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

COUNCIL OF EUROPE
1949 - 2024
CONSEIL DE L'EUROPE

CP(2024)06

Report submitted by the authorities of Latvia on measures taken to comply with Committee of the Parties Recommendation CP/Rec(2022)04 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings

Third evaluation round

Received on 1 July 2024

Ce document n'est disponible qu'en anglais.

Latvian Government's Response to GRETA's Recommendations from the Third Evaluation Round

	Recommends that the Government of Latvia take measures to address the following issues for immediate action identified in GRETA's report	**Implementation**
1.	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;	**Arrested Assets** The procedure for the confiscation of assets is defined in the Law on Execution of Confiscation of Criminally Acquired Property. Regarding human trafficking, between 2021 and 2023, under section 154.1 (Human Trafficking) of the Criminal Law, the State Police seized assets estimated to be worth €809,903.47. For a comparison, in total for all crimes between 2021 and 2023, the state police arrested assets with estimated worth of 2.2 billion euro. The actual confiscation take place after the court order, thus between 2021 and 2023 in total 299.9 million Euro has been confiscated, most of this amount is returned to the State budget, and the actual return to owners is rather small – 1.7 million Euro in respective years. This funding is also used for the Ministry of Justice Fund of the Proceeds of Crime from Confiscation, where institutions can apply for a funding aiming to improve fight with economic crimes and strengthen support to victims of crimes. This fund can be also used to improve fight with human trafficking. Link to description of the fund: https://likumi.lv/ta/en/en/id/296013-procedures-for-the-use-of-the-funds-of-the-basic-budget-programme-of-the-ministry-of-justice-fund-of-the-proceeds-of-crime-from-confiscation **Compensation to Victims** There are two types of compensation available to victims of trafficking: 1. State guaranteed compensation 2. Court-defined compensation The procedure for receiving state compensation is defined in the Law on State Compensation to Victims. Law on State Compensation to Victims: https://likumi.lv/ta/en/en/id/136683-on-state-compensation-to-victims

		As defined in Section 7 “Maximum Amount of the State Compensation” *(1) The maximum amount of the State compensation to be disbursed to one victim of a criminal offence shall be five minimum monthly wages determined in the Republic of Latvia. The amount of the State compensation to be disbursed shall be calculated, by taking into account the amount of the minimum monthly working wage determined at the time when the person was recognised as the victim.* *(2) The compensation shall be disbursed:* *1) if a person has died - in the amount of 100 %;* *2) if severe bodily injuries have been caused to the victim or the criminal offence has been classified as rape or sexual violence, or the morality or sexual inviolability of the minor victim has been violated, or the victim is a victim of trafficking in **human beings** - in the amount of 90 %;* *3) if a minor victim has suffered moderate bodily injuries or the minor victim has been infected with human immunodeficiency virus, hepatitis B or C - in the amount of 70 %;* *4) if the victim has suffered moderate bodily injuries or the morality or sexual inviolability of the victim has been violated or the victim has been infected with human immunodeficiency virus, hepatitis B or C, except for the cases referred to in Clauses 2 and 3 of this Paragraph - in the amount of 50 %.* *(3) The person who has been recognised as the victim of a criminal offence that has been qualified according to Section 120, 121, 122, 127, 128 or 129 of the Criminal Law, the State compensation shall be disbursed in the amount of 50 % from the amount of the State compensation specified in Paragraph two of this Section.* In 2024 the maximum amount of compensation for the victims of trafficking has increased to 3150 Euro. The number of granted compensation is directly linked to the number of launched investigations and a number of formally identified victims. The statistics of compensation decisions: 2021 – 14; 2022 – 10; in 2023 – 5. The data on returned compensation to victims according to a court order is not reliable. In some court orders the compensation has been redirected to the civil court. Even if the there is a court order, sometimes the person doesn’t

