to warn of the risks of trafficking and the rights of victims. The campaign contained promotional materials such as posters, stickers and a video. In Latvia, the information was disseminated in Latvian and Russian through social media platforms.

169. Prostitution is legal in Latvia and is regulated by Regulation No. 32 regarding the restriction of prostitution. According to the CEDAW, the conflation of the concepts of trafficking for the purpose of sexual exploitation and forced prostitution in the CL may in practice lead to the revictimisation of women who are victims of trafficking, rendering them even more vulnerable to exploitation, abuse and discrimination.⁶⁴

⁶³ The film OLEG is based on a true story of a man who became a victim of exploitation in Belgium.

⁶⁴ CEDAW Concluding observations on the combined fourth to seventh periodic reports of Latvia, CEDAW/C/LVA/CO/4-7, 10 March 2020, p. 9.

170. The Latvian authorities are in the process of considering legislative measures related to discouraging demand, such as evaluating Section 280, paragraph 2, of the CL⁶⁵ and the necessity to make amendments to it. Another proposal is to assess whether the offences provided for in Sections 164, 165¹, 166(3), (4) and (5) of the CL overlap with the criminal offence provided for in Section 154¹ of the CL. Further, a draft law on prostitution has been proposed upon the initiative of the NGO Centre MARTA, including a provision criminalising the purchase of sex. There is no consensus in Latvia on the direction which the legislation on prostitution should take. In the meantime, the administrative violations regulations related to prostitution have been suspended, which risks creating a vacuum in the capacity of the police to detect cases of sexual exploitation.

171. While noting the measures taken since the second evaluation to discourage demand for the services of trafficked persons, GRETA considers that the Latvian authorities should continue making efforts by adopting legislative, administrative, educational, social and cultural measures to discourage demand that fosters all forms of exploitation that lead to trafficking, in partnership with civil society, trade unions and the private sector.

3. Social and economic initiatives for groups vulnerable to THB

172. The importance of combating the root causes of THB through social and economic initiatives for groups vulnerable to THB has already been stressed in GRETA's previous reports.

173. In 2019, the Constitutional Court, on the basis of applications from the Ombudsman, initiated three cases concerning the socio-economic situation of Latvia and related to the reduction of poverty and inequality in society. In his applications to the Constitutional Court, the Ombudsman contested the conformity of the guaranteed minimum income level and the amount of the State social security allowance with Articles 1 and 109 of the Constitution of the Republic of Latvia.⁶⁶

174. The Ministry of Welfare has undertaken several initiatives which, while not being specifically designed to prevent trafficking in human beings, might reduce the risks of vulnerable persons, including children, persons with disabilities and persons with addictions, falling victim to THB. In 2017, the Ministry launched the first community-based programme which provides qualified support to adolescents at risk of addiction to computers, the internet, mobile phones or addictive substances. An interdisciplinary team of specialists was set up, including a mentor, social worker, child psychiatrist, expert on drug abuse by children, psychologist, psychotherapist, sports educator and other specialists. Since 2018, this programme has been funded through the state psycho-social rehabilitation services. On average, 200 adolescents can receive services per year. An ongoing reform involves the de-institutionalisation of persons with disabilities who had been placed in social care centres. Further, on 1 April 2018, the Social Enterprise Law entered into force. The purpose of this law is to foster employment of groups at risk of social exclusion.

175. Latvia has signed, but not yet ratified, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention"). There is no comprehensive law on gender-based violence against women in Latvia. GRETA refers to CEDAW's Concluding Observations on the combined fourth to seventh periodic reports of Latvia, which welcome the efforts to combat discriminatory gender stereotypes in education, including the training of almost 4,000 educators on gender equality principles. CEDAW is nevertheless concerned by the persistence of discriminatory gender stereotypes and patriarchal and sexist messaging in the media and by politicians, and recommends the adoption of a comprehensive strategy to combat discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, with the involvement of women's organisations. GRETA endorses CEDAW's recommendation that Latvia ratify the

⁶⁵ This section criminalises the employment of irregularly residing third-country nationals, including children, persons employed in particularly exploitative working conditions and victims of human trafficking, with the knowledge of their status.

⁶⁶ More information is available at: <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>

Istanbul Convention and adopt a comprehensive law on gender-based violence.⁶⁷ On 4 June 2021, the Constitutional Court of Latvia adopted a judgment in case No. 2020-39-02 concerning the compliance of the Istanbul Convention with the Constitution of Latvia, concluding that the provisions of the Istanbul Convention on special measures for the protection of women from violence comply with the Constitution of Latvia. A new plan on the Promotion of Equal Rights and Opportunities for Women and Men 2021-2023⁶⁸ was adopted, including measures to reduce gender-based stereotypes and measures to combat gender-based discrimination and domestic violence.

176. GRETA considers that the Latvian authorities should continue investing in social, economic and other measures for groups vulnerable to THB. Further efforts should be made to promote gender equality, combat gender stereotypes and gender-based violence, and support specific policies for the empowerment of women and girls as a means of combating the root causes of THB.

