

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

**Recommendation CP/Rec(2022)04
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Latvia**

*adopted at the 30th meeting of the Committee of the Parties
on 17 June 2022*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Latvia on 6 March 2008;

Recalling Committee of the Parties' Recommendation CP(2017)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia and the report of the Latvian authorities on measures taken to comply with this recommendation, submitted on 23 March 2017;

Having examined the third report concerning the implementation of the Convention by Latvia, adopted by GRETA at its 42nd meeting (22-26 November 2021), as well as the comments of the Latvian Government received on 21 February 2022;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Latvia;

Welcoming the measures taken and progress achieved by the Latvian authorities in implementing the Convention, and in particular:

- the further development of the legislative framework relevant to action against trafficking in human beings (THB), including amendments to the Law on State Compensation increasing the maximum amount of state compensation to be paid to victims of THB, and the Administrative Violations Code releasing from administrative liability victims of THB who have committed administrative violations as a result of being trafficked;

- the adoption of a new National Action Plan against Trafficking in Human Beings (2021-2023), in close co-operation with specialised NGOs;
- the amendment to the regulation on the identification and social rehabilitation of victims of trafficking, resulting in changes to the multi-disciplinary commission entitled to recognise a person as a victim of trafficking;
- the existence of specialised police investigators and prosecutors dealing with THB cases;
- the steps taken to prevent and detect human trafficking for the purpose of labour exploitation;
- the active participation in international co-operation in the area of combating human trafficking.

A. Recommends that the Government of Latvia take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. Make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:
 - 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 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;
 - include 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);
2. 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);
3. Make full use of the available measures to protect victims and witnesses, and prevent intimidation during the investigation, as well as during and after the court proceedings (paragraph 111);
4. Set up an assistance system based on the actual needs assessment of trafficking victims, and in particular:
 - 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);
5. Put an end to the detention for immigration purposes of unaccompanied and separated children, being any persons below the age of 18, and adopt binding protocols for identification of trafficking victims amongst them (paragraph 206);

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

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6. 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).
- B. Recommends that the Latvian authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.
- C. Requests the Government of Latvia to report to the Committee of the Parties on the measures taken to comply with this recommendation by **17 June 2024**.
- D. Invites the Government of Latvia to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.