		have any official income which limits possibilities for bailiffs. In this regard it is not possible to draw reliable statistics on actual compensations that victims have received. **Court-defined compensation for Victims of Trafficking** In 2024, the maximum amount of compensation for victims of trafficking has increased to €3,150. The number of granted compensations is directly linked to the number of launched investigations and formally identified victims. The statistics of compensation decisions are as follows: 2021 – 14; 2022 – 10; 2023 – 5. The data on compensation returned to victims according to court orders is unreliable. In some cases, the compensation has been redirected to civil court. Even with a court order, sometimes the sentenced person responsible does not have any official income, which limits the possibilities for bailiffs. Consequently, it is not possible to draw reliable statistics on the actual compensations received by victims. However, it is important to note that, according to information from prosecutors and judges, compensation requests are being made. Victims can request compensation for damages only until the court investigation has been initiated. The types of compensation that can be requested include: • Damaged or destroyed property • Moral damage • Physical suffering When determining the amount of compensation to be awarded, the court considers: • The severity of the criminal offense and the nature of its commission • Inflicted physical suffering, permanent disfigurement, and loss of working capacity • The depth and public nature of the moral offense • Psychological trauma According to information from judges, there is established case law on how these compensations are estimated (in general, not specifically for trafficking cases), which can vary depending on the case.

	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)	**Training on Compensation for Judges** Following the recommendation of GRETA, the topic of compensation was included in a training session for judges in September 2023. This training was organized by the Latvian Judicial Training Centre in cooperation with the Ministry of the Interior. However, the topic was not widely discussed. During the feedback session, some judges mentioned that compensation is not a relevant topic. This indicates that for future training sessions, a more thorough needs assessment should be conducted. This assessment should include prosecutors and lawyers to determine the necessity of including the topic of compensation.
2.	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	Chapter 11 of the Criminal Procedure Law defines in scrutiny the special investigation techniques: https://likumi.lv/ta/en/en/id/107820-criminal-procedure-law Investigating human trafficking cases demands a combination of specialized techniques tailored to the complexity and sensitivity of the crime. Undercover operations, surveillance, financial investigations, victim-centered approaches, the use of technology, international cooperation, and multi-agency collaboration are all crucial components of a successful investigative strategy. These techniques, when applied effectively, not only enhance the ability to prosecute traffickers but also ensure the protection and support of victims. Even though these techniques are used, since the report would be publicly available, only generic answer can be given to this recommendation. Surveillance, both physical and electronic, is another essential technique. Physical surveillance involves monitoring the movements and activities of suspected traffickers and their associates. This can include following suspects, observing locations suspected of being used for trafficking, and documenting interactions between traffickers and victims. Electronic surveillance, such as wiretapping and monitoring online communications. The data gathered through surveillance can reveal patterns, corroborate victim testimonies, and identify additional suspects. Human trafficking is often motivated by financial gain, making financial investigations a key component. Tracking the flow of money can uncover the scope and scale of trafficking operations. Investigators and prosecutors analyse financial records, bank transactions, and money transfers to identify illicit financial activities and link them to trafficking networks. Techniques such as forensic accounting and collaboration with financial institutions help trace the proceeds of trafficking, leading to the identification of traffickers and the confiscation of their assets.