4. Identification of victims of trafficking

177. The identification of victims of THB in Latvia is carried out in accordance with Cabinet Regulation No. 889 of 31 October 2006 on "The procedures by which victims of THB receive social rehabilitation services and the criteria for recognising a person as a victim of THB", which was replaced by Regulation No. 344 of 16 July 2019 (see paragraph 14).

178. The Regulation prescribes the criteria for the recognition of a person as a victim of THB and the procedure for identification, which consists of the following stages: 1) detection of possible victims of THB by police officers, border guards, consular officials, social service providers, labour inspectors, hotline operators, Latvian or foreign NGOs; 2) formal identification as a victim of THB, which takes place either by decision of an investigator or a prosecutor as part of criminal proceedings, or by an assessment report of the multi-disciplinary commission of specialists, , if there is no criminal investigation or the victim does not wish to participate in criminal proceedings; 3) following formal identification, victims are eligible to receive assistance and benefit from social inclusion measures.

179. Identification as a victim of THB by the State Police is determined by the presence of sufficient grounds for initiating a criminal case for THB. In the absence of a criminal investigation, the multi-disciplinary commission of experts (comprising at least one social worker, psychologist and lawyer, representatives of the two specialised NGOs providing services to victims of THB, as well as, if necessary, other specialists) has to convene within three days and assess if there are sufficient indicators for considering a person to be a victim of THB, on the basis of the criteria contained in an Annex to the Regulation. The chairperson of the commission, who is a representative of the mandated NGO, may invite professionals from other areas to attend the meeting of the commission and examine available information concerning the person. The possible victim of THB is not obliged to attend the meeting of the commission but should be available to answer any questions by telephone, Skype or other means. The commission takes decisions by majority vote. A protocol of assessment is sent to the Social Integration State Agency which takes a decision to grant state-funded social rehabilitation services. The protocol is also sent to the Anti-Trafficking Unit of the State Police in order for it to take a decision on granting a recovery and reflection period. GRETA was informed that this procedure is fast. As soon as the criminal proceedings are initiated and the victims have been recognised as victims in the criminal proceedings, the prosecutor approaches the Office of Citizenship and Migration Affairs with a request to issue temporary residence permits. The number of persons identified as victims of THB by the multi-disciplinary commission was 19 in 2016, 25 in 2017, 23 in 2018, 39 in 2019 and 48 in 2020. The number of negative decisions was, respectively, 14 in 2016, 17 in 2017, 4 in 2018, 1 in 2019 and 7 in 2020.

⁶⁷ CEDAW Concluding observations on the combined fourth to seventh periodic reports of Latvia, CEDAW/C/LVA/CO/4-7, 10 March 2020.

⁶⁸ Available at: <https://likumi.lv/ta/id/325509-par-planu-sieviesu-un-viriesu-vienlidzigu-tiesibu-un-iespeju-veicinasanai-20212023-gadam>

180. The Ministry of the Interior organised several events to discuss inter-institutional co-operation in the identification and referral of victims, with a view to identifying shortcomings and gaps in the legislation and its practical application and implementation. 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. 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, there is guidance for establishing dialogue between the doctor and a possible victim 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.

181. Further, in the framework of the STORM II project, a draft "General Model of National Referral Mechanism" was developed, identifying stakeholders who are acknowledged as first responders and institutions which are eligible to perform formal identification of victims of trafficking in human beings, and providing indicators.

182. Moreover, GRETA was informed of the setting up of a Transnational Referral Mechanism (TRM) in the Baltic Sea Region in 2019 by the CBSS Task Force against Trafficking in Human Beings (TF-THB), in the framework of the project "Paving the Way for the Harmonised Operational Framework in the Baltic Sea Region" (HOF-BSR).⁶⁹

183. In September 2019, the Latvian Parliament's Commission on Human Rights and Public Affairs and the NGO Centre MARTA organised a conference "Towards development of a national plan to eliminate trafficking in human beings". The aim of the conference was to stimulate debate on possible legislative initiatives and, in particular, the idea of setting up a National Referral Mechanism (NRM) for identification of, and assistance to, victims of trafficking in human beings. At this conference, the Ombudsman made a commitment to start work in 2020 on setting up a NRM and strengthening the regulatory framework to this effect. Moreover, the Ombudsman called for the development of a comprehensive law on trafficking in human beings, covering all aspects related to preventing and combating trafficking in human beings. During the online meetings carried out as part of the third evaluation, GRETA was informed that the Ministry of the Interior was planning to prepare a comprehensive law covering the NRM, as well as a Cabinet Regulation on the implementation of the Law, describing the procedures and responsibilities of all institutions. Due to the change in the National Anti-Trafficking Co-ordinator, the drafting of the NRM has been postponed and was expected to start at the end of 2021.

