



Organization for Security and Co-operation in Europe

Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Foreword

On 22-25 March 2022, I had the pleasure of paying an official visit to Latvia to hold consultations with high-level government officials, law-enforcement, and the judiciary as well as representatives of civil society and international organizations involved in the field of anti-trafficking.

The objectives of the visit were to identify promising practices for combating trafficking in human beings (THB) as well as to promote the full implementation of OSCE commitments in the field of anti-trafficking, notably holistic and comprehensive actions aiming to better prevent and respond to human trafficking and to protect and support its victims. I greatly appreciated the constructive discussions held and I was pleased to observe the commitment of practitioners to further anti-trafficking responses in the country.

The Report was presented to the Delegation of Latvia on 28 November 2022. The Delegation submitted its final comments on 2 February 2023.

Latvia has established several good practices in its efforts to combat human trafficking. The country uses a “social path” for identification of trafficking victims, which allows for victim identification through the criminal justice system as well as through social services. This approach allows for the provision of unconditional assistance to trafficking victims, even if they are not ready to engage with law enforcement. Such an approach serves as a good practice to other OSCE participating States. Likewise, a notable achievement of the government is also reflected in its ability and commitment to trace and seize traffickers’ funds and divert the confiscated assets for victim assistance and reparation. In the area of prevention, Latvia was among the first States that provided immediate and robust assistance to refugees fleeing the war against Ukraine. Nonetheless, heightened action is needed to improve proactive identification of various forms of exploitation, particularly those facilitated through technology. Latvian criminal justice practitioners and the judiciary also need to take concerted efforts to ensure trafficking offenders are effectively prosecuted and sentences imposed are commensurate with the gravity of the crime. This also entails ensuring investigators, prosecutors and judges receive regular and sustained training on constituent elements of trafficking and trauma inflicted to victims.

By encouraging relevant authorities to implement the comprehensive set of recommendations made in this report, I look forward to deepening our established collaboration and to furthering our future co-operation in the best interests of the most vulnerable and disadvantaged members of society.



Valiant Richey
Special Representative and Co-ordinator for Combating Trafficking in Human Beings



Organization for Security and Co-operation in Europe

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Report by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey following the country visit to Latvia 22-25 March 2022¹

Summary:

The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey, conducted an official visit to Latvia from 22 to 25 March 2022 to assess the country's anti-trafficking laws, policies and practices. During the visit, special attention was paid to efforts aimed at preventing human trafficking, protecting the rights of and providing assistance to trafficked persons, and prosecuting perpetrators in line with OSCE commitments and relevant international standards.

The Special Representative commends Latvia for the ongoing dialogue on various aspects of the anti-trafficking agenda and the commitment displayed by all stakeholders. He welcomes the increasing attention to and identification of labour exploitation and co-operation with civil society organizations on various issues. The active participation of the financial intelligence unit and the financial sector in the anti-trafficking agenda and the steep progress made in following traffickers' money is a welcome development. The seizure of funds and confiscations of traffickers' assets to fund victim assistance is another notable achievement. In this regard, the visit highlighted numerous good practices developed by Latvian authorities in their efforts to combat trafficking in human beings, with many currently promoted as promising examples for OSCE participating States. For example, Latvia is one of the few OSCE participating States that exercises dual identification mechanisms for trafficking victims, enabling identification from both criminal justice actors and social service providers.

The Special Representative also wishes to share several key observations and areas of concern with regard to specific actions and challenges in the country's anti-trafficking response. Amid the changing nature of human trafficking in Latvia, there is a need to improve the application of anti-trafficking provisions by criminal justice practitioners. Greater attention to proactive identification of trafficking for various exploitative

¹ The Report was finalized on 28 November 2022

purposes, including sexual exploitation of children and youth online and to improving victim protection scheme particularly by establishing dedicated accommodation for trafficking victims is warranted. He expresses his serious concerns about the application of suspended sentences being issued to trafficking offenders, the lengthy duration of trials, and the deficient understanding of victim trauma and vulnerabilities by criminal justice practitioners and the judiciary.