		Advancements in technology have significantly enhanced the investigation of human trafficking. Data analytics, artificial intelligence, and machine learning are used to analyse large volumes of data from various sources, such as social media, online advertisements, and communication networks. Digital forensics is also crucial in examining electronic devices seized during investigations to uncover evidence of trafficking activities, such as emails, messages, and digital transactions. Human trafficking often crosses national borders, necessitating international cooperation. Collaborative efforts between countries involve sharing intelligence, coordinating operations, and harmonizing legal frameworks to facilitate the prosecution of traffickers. International organizations such as Europol, play a vital role in fostering cooperation and providing resources for cross-border investigations. Joint task forces and bilateral agreements enhance the effectiveness of investigations. The State Police of Latvia participates in EMPACT activities as well in bilateral and multilateral operations and in 2023 started participation in international joint investigation team. Successful human trafficking investigations require a multi-agency approach. Collaboration between law enforcement agencies, border guards, State Labour Inspectorate as well as service providers is important in gathering necessary evidence.
	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	**Training and Development Activities on Human Trafficking** **2022** The organization of training sessions in 2022 was initially passive due to the outbreak of Covid-19 at the beginning of the year. Seminars and trainings resumed in the summer of 2022. Participants from the State Police and Prosecutors' Offices attended a CEPOL training on human trafficking for labour exploitation. At the end of 2022, participants from the State Police, Prosecutor’s Office, Ministry of the Interior, and Labour Inspectorate took part in a study visit to Poland as part of the ELECT THB project (Enhanced Law Enforcement Cooperation and Training on Trafficking in Human Beings). The agenda included presentations by a prosecutor and a judge on their cases and the challenges of prosecuting and trying THB cases. In Latvia, training sessions for judges took place in November and December 2022. The training course included four lectures:

		• Introduction to the problem of human trafficking • Working with victims of human trafficking • Investigation and trial of human trafficking cases • Practical workshop: analysis of the ECtHR case S.M. against Croatia **2023** In 2023, as part of the ELECT THB project, several training sessions involved prosecutors and judges: • In March 2023, participants from Latvia, Estonia, and Finland participated in a study visit to Vilnius, Lithuania, which included a presentation by a judge and police. • In May 2023, participants from Latvia (investigators and prosecutors) attended an international seminar in Tallinn, Estonia on trafficking for labour exploitation, which included presentations by prosecutors. • In April and May, the Ministry of the Interior of Latvia organized four national one-day training sessions. Two focused on sexual exploitation trafficking, and two on labour exploitation trafficking. The agenda covered trends, vulnerabilities, investigation, and prosecution. The target group included investigators, border guards, labour inspectors, prosecutors, and judges. • In early June 2023, an international seminar was organized in Latvia on the investigation and prosecution of sexual exploitation cases. The agenda included victimless prosecution, evidence gathering, the impact of trauma on victims, and appropriate investigative interview techniques. Police, prosecutors and judges from Latvia also took part in the training. In September 2023, the Latvian Judicial Training Centre, in cooperation with the Ministry of the Interior, organized an international one-day training session for judges, which included: • A presentation by a Helsinki district judge on trying THB cases for labour exploitation, highlighting challenges and evidence. • A presentation by a judge from the specialized Amsterdam court on trying THB sexual exploitation cases, including a practical workshop/discussion focused on recognizing pimping cases versus trafficking cases.

		In November 2023, the State Police College organized a short two-hour online workshop. A participant from the US State Department on Judicial Assistance provided a lecture to police and prosecutors on human trafficking for labour exploitation. These activities continued into 2024. For example, "Centre MARTA" is organizing training sessions for police, prosecutors, and judges to emphasize how to work with victims of violence and individuals who commit violent acts. The aim is to provide training on working with victims of violence and individuals who have committed violence, adapting the training content to the needs of the justice system and drawing on examples of best practices, including those from abroad, with the possibility of adapting them to the situation in Latvia. These lectures also include information on working with victims of trafficking. Approximately 160 academic hours of training are included as part of the program and training will continue until May 2026. Additionally, on January 1, 2025, the Academy of Justice will be opened as a unified training center for the further education of judges, court employees, prosecutors, and assistant prosecutors. It will also provide qualification improvement measures for investigators on interdisciplinary issues essential for the effective conduct of court proceedings. Training programs will be regularly updated to include the latest trends and best practices, ensuring a high quality of court work. Ombudsman's Office of Latvia in 2021 responded to the invitation of the Latvian Municipal Training Centre to give lectures to police officers, prosecutors, judges and sworn advocates on the topic 'Children – victims of human trafficking'. During the lectures, officials were educated on the regulatory framework for trafficking in human beings, the concept of trafficking in human beings (action, means and types of trafficking in human beings), the signs (indicators) of trafficking in human beings, risk factors for becoming a victim and offender of trafficking in human beings, inter-institutional cooperation and social services provided to victims of trafficking in human beings. The most recent case-law of the European Court of Human Rights was also examined during the training. In total, 23 lessons were conducted in 2021. Ombudsman's Office of Latvia continued to train legal professionals (police officers, prosecutors, judges, sworn advocates and sworn bailiffs) as well as psychologists on the topic 'Children – victims of human trafficking' also in 2022 and 2023. In 2022 a total of 21 lessons were conducted, in 2023 14 lessons, but in the first half of 2024 three lessons have been conducted.