184. In March 2019, the Ombudsman's Office, in co-operation with the State Border Guard, started a multi-year project "Efficient implementation of observation and removal process", which is aimed at ensuring that the processes of monitoring of forced returnees comply with the requirements and provisions of 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 this project, special attention is said to be paid to the protection of the rights of unaccompanied children and to improving the procedures for recognising victims of trafficking in human beings in the process of removal. The aim of the project is to strengthen inter-institutional co-operation 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. As part of this project, the Ombudsman's Office carried out an analysis of the laws, regulations, guidelines and training of the State Border Guard which are related to the identification of victims of THB. A training material on the recognition of victims of THB in the return process was developed by the Ombudsman's Office, in co-operation with the State Border Guard. Two training seminars were organised in 2019-2020 for some 42 participants from the State Border Guard, the Orphan's and Custody Courts, the State Inspectorate for the Protection of Children's Rights, the NGOs Shelter "Safe House" and Centre MARTA, and the Latvian Red Cross. Information on the activities carried

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www.bsr-trm.com

out is available on the Ombudsman's website.⁷⁰ On 27 May 2021, the Ombudsman organised another training on the recognition of victims of trafficking in human beings during the return process.

185. As regards other relevant training of the State Border Guard, in 2019, 14 officers, and in 2020, seven officers, attended an e-learning programme on THB organised by the College of the State Border Guard. Further, in 2020, 14 staff members, and in 2021, seven staff members, attended an eight-hour course on forms of THB and THB prevention organised by the College of the State Border guards. GRETA was also informed that staff of the Office for Citizenship and Migration Affairs attended training sessions on THB (20 in 2017, 90 in 2018, 45 in 2021). In addition, in 2020 and 2021, officers of the State Border Guard participated in two CEPOL seminars.

186. During the visit in October 2021, GRETA was informed that if Border Guards detect indicators of THB, they inform the State Police and inform presumed victims about specialised NGOs which can provide them with assistance. The State Border Guard does not keep track of the cases of presumed victims of THB referred to specialised NGOs and/or the State Police. Border Guards have a road map for asylum seekers, translated in 11 languages, providing information on their rights for legal aid and support. GRETA was informed that there is a multi-party agreement between agencies in the civil defence area covering a range of issues, including risk analysis, and THB is part of this analysis. There is also a specific procedure of internal co-operation within the Ministry of the Interior between the agencies involved in the asylum procedure, which stipulates co-operation in all actions within their competence and information sharing.

187. GRETA concluded in its second evaluation report that the identification procedure in Latvia risked leaving out third-country nationals. As noted in paragraph 9, since the second evaluation report, the number of foreign nationals identified as victims of THB in Latvia has increased. GRETA was informed that in the context of combating irregular migration and employment, 671 foreigners were detained for irregular presence in Latvia in 2016, 407 in 2017, 393 in 2018, 216 in 2019, and 110 in 2020. No victims of THB were identified among these persons. The number of Vietnamese nationals who were subject to non-voluntary return procedures was 313 in 2016, 74 in 2017, 148 in 2018, 46 in 2019, and 18 in 2020. GRETA noted in its second evaluation report that, according to the report entitled "National Referral Mechanisms in Estonia, Latvia and the UK – a mapping report", border guards treated Vietnamese irregular migrants detected in Latvia as illegal immigrants rather than victims of trafficking.⁷¹ One of the problems appears to be that there is lack of regulation obliging the State Border Guard to refer presumed victims of trafficking detected by them to the mandated social service provider. No steps have been taken to detect indicators of THB among Vietnamese nationals and to investigate cases of their illegal employment/exploitation.

188. The Asylum Law provides a definition of "asylum seeker with special procedural or reception needs", which includes, *inter alia*, victims of human trafficking.⁷² GRETA was informed that, in 2017, the Office of Citizenship and Migration Affairs recognised two asylum seekers (a woman and a child from Tajikistan) as vulnerable persons in the context of the asylum procedure. These persons were accommodated at the asylum seekers centre where the NGO Shelter "Safe House" identified them as victims of trafficking in human beings. Subsequently, they received refugee status in Latvia.⁷³

⁷⁰ <https://www.tiesibsargs.lv/lv/pages/petijumi-un-publikacijas/projekti/pmif> ;
<https://www.tiesibsargs.lv/news/lv/tiessaistes-apmacibas-ciiveku-tirdzniecibas-upuru-atpazisana-izraidisanas-procesa>

⁷¹ See paragraph 105 of GRETA's second report on Latvia, <https://rm.coe.int/greta-2017-2-fgr-lva-w-cmts-en/1680782ac0>.

⁷² In line with the EU Reception Conditions and Qualifications Directive.

⁷³ The number of asylum applications per year is as follows: 350 in 2016, 395 in 2017, 176 in 2018, 178 in 2019, 147 in 2020, and 520 in the first nine months of 2021. The number of persons granted refugee status or subsidiary protection (in brackets) was, respectively, 47 (107) in 2016, 39 (259) in 2017, 23 (24) in 2018, 37 (14) in 2019, 8 (17) in 2020, 50 (19) in the first nine months of 2021.