Below, the Special Representative makes several concrete recommendations to enhance Latvia's response, including placing the function of the National Anti-trafficking Co-ordinator higher in the government structure. He calls for urgent and systematic capacity building for criminal justice practitioners on the constituent elements of human trafficking and domestic legal doctrine. In particular, training should be prioritized for district prosecution services which have been recently assigned with prosecuting trafficking cases. He further makes recommendations to help prevent and combat all form of trafficking in children, reduce the demand for sexual exploitation, and introduce measures to prevent labour exploitation.

I. Introduction

1. This Report presents the central findings and recommendations of OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey, (hereinafter referred to as the Special Representative) following his country visit to Latvia on 22-25 March 2022.²
2. The purpose of the visit was to hold consultations with government officials and experts from state institutions and civil society to learn of promising practices as well as to support and advance ongoing efforts to prevent trafficking, assist trafficked persons and protect their rights, and bring perpetrators to justice in line with OSCE commitments and relevant international standards.
3. In the course of the visit, the Special Representative engaged in direct consultations with high-level government officials, including the Minister of Interior, Mara Golubeva; the National Anti-trafficking Co-ordinator, Agnese Zile-Veisberga; representatives of the State Border Guard and Office for Citizenship and Migration Affairs; the State Police; the Financial Intelligence Unit; the Prosecution Office; the Ministries of Justice and Welfare; the State Employment Agency; the State Labour Inspectorate; the Senator of the Criminal Department of the Supreme Court; the judges of Riga Regional Court; the Office of the Ombudsman of Latvia and the members of the Parliamentary Commission for Defence, Home Affairs and Prevention of Corruption and the Committee on Legal Affairs. The Special Representative convened a meeting with the Inter-Ministerial Group on Combating Trafficking in Human Beings.

The Special Representative also held consultations with anti-trafficking NGOs, including the Latvian Safer Internet Centre and the Centre MARTA. He visited the

² The Special Representative was accompanied by the Associate Country Visit Officer, Tarana Baghirova and Assistant Officer, Evan Karr

Shelter Safe House in Riga and the reception facility for persons fleeing the war against Ukraine.

4. The Special Representative wishes to thank the Latvian authorities, and in particular, the Ministry of Internal Affairs and the National Anti-Trafficking Co-ordinator for their co-operation and assistance in organizing and facilitating the visit. He also wishes to thank all interlocutors and civil society in Latvia, for their willingness to share their knowledge and insights.
5. Consultations during the visit focused on the situation of trafficking in human beings (THB) in the country and the ongoing policy, legislative, and practical responses to it. More specifically, discussions focused on the identification of, and the provision of assistance to, victims of all forms of trafficking; the protection of victims' rights, including of migrant workers and asylum seekers; efforts in the area of prevention and countering the demand that fosters sexual and labour exploitation; co-operation with civil society and partnerships with public and private entities; and prosecutions and convictions of perpetrators. Amid the ongoing war against Ukraine, the Special Representative also held discussions on preventing trafficking of persons fleeing from Ukraine and their protection in Latvia.
6. Over the course of the visit, the Special Representative noted with appreciation that government officials and civil society representatives demonstrated significant awareness and understanding of human trafficking as a serious violation of fundamental rights, knowledge of new human trafficking trends in the country, and a readiness to tackle new threats.
7. The Special Representative stressed the importance of ensuring the high political profile of the anti-trafficking agenda including of the national anti-trafficking co-ordinator, of maintaining the prevention of THB as one of the key priorities on the government's agenda, and of the need to maintain vigilance on domestic issues of exploitation. He notes that a decline in high-level attention to the problem could jeopardize the important results already achieved.