Ensuring that THB prosecutions lead to effective, proportionate and dissuasive sanctions for those convicted (paragraph 93);

Court statistics of court cases in 2022 after Criminal Law section 154.[1] (trafficking in human beings)

	Instance	Section of the Criminal law (THB form)	Prosecuted persons			Sanction
			sex	age	nationality	
1.	First	154.[1] par 1 (not specified)	female	29	Latvian	Suspended deprivation of liberty for 2 years and probation for six years.
2.	First	154.[1] part 3. (not specified)	male	48	Latvian	Case closed
	First	154.[1] part 3	female	31	Latvian	Deprivation of liberty for 6 years and 1 month
	First	154.[1] part 3	female	40	Latvian	Deprivation of liberty for 5 years and probation for 2 years
	First	154.[1] part 3	female	31	Latvian	Deprivation of liberty for 5 years
3.	First	154.[1] part 3 (sham marriages)	male	33	Latvian	Deprivation of liberty for 5 years and 5 months and probation for 1 year
4.	First	154.[1] part 3; 154.[1] part 2; 285.[2] part 2 (sham marriages)	female	36	Latvian	Deprivation of liberty for 5 years and 6 months and probation for 2 years and 6 months
5.	Appeal	154.[1] 1.d.	male	35	Latvian	acquitted

Court statistics of court cases 2023 after Criminal Law section 154.[1] (trafficking in human beings)

	Instance	Criminal law section (form of trafficking)	Prosecuted persons	Sanction
1.	Appeal	154.[1] p. part 3 (sham marriages)	male	Deprivation of liberty 5 years and probation 1 year
2	First	154.[1] part 1 (forced labour, forced criminality)	male	Suspended deprivation of liberty 4.5 years and a fine 12 400 euro
3	First	154.[1] part 3 (not specified)	female	Deprivation of liberty 6.08 years and probation 2 years
			female	Deprivation of liberty 5 years and probation for 2 years
			female	Deprivation of liberty 5 years

Currently, at the beginning of 2024, there are 5 pending cases in courts in Latvia and one case has been submitted to the European Court of Human Rights. As already mentioned in GRETA report and follow up meeting in April 2024, the trying of a case can take several years. Usually, the decision of the first instance is not the final and cases are resubmitted for the appeal.

As regards convictions and court practice in 2023, the analytical unit of the Senate of the Supreme Court prepared an analysis of court practice of cases after Criminal law section 154.1 (trafficking in human beings) and section 165.1 (Sending a person for sexual exploitation) between 2014 and July 2023.

<table>
<tr><td></td><td></td><td>According to the report, the number of convicted persons during this time period is as follows:
<table>
<tr><th>Section of the Criminal Law</th><th>Convicted persons</th><th>Convicted persons</th><th>Section of the Criminal Law</th></tr>
<tr><td>154.[1] part 1</td><td>2</td><td>4</td><td>165.[1] part 1</td></tr>
<tr><td>154.[1] part 2</td><td>6</td><td>34</td><td>165.[1] part 2</td></tr>
<tr><td>154.[1] part 3</td><td>6</td><td>16</td><td>165.[1] part 3</td></tr>
<tr><td>Total</td><td>14</td><td>54</td><td></td></tr>
</table>

As regards the punishment, the authors concluded that out of 14 convictions after Criminal Law section 154.1 (Trafficking in human beings) in two cases the statute of limitation was applied (one cases was closed and in other person was punished with fine in amount of 20 minimal wages). In 12 cases persons received a sentence, however 8 of them received suspended deprivation of liberty.