189. **GRETA welcomes the setting up of the multi-disciplinary identification commission, the procedures leading to the identification of vulnerable asylum seekers and trafficking victims, as well as the needs-based assistance provided to them as a result of co-ordinated efforts. However, GRETA considers that the Latvian authorities should take further efforts to identify victims of THB, through the adoption of regulations or guidance on the procedures for screening asylum seekers and irregular migrants for trafficking indicators, including amongst persons placed in detention. These should include clear procedures for referral, including their speedy removal from detention and provision of services based on the individual assessment of their needs.**

190. **Further, GRETA considers that the Latvian authorities should continue providing practical training on the identification of victims of trafficking amongst asylum seekers and irregular migrants to the State Border Guards, the State Police and the Office of Citizenship and Migration Affairs.**

5. Assistance to victims

191. In Latvia, only officially identified victims of trafficking can receive state-funded assistance, either following identification by a person (institution) directing criminal proceedings or upon identification by the multi-disciplinary commission.⁷⁴ The authorities indicated to GRETA that its provision is not conditional on the victims' capacity or willingness to co-operate in the investigation. Victims of THB can receive assistance beyond the six months during which social rehabilitation services (including psycho-social assistance, legal assistance and interpretation) are provided if they take part in ongoing criminal proceedings, but not exceeding 150 hours per year.

192. Social rehabilitation services to victims of trafficking in human beings are provided according to the previously mentioned Cabinet Regulation No. 344. There continue to be two authorised social service providers (the NGOs Shelter "Safe House" and Centre MARTA).

193. The Ministry of Welfare indicated that it provided the following funding for the provision of social rehabilitation services to victims of trafficking in human beings: 2014 – 159,378 euros, 2015 – 162,562 euros, 2016 – 133,275 euros, 2017 – 135,482 euros. According to the NGOs mandated to provide social services to victims of THB, this funding is not sufficient as it is intended to cover assistance to 24 victims, while the number of victims has increased over the years. By way of example, in 2020, Centre MARTA provided social rehabilitation to 16 victims, and in the first nine months of 2021, to 21 victims. Legal and medical assistance is covered by state funding for up to six months, and any assistance beyond this period has to be funded through donations. The two NGOs mandated to provide services to victims of THB do not have their own accommodation facilities for victims, and have concluded co-operation agreements with other organisations which run shelter crises centres, hostels or flats and can accommodate victims of THB. In the context of the detection of large groups of victims it has become obvious that the accommodation options are not sufficient and are not adapted to the different needs of victims. In particular, the absence of specific shelters for male victims was highlighted as an issue. In the recently detected case of persons with addictions, the provision of accommodation in hostels was found to be problematic as the hotel managers did not want to accept this category of victims. The NGO Shelter "Safe House" is finalising the legal procedure for acquiring a flat which can be used to accommodate victims.

⁷⁴ A definition of "victim of trafficking of human beings" is provided in the Law on Social Services and Social Assistance: "a victim of trafficking of human beings is a person who has been recognised as a victim of the criminal offence of trafficking of human beings, or with regard to whom the State Police has issued a statement that he/she is a victim of trafficking of human beings in a foreign State, as well as a person who has been recognised as conforming to victim of trafficking of human beings criteria by a social service provider" (unofficial translation).

194. GRETA is concerned by the absence of support for the reintegration of victims of THB. As noted previously, the state support is limited to six months, which may not correspond to the needs of some victims. NGOs are trying to provide reintegration support through different initiatives, including involving municipal social services.

195. The Social Integration State Agency is not eligible to grant state-funded social rehabilitation services to formally identified victims of trafficking in human beings who fall within the scope of Cabinet Regulation No. 889, point 13 of which states that “[i]f due to their state of health a person must stay in a medical institution for more than one month, the person has been placed in social care or a social rehabilitation institution financed by the State or local government, in a juvenile investigation or correction institution, the provision of services shall be suspended and the provider of services shall inform the Agency thereof.” GRETA was informed that the Ministry of Welfare was preparing amendments which would take out point 13 from Cabinet Regulation No. 889. This issue has been resolved through the adoption in July 2019 of Regulation No. 344 “Regarding the Procedures by Which Victims of Trafficking in Human Beings Receive Social Rehabilitation Service, and the Criteria for the Recognition of a Person as a Victim of Trafficking in Human Beings” which cancelled the limitation imposed by point 13 of Cabinet Regulation No. 889.

196. **GRETA stresses the obligation of the Latvian authorities to set up an assistance system based on the actual needs assessment of trafficking victims. In order to achieve this, GRETA urges the Latvian authorities to:**

- **ensure that the funding envisaged for the state-funded assistance to victims of THB is sufficient to cover the needs of all victims identified, including appropriate and safe accommodation, and to allow the provision of assistance for the duration necessary to achieve their recovery;**
- **adopt legal amendments and regulations necessary for funding reintegration services/programmes for victims of trafficking based on their needs.**

6. Prevention of child trafficking and identification of, and assistance to, child victims of trafficking

197. In its second evaluation report, GRETA urged the Latvian authorities to take steps to improve the identification of child victims of trafficking, and in particular to ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to children exploited in prostitution, unaccompanied children and migrant children, and to provide adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training.

198. In Latvia, children considered at risk of falling victim to THB include children placed in institutional care or residential schools, children deprived of parental care (including when the parents are working abroad) and children from disadvantaged social backgrounds. In 2019, the Ombudsman carried out a study of the risks of trafficking in human beings in Latvian residential schools. On the basis of a questionnaire answered by teachers and children, it was concluded that the overall level of awareness was insufficient and additional awareness-raising was needed. The Ombudsman has been involved in the school programme “Ready for Life” and conducts lectures on trafficking in human beings with a view to raising awareness of different forms of trafficking in human beings, developing skills to recognise potential risks, as well as knowledge of available rights protection mechanisms.

199. The State Inspectorate for Children's Rights Protection has developed a brochure on the prevention of human trafficking,⁷⁵ which is used to inform children and the staff of institutions where children study or spend time engaged in extra-curricular activities. The Inspectorate states that it pays increased attention to informing children who live outside the larger cities about the risks of trafficking, as well as how to avoid harm and seek for assistance.

200. The Latvian Safer Internet Centre manages the 116 111 line and has trained their staff about online risks for children, including online sexual exploitation. It has concluded a Memorandum of Understanding with internet providers. It also manages a hotline, which is part of the INHOPE (an international network of hotlines which fight illegal online content, child sexual abuse material and child sexual exploitation online). The hotline has an agreement with the State Police for processing reports of illegal content and child sexual abuse material and informs the Police immediately.⁷⁶

201. Child victims can be accommodated in premises of specialised service providers. In 2017, three child victims of trafficking in human beings received state-funded social rehabilitation services at their place of residence, and there was no need to provide safe accommodation for them.

202. Asylum-seeking children are entitled to receive education in Latvian schools, pursuant to the provisions of Cabinet Regulation No. 448 (adopted on 26 July 2016). Starting from the age of five, education has to be ensured within three months of submitting an asylum application to the State Border Guard.

203. According to the Immigration Law, an official of the State Border Guard has the right to detain a foreigner who is older than 14 for a period of up to 10 days, if there are grounds to believe that they will impede the removal procedure. When deciding to detain an unaccompanied child aged over 14 years of age, the State Border Guard official must inform without delay the Consular Department, State Police and the Orphan's Court.

204. GRETA was informed that in 2016, there was a case of an unaccompanied child from Vietnam who was detained under court authorisation and placed in the detention facility for foreigners "Daugavpils". Representatives of the Ombudsman's Office monitoring detention facilities raised concerns that the child might be a victim of trafficking in human beings. As a consequence, the removal process was stopped, the child was treated as a presumed victim of trafficking in human beings and was informed of the possibility to be granted a recovery and reflection period and the associated rights. The State Border Guard submitted an application to the Office of Citizenship and Migration Affairs to grant international protection to the child, and the appointment of a legal guardian was made by the court. However, the Social Integration State Agency was not able to make a positive decision regarding the provision of state-funded social rehabilitation services to the child.

205. The Latvian authorities have expressed the view that the complete abolishment of immigration detention of undocumented children is currently not supported, since children can also be organisers of migrant smuggling or other crimes. Therefore, each case must be addressed individually, but detention of undocumented children is carried out in accordance with 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. In this context, GRETA stresses that, pursuant to Article 10, paragraph 2, and Article 12, paragraph 7 of the Convention, children who are presumed to be victims of trafficking need to be placed in accommodation that has suitably qualified staff and is appropriate in terms of their specific needs. Several Council of Europe bodies have stressed that deprivation of liberty may increase the vulnerability of asylum seekers, and both the Parliamentary Assembly and the Commissioner for Human Rights have highlighted that vulnerable persons, including unaccompanied children and victims of trafficking, should not be placed in detention.

⁷⁵ <http://www.ld.riga.lv/files/Bukleti/cilveku-tirdznieciba-pedejais.pdf>

⁷⁶ The statistics of the hotline in 2019 indicate that there were 3 254 reports on servers in Latvia, most of them concerning child sexual abuse content. The figure in 2020 was similar (3 248 reports).

206. **GRETA once again urges the Latvian authorities to put an end to the detention for immigration purposes of unaccompanied and separated children, being any persons below the age of 18, and to adopt binding protocols for identification of trafficking victims amongst them.**

207. **Further, GRETA considers that the Latvian authorities should put in place a robust child protection system capable of enabling the identification of trafficking indicators amongst children with behavioural problems and children placed in institutional care.**

7. Recovery and reflection period

208. In its second report, GRETA urged the Latvian authorities to provide in the national legislation for a recovery and reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking, as provided for in Article 13 of the Convention, and to ensure that all possible foreign victims of trafficking, including EU and EEA citizens, are effectively offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

209. Latvian legislation concerning the recovery and reflection period has not changed. Pursuant to Section 1, paragraph 2, of the Law on Residence of Victims of Trafficking, the reflection period is defined as the "time granted to a person who has been recognised as a victim of trafficking in human beings so that he/she would consider the possibility of providing information which would promote the disclosure or elimination of cases of trafficking in human beings, to the investigative body or body conducting criminal proceedings". The person concerned should, within three days from being recognised as a victim of THB, request the law enforcement authorities to grant him/her a reflection period. The decision should be taken within five working days and cannot be appealed. The duration of the reflection period is 30 days, during which victims are entitled to assistance and protection measures, which include safe accommodation, medical aid, psychological and legal assistance, vocational training and access to education.