Link to the report: https://www.at.gov.lv/lv/tiesu-prakse/tiesu-prakses-apkopojumi/kriminaltiesibas</td></tr>
<tr><td>3.</td><td>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);</td><td>As previously described in the government's initial response to the questionnaire for the third evaluation round, according to Section 96.[1], Paragraph one of the Criminal Procedure Law, minors and individuals who have suffered from human trafficking are designated as specially protected victims. This paragraph of the Criminal Procedure Law also establishes binding procedures for working with these specially protected victims, for example, special features of interrogation and rights to request to participate in a court hearing using technical means.</td></tr>
<tr><td>4.</td><td>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;</td><td>Currently, the package for social rehabilitation remains unchanged from the previous evaluation. In Latvia, services provided to victims of trafficking encompass a broad range of support mechanisms designed to address immediate needs, ensure safety, and facilitate long-term recovery and reintegration. A key strength of the program is its ability to be tailored to the individual needs of each client. At the beginning of the program, specialists assess the specific needs of each client.

However, the duration of the service has remained the same at 180 days. The annual planned funding for the service has increased since 2023, from €135,110.00 prior to 2023 to €192,311.28 from 2023 onwards.

The state also provides opportunities for continued support after the end of the program. All clients can receive five consultations after the program ends if they are not involved in criminal proceedings. For those involved in criminal proceedings, additional support is available, including psychosocial assistance (individual consultations with a lawyer, social worker, psychologist), interpreter services (when not provided within the framework of a specific criminal</td></tr>
</table>

		process), assistance in drawing up legal documents, and, if necessary, court representation. This support is available for up to 150 hours per year if the person has been recognized as a victim by the decision of the person in charge of the process, or if they have been granted the status of a witness, confirmed by a certificate issued by a law enforcement institution. Additionally, victims involved in criminal proceedings can receive state-guaranteed compensation. For more information about available services, visit: Social Rehabilitation Services for Victims of Human Trafficking. However, the recommendation to extend the program duration has not yet been implemented. In 2023 and 2024, the Ministry of the Interior of Latvia, with support from the Ministry of Welfare, organized two meetings to explore possibilities and methods for extending the program when necessary. As of 2024, this process has not yet commenced. Also, the victim of human trafficking as a specially protected victim (Article 108 of the Criminal Procedure Law), has the right to receive state-provided legal assistance.
	Adopt legal amendments and regulations necessary for funding reintegration services/programmes for victims of trafficking based on their needs (paragraph 196);	The current system allows each program to be tailored to the specific needs of the victim. For example, some victims may require comprehensive services, including housing, food, clothing, various consultations, psychological support, and medical assistance. In other cases, a victim might only need consultations or support in improving social skills necessary for reintegration. Whenever possible, service providers consult with and redirect victims to municipal social services that can offer additional reintegration activities. However, no substantial amendments have been introduced following the GRETA recommendation.
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);	individualized management of each case. However, this situation is changing. For comparison, the Custody Court (child protection authority, designates legal guardians) of Ropazu municipality, where the largest Asylum Seekers Accommodation Center is located, started 17 cases of unaccompanied children in 2022, 34 cases in 2023, and 30 cases by April 2024. The procedure is as follows: • If a person claims to be a minor but lacks identity documents, they are placed at the in one of the Accommodation Centers for Detained Foreigners of the State Border Guard if they are over the age of 14 and an age assessment is completed. Until the person's true age is determined, they are assumed to be a minor, and the Custody Court (acting as legal guardian) must be involved to ensure their rights and interests.