210. The Latvian authorities have once again pointed out that the recovery and reflection period is granted in cases where the person has no legal grounds to reside in Latvia. If the person is a citizen of Latvia, a citizen of a member State of the European Union and EEA or third-country national legally residing in Latvia, there is no need to grant a reflection period as they cannot be expelled from Latvia.

211. According to the Law on Residence of Victims of Trafficking, if a third-country national provides information that might assist in the disclosure of a case of trafficking in human beings, but there is not enough information to justify opening criminal proceedings, the State Border Guard, investigative institution or social service provider shall inform the third-country national in writing of the possibility to be granted a recovery and reflection period, along with the associated rights. In practice, such information is not provided in writing, but persons who are presumed to be victims of THB are referred to the specialised NGOs and may subsequently submit a written application to the police about granting a recovery and reflection period or make an oral wish.

212. In 2019, the Ombudsman's Office carried out a comparative analysis of the Law on Residence of Victims of Trafficking and Directive 2004/81/EC 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. The conclusion was that the procedure for granting a reflection period should be amended and supplemented with explanatory notes about the responsibilities of relevant agencies. However, the Inter-institutional Working Group decided that there was no need for changes to the Law on Residence of Victims of Trafficking in Human Beings. The recommendation was analysed by the legal units of the Ministry of the Interior, the State Border Guard and the Office for Citizenship and Migration Affairs, and it was concluded that Latvia already complies with the requirement of Directive 2004/81/EC and no changes need to be made. As regards the responsibilities

of the relevant agencies, some are already included in the Immigration Law, and others will be covered by the law on the National Referral Mechanism.

213. GRETA was informed that up until 2019, no victims of THB had been granted a reflection period. In 2019, 22 third-country nationals were granted a reflection period (14 from Tajikistan and eight from Uzbekistan, all victims of labour exploitation). Further, nine victims from Tajikistan were granted residence permits as victims of trafficking in human beings following the opening of criminal proceedings for THB. In 2020, eight persons were granted a reflection period, and 17 persons were granted residence permits as victims of trafficking in human beings. The victims were identified by the State Police, the State Labour Inspectorate or a mandated social service provider.

214. GRETA notes positively the fact that, in 2019, for the first time, victims of THB were granted a reflection period. However, there is still a lack of knowledge of how to apply in practice the provisions concerning this period. The relevant institutions do not appear to have a clear understanding of their role and responsibilities in this respect.

215. GRETA stresses once again that, in accordance with the Convention, persons in respect of whom the competent authorities may have reasonable grounds to believe that they may be victims of THB are entitled to a recovery and reflection period. This category is broader than what is envisaged by Latvian legislation, i.e. "a person who has been recognised as a victim of trafficking in human beings". One of the essential purposes of this period is to allow victims and possible victims of trafficking to recover and escape the influence of traffickers. As already noted in GRETA's first report, this objective does not transpire from Section 1, paragraph 2, of the Law on Residence of Victims of Trafficking. Additionally, GRETA stresses that the recovery and reflection period is not conditional on the victim's co-operation with the investigation and prosecution. Further, the reflection period remains limited to third-country nationals. Considering that after three months EU citizens can only stay legally in other EU countries provided they meet a number of requirements (e.g. economic activity, sufficient resources, being enrolled as a student), the possibility that they would be considered as being irregular cannot be excluded and they should logically be entitled to enjoy a recovery and reflection period.

216. GRETA urges the Latvian authorities to review the legal provisions on the recovery and reflection period in order to comply with Article 13 of the Convention, ensuring that all possible foreign victims of trafficking, including EU and EEA citizens, are effectively offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA invites the Latvian authorities to continuously promote the helplines through social media and other means (paragraph 38);
- GRETA considers that the Latvian authorities should strengthen the systematic provision of information to presumed and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. This should involve the development of written materials in a variety of languages which explain to victims their rights and are handed over to victims by police and immigration officers. Law enforcement officers, labour inspectors and staff working on the helplines should be trained and instructed on how to properly explain to victims of THB their rights, taking into account their cognitive skills and psychological state. Similarly, staff working at asylum reception centres and detention centres should continue to be trained and instructed on how to provide information, in a proactive manner, to persons and groups at risk of being trafficked (paragraph 41).

Legal assistance and free legal aid

- GRETA considers that the Latvian authorities should take further steps to facilitate and guarantee access to justice for victims of THB, in particular by ensuring that:
 - a specialised lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the persons concerned have to decide whether or not they want to co-operate with the authorities and/or make an official statement;
 - the authorities and the Council of Sworn Lawyers encourage training and specialisation of lawyers to provide legal aid to trafficking victims, and trafficking victims are systematically appointed a specialised lawyer (paragraph 50).

Psychological assistance

- GRETA considers that the Latvian authorities should take further steps to ensure that victims of THB are provided with long-term psychological assistance, if needed after the six months rehabilitation programme, to help them overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion (paragraph 54).

Access to work, vocational training and education

- GRETA considers that the Latvian authorities should ensure effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 56).

Compensation

- GRETA urges the Latvian authorities to make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:
 - making full use of the legislation on the freezing and forfeiture of assets, as well as of international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim or used to compensate the victim;
 - including the topic of compensation in the training programmes for lawyers, prosecutors and judges, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB (paragraph 73).

Investigations, prosecutions, sanctions and measures

- GRETA welcomes the adoption of the Law on Execution of Confiscation of Criminally Acquired Property, and invites the Latvian authorities to continue strengthening the capacity to locate, seize and confiscate assets, including by specialisation of police officers and their deployment to all units investigating THB related offences (paragraph 90);
- GRETA urges the Latvian authorities to take measures to strengthen the criminal justice response to THB, including by:
 - ensuring that human trafficking offences are proactively and promptly investigated, making use of special investigation techniques in order to gather material, documentary, financial and digital evidence and not having to rely exclusively on testimony by victims or witnesses;
 - sensitising prosecutors and judges to the rights of victims of THB, providing training which includes the case-law of the European Court of Human Rights, and encouraging the development of specialisation to deal with THB cases;
 - ensuring that THB prosecutions lead to effective, proportionate and dissuasive sanctions for those convicted (paragraph 93);
- GRETA also considers that the Latvian authorities should take steps to ensure that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 94).

Non-punishment provision

- While welcoming the legislative changes introduced to the Administrative Violations Code and the above-mentioned opinion of the Latvian Ombudsman, GRETA considers that the Latvian authorities should take further steps to ensure effective consistent application of the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so. Such measures should include the development of guidance for police officers and prosecutors on the scope and application of the non-punishment provision, including with regard to the application of Section 379, paragraph 5, of the CPL (paragraph 100).

Protection of victims and witnesses

- GRETA urges the Latvian authorities to make full use of the available measures to protect victims and witnesses, and to prevent intimidation during the investigation, as well as during and after the court proceedings (paragraph 111).

Specialised authorities and co-ordinating bodies

- GRETA welcomes the existence of police investigators and prosecutors specialised in trafficking in human beings, and considers that the Latvian authorities should promote specialisation and training of labour inspectors and judges to deal with THB. GRETA also considers that the Latvian authorities should ensure that the reorganisation of the Prosecutor's Office does not have a negative impact on the specialisation of prosecutors to deal with THB cases (paragraph 120);
- GRETA considers that the Latvian authorities should ensure adequate human and technical resources of the Police Unit for the Fight against Human Trafficking (paragraph 121).

International co-operation

- GRETA welcomes the cooperation activities undertaken by the Latvian authorities, both in the criminal justice field and in the framework of the CBSS, and invites them to continue creating co-operation networks beyond the CBSS region, including with regard to financial investigations and enforcement of compensation orders (paragraph 128).

Cross-cutting issues

- GRETA considers that the Latvian authorities should raise awareness amongst women of the remedies available to them to claim violations of their rights, including through the Ombudsman's Office. (paragraph 133);
- GRETA considers that the Latvian authorities should take steps to ensure child-sensitive procedures when investigating, prosecuting and adjudicating cases of THB, in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice,⁵⁶ including measures to ensure that there is a sufficient number of child-friendly interview rooms across the country (paragraph 140);
- GRETA welcomes the above-mentioned initiatives, and considers that the Latvian authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business, with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and providing access to effective remedies (paragraph 146);
- GRETA considers the Latvian authorities should include measures against corruption in a THB context in the general policies against corruption, and effectively implement them (paragraph 151).

Follow-up topics specific to Latvia

Developments in the legislative, institutional and policy framework for action against human trafficking

- GRETA considers that the Latvian authorities should ensure that the Inter-institutional Working Group meets regularly and is provided with the necessary human and financial resources to make progress on the activities envisaged in the new National Action Plan (paragraph 17);
- GRETA invites the Latvian authorities to finalise the process of designation of an independent National Rapporteur or designating another already existing independent mechanism with a view to ensuring effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) (paragraph 18).
- GRETA considers that the Latvian authorities should ensure that the implementation of the new National Action Plan is supported by adequate, dedicated funding, and that its implementation is the subject of an independent evaluation (paragraph 20).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- While welcoming the steps taken in Latvia since the second evaluation to prevent and detect THB for the purpose of labour exploitation, GRETA considers that the Latvian authorities should take further steps, including:
 - reinforcing the human resources of the State Labour Inspectorate to enable it to contribute to the prevention and detection of THB for labour exploitation, including by addressing the factors which provoke high staff turnover;
 - encouraging safe reporting procedures for foreign workers and creating incentives to come forward;
 - strengthening the monitoring of recruitment and temporary work agencies;
 - reviewing the legislative framework with a view to preventing foreign recruitment agencies from facilitating the exploitation of migrant workers;
 - developing guidance for relevant professionals to enable the detection and investigation of trafficking cases for the purpose of labour exploitation;
 - further developing co-operation with trade unions in the prevention of THB for the purpose of labour exploitation;
 - encouraging regular and co-ordinated multi-agency labour inspections and enhanced co-operation between relevant agencies, in order to strengthen the identification of victims of THB in workplaces, as well as the investigation of THB offences (paragraph 165).