		• If the person's age can be immediately identified through identity documents or biometric data, all individuals under 18 are placed in the Asylum Seekers Accommodation Center, which is not a detention center. • Persons younger than 14 years old are immediately placed in the Asylum Seekers Accommodation Center. • The Custody Court is also responsible for finding the most appropriate accommodation for unaccompanied children, such as a guardian's family, foster family, or the asylum center if it is in the minor's best interest. Thus, minors between the ages of 14 and 17 can be placed in a detention center for a short period if their age and identity are unknown. Once the age assessment is finalized, further procedures depend on the assessment results. The detention of persons with uncertain ages is permitted only in extreme cases, and the age assessment must be carried out as soon as possible. In detention centers, these individuals are accommodated separately from other adults. The Asylum law defines that: **Section 7. Activities after Submitting the Application** *(5) If the application is submitted by an unaccompanied minor, the Orphan's and Custody Court together with the social service office of the local government, the State Border Guard, and the Office shall take measures to look for family members of the minor and ascertain the possibilities of returning such person to family. The Orphan's and Custody Court shall immediately decide on appointing a guardian for the unaccompanied minor. The Orphan's and Custody Court shall take a decision to appoint a guardian, finding out the opinion of the Office. Primarily an unaccompanied minor shall be provided care with a guardian or a foster family.* **Section 9. Accommodation of Asylum Seekers** (*6) An unaccompanied minor shall be accommodated at the accommodation centre for asylum seekers, placed in a childcare institution or in a foster family. A decision to accommodate an unaccompanied minor at the accommodation centre for asylum seekers, placement in a childcare institution or in a foster family shall be taken by the Orphan's and Custody Court in co-operation with the social service, by ascertaining the opinion of the Office. An unaccompanied minor is accommodated at the accommodation centre for asylum seekers or childcare institution until the moment when he or she is ensured appropriate care with a guardian or in a foster family, or it is established that appointing of a guardian or placement in a foster family is not appropriate for the particular unaccompanied minor. In evaluating the bests interests of the child, the Orphan's and Custody Court shall take into account the possibility of family reunification of the minor, the welfare and social development of the minor, particularly his or her origin, protection and safety*

		considerations, especially the probability that the minor is a victim of human trafficking, and also the interests and opinion of the minor according to his or her age and maturity, in conformity with the following conditions: *1) an unaccompanied minor shall be accommodated together with adult relatives;* *2) children from one family shall not be separated, except in cases where it is done in the best interests of the children;* *3) the place of accommodation of an unaccompanied minor shall only be changed if it conforms with the interests of this person.* *(7) A minor asylum seeker is provided with opportunities for acquiring education in the official language in a State or local government educational institution. The Cabinet shall determine the procedures by which a minor asylum seeker shall be provided with opportunities for acquiring education.* *(8) Actual expenses of a local government incurred in accommodating an unaccompanied minor at a child care institution shall be covered from the State budget funds granted for this purpose to the Ministry of Welfare for the current year.* *(9) Expenses of a local government incurred in accommodating an unaccompanied minor in a foster family, id est the remuneration for the fulfilment of a foster family duties, as well as the benefit for the dependent child and the allowance for the purchase of clothing and soft furnishing disbursed in the amount provided for in the binding regulations of the local government, shall be covered from the State budget funds granted for this purpose to the Ministry of Welfare for the current year.* *(10) If an unaccompanied minor has started acquisition of basic education or general education and continues it after attaining 18 years of age, and is accommodated at a childcare institution or in a foster family, the State shall reimburse the expenses to the local government for accommodating such person at the childcare institution or in the foster family until the end of such study year when the person has attained legal age.* *(11) Expenses of a local government for accommodating an unaccompanied minor at a childcare institution or in a foster family shall be covered once a quarter in accordance with the procedures laid down by the Cabinet.*