Measures to discourage demand

- While noting the measures taken since the second evaluation to discourage demand for the services of trafficked persons, GRETA considers that the Latvian authorities should continue making efforts by adopting legislative, administrative, educational, social and cultural measures to discourage demand that fosters all forms of exploitation that leads to trafficking, in partnership with civil society, trade unions and the private sector (paragraph 171).

Social and economic initiatives for groups vulnerable to THB

- GRETA considers that the Latvian authorities should continue investing in social, economic and other measures for groups vulnerable to THB. Further efforts should be made to promote gender equality, combat gender stereotypes and gender-based violence, and support specific policies for the empowerment of women and girls as a means of combating the root causes of THB (paragraph 176).

Identification of victims of trafficking

- GRETA welcomes the setting up of the multi-disciplinary identification commission, the procedures leading to the identification of vulnerable asylum seekers and trafficking victims, as well as the needs-based assistance provided to them as a result of co-ordinated efforts. However, GRETA considers that the Latvian authorities should take further efforts to identify victims of THB, through the adoption of regulations or guidance on the procedures for screening asylum seekers and irregular migrants for trafficking indicators, including amongst persons placed in detention. These should include clear procedures for referral, including their speedy removal from detention and provision of services based on the individual assessment of their needs (paragraph 189);
- Further, GRETA considers that the Latvian authorities should continue providing practical training on the identification of victims of trafficking amongst asylum seekers and irregular migrants to the State Border Guards, the State Police and the Office of Citizenship and Migration Affairs (paragraph 190).

Assistance to victims

- GRETA stresses the obligation of the Latvian authorities to set up an assistance system based on the actual needs assessment of trafficking victims. In order to achieve this, GRETA urges the Latvian authorities to:
 - to ensure that the funding envisaged for the state-funded assistance to victims of THB is sufficient to cover the needs of all victims identified, including appropriate and safe accommodation, and to allow the provision of assistance for the duration necessary to achieve their recovery;
 - adopt legal amendments and regulations necessary for funding reintegration services/programmes for victims of trafficking based on their needs (paragraph 196).

Prevention of child trafficking and identification of, and assistance to, child victims of trafficking

- GRETA once again urges the Latvian authorities to put an end to the detention for immigration purposes of unaccompanied and separated children, being any persons below the age of 18, and to adopt binding protocols for identification of trafficking victims amongst them (paragraph 206);
- GRETA considers that the Latvian authorities should put in place a robust child protection system capable of enabling the identification of trafficking indicators amongst children with behavioural problems and children placed in institutional care (paragraph 207).

Recovery and reflection period

- GRETA urges the Latvian authorities to review the legal provisions on the recovery and reflection period in order to comply with Article 13 of the Convention, ensuring that all possible foreign victims of trafficking, including EU and EEA citizens, are effectively offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 216).

Appendix 2 - List of public bodies and civil society actors with which GRETA held consultations

Public bodies

- Ministry of the Interior
- National Anti-Trafficking Co-ordinator
- State Police
- State Border Guard
- Office of Citizenship and Migration Affairs
- Ministry of Justice
- Legal Aid Administration
- Judicial Training Centre
- Ministry of Welfare
- State Labour Inspectorate
- Children's Rights Protection State Agency
- Ministry of Education and Sciences
- National Centre for Education
- Specialised Prosecutor's Office for Organised Crime
- Riga Regional Court
- Ombudsman's Office

NGOs and other civil society organisations

- Centre MARTA
- Shelter "Safe House"
- Safer Internet Centre (Latvian Internet Association)
- Free Trade Union Confederation of Latvia (ELBAS)

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Latvia

GRETA engaged in a dialogue with the Latvian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Latvian authorities on 21 December 2021 and invited them to submit any final comments. The comments of the authorities, submitted on 1 February 2022, are reproduced hereafter.



Iekšlietu ministrija

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Rīga

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zīmogā № 1-18/244Executive Secretary of the
Council of Europe
Convention on Action against
Trafficking in Human Beings
Ms Petya NestorovaEmail: Trafficking@coe.int;
Petya.NESTOROVA@coe.int

GRETA draft report concerning the third evaluation
round on the implementation of the Council of
Europe Convention on Action Against
Trafficking in Human Beings by Latvia

The Ministry of the Interior of Latvia presents its compliments to the Group of Experts on Action Against Trafficking in Human Beings (GRETA) concerning the draft report of the third evaluation round on the implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by Latvia.

On 21st December 2021, the Ministry of the Interior of Latvia received a kind request from GRETA to provide final comments on the draft report that was amended on a basis of additional information received during the consultation round in October 2021. We would like to thank GRETA for considering and integrating comments of Latvian authorities provided in October 2021, thereby Latvia will not provide additional comments on the amended draft report. Nevertheless, please be informed that until June 2022, when the final report of the third evaluation round will be adopted at the 30st meeting, few new initiatives will be launched addressing some of the GRETA recommendations. Therefore, we are intended to provide a brief update on the progress achieved until June 2022.

In conclusion, the Ministry of the Interior of Latvia would like to express its gratitude to the GRETA for an excellent cooperation.

State Secretary

Dimitrijs Trofimovs

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