		It is important to note that in 2023, the number of unaccompanied children increased. In response, the Ministry of the Interior drafted an informative report titled “On the Impact of Measures to Protect the Rights and Interests of Unaccompanied Minor Asylum Seekers on Local Government Budgets.” This report addresses the need for additional funding for municipalities to ensure the best interests of unaccompanied children. Regarding binding protocols, the State Border Guard adopted an internal regulation in 2022 titled "Procedure in the Field of Asylum to be Carried Out within the Competence of the State Border Guard" (No. 23.1-8.2/12, May 31, 2022). This regulation defines procedures for handling asylum seekers and includes a special form “Certification on the transfer of information to the State Police” applicable to possible trafficking cases as well as for referring potential victims of human trafficking. For example, if a person agrees to cooperate with the State Police, State Border Guard officials immediately contact the State Police. If the person refuses to cooperate with the State Police, the State Border Guard informs person about non-governmental organisations - service providers "Centrs MARTA" and "Shelter "Safe House”" and provides contact information of both organizations. These contacts are also included in a special form “Certification on the transfer of information to the State Police”, which must be signed by the person. Although this regulation is binding for the asylum procedure, the State Border Guard also uses mentioned special form in possible THB cases identified within handling illegal migration. During the observation procedure in cases of return, the Ombudsman of Latvia uses an assessment tool that includes indicators of possible trafficking. This assessment tool was fine-tuned within the framework of the project “Efficient Implementation of Observation and Removal Process (1st Stage)” (No. TSB/PMIF/2018/1). The project emphasizes the safe return of children. More information about the project is available here. In case the minor is detained in accordance with the Immigration Law: • Upon detecting a minor foreigner who is unaccompanied by a parent or his or her legal representative and whose stay in the Republic of Latvia is illegal, the State Border Guard shall inform the Orphan's and Custody Court and, through the Consular Department of the Ministry of Foreign Affairs, shall communicate with the diplomatic or consular mission of the relevant state, the relevant competent authorities or non-governmental organizations, that supervise observance of the children's right in this country, and shall take other necessary measures in order to ensure execution of the voluntary return decision or removal order and a placement of the minor foreigner, who is unaccompanied by the parent or his legal representative, to a family member, a legal representative of the parents, a representative supervising the observance of the children’s rights in that

		state or the representative of the institution ensuring the placement of the child in an appropriate reception institution; • The Chairperson of the Orphan's and Custody Court shall, by order or on the basis of a power of attorney, appoint an official of the Orphan's and Custody Court to act as the child's representative. The representation, protection of rights and legal interests of an unaccompanied minor shall be exercised by the Orphan's and Custody Court of the municipality (city or county) in whose administrative territory the unaccompanied minor resides; • Minors aged between 14 and 18 who are the subject of a detention decision shall be subject to the procedures applicable to adults-foreigners in removal proceedings (grounds for detention according to the Immigration Law). As detained persons they are placed in the Accommodation Centre for Detained Foreigners of the State Border Guard separately from adults. Minors to be removed, who are placed in the Accommodation Centre for Detained Foreigners of the State Border Guard, shall be provided with appropriate accommodation conditions, as well as nutrition, access to education and health care appropriate to their age and needs. Unaccompanied minor foreigners, who are subject to removal proceedings and under the age of 14, are placed in a child care institution on the basis of a decision taken by the Orphan's and Custody Court.
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).	In 2024, the Ministry of the Interior organized a meeting with the Ministry of Justice, the Prosecutor's Office, and the Ombudsman to discuss the application of the reflection period in accordance with Article 13 of the Convention. Prior to the meeting, the matter was also coordinated with the State Police. The conclusion from criminal proceedings perspective was that the current tools are sufficient if more than 30 days are necessary. Specifically, 30 days are generally enough to gather the necessary information to decide whether to initiate a criminal proceeding. If the police decide to launch a criminal case, they send the information to the Office for Citizenship and Migration Affairs and request a temporary permit, which is necessary for investigation purposes. However, it was also concluded that the current procedure and law might not fully comply with the aims of Article 13 of the Convention from the victim's perspective. In some cases, more time may be needed for a person to decide on cooperating with the competent authorities. Therefore, Latvia welcomes the Council of Europe's initiative to provide a publication on Article 13 of the Convention, which would offer substantial guidance for amending existing Latvian regulations, if necessary.