II. Legal framework

8. The Special Representative commends Latvia for being a party to major international instruments in the fight against trafficking in human beings, such as the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children ("Palermo Protocol"), ratified on 25 May 2004, and the Council of Europe Convention on Action against Trafficking in Human Beings, ratified on 6 March 2008.

The country has also ratified a number of Conventions addressing slavery and forced labour such as the ILO Forced Labour Convention No.29 and its Protocol of 2014 ratified in 2006 and 2017, respectively; the ILO Convention on the Abolition of Forced Labour No.105, ratified in 1992; the ILO Convention on Worst Forms of Child Labour No.182, ratified in 2006; and the UN Convention on the Elimination of All Forms of Discrimination against Women in 1992.

Latvia ratified the UN Convention on the Rights of the Child in 1992. The Optional Protocols on the involvement of children in armed conflict and on the Sale of Children, Child Prostitution and Child Pornography were ratified in 2005 and 2006, respectively. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was ratified in 2014 and Council of Europe Convention against Trafficking in Human Organs ratified in 2019.

9. The Special Representative recommends that Latvia sign and ratify ILO Convention 189 concerning Decent Work for Domestic Workers, which serves as an effective instrument for the prevention of THB for labour exploitation, especially for domestic servitude.³ The ratification of this Convention will advance efforts in preventing and addressing the exploitation of migrant domestic workers in the country.
10. The Special Representative further recommends that Latvia sign and ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The ratification of this Convention is of particular importance to enhance protection mechanisms in the context of mixed migration flows.
11. Latvia is bound by Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims on combating THB.
12. As a participating State to the OSCE, Latvia has also pledged to implement the commitments it has undertaken within the OSCE, in particular the recommendations contained in the 2003 Action Plan to Combat Trafficking in Human Beings, as well as its 2005⁴ and 2013⁵ Addendums.
13. Domestically, Section 154² of the Criminal Law of Latvia (CL) defines human trafficking, and includes a broad list of exploitative purposes including involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform activities or to provide services, the holding of a person in slavery or other similar forms therefore (debt slavery, serfdom or the compulsory transfer of a person into dependence), the holding a person in servitude, and also the unlawful removal of a person's tissues or organs. Section 154¹ of the CL prescribes a punishment by deprivation of liberty for a term of not less than three years and not exceeding eight years, with or without confiscation of property for a simple offence of trafficking. If the trafficking is committed against a minor or by a group of persons, the punishment is increased to imprisonment of not less than five years and not exceeding 12 years, with confiscation of property. Further aggravating circumstances include that the offence is committed with serious consequences, with respect to a juvenile, or by an organized group; in such cases the punishment is increased to a prison term of not less than 10 years and not exceeding 15 years, with confiscation of property.

³ OSCE, Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude, Occasional Paper Series No. 4, 2010. Available at <http://www.osce.org/cthb/75804>

⁴ OSCE Permanent Council Decision No. 685 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special needs of Child Victim of Trafficking for Protection and Assistance](#), PC.DEC/685

⁵ No.1107 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later](#), PC.DEC/1107/Corr.11

14. Articles 162¹ to 165¹ of the CL criminalize soliciting prostitution, establishing, maintaining, managing and financing brothels and living on the avails of prostitution. These acts are punishable by imprisonment for a period of up to three years or temporary deprivation of liberty, probationary supervision, and community service or fine. In cases when these acts involve the misuse of trust, deception or taking advantage of the dependence of the person, the minimum punishment is three years and up to eight years, with or without probationary supervision for a period of up to three years. The punishment ranges from five to twelve years if a person below the age of 16 is encouraged, involved or compelled into prostitution. The involvement of organized crime increases the punishment to fifteen years' imprisonment with probationary supervision for a period of up to three years. Section 165¹ criminalizes sending a person for sexual exploitation with his or her consent by imprisonment for a period of up to five years or temporary deprivation of liberty, or probationary supervision or community service or fine. If this act is committed by an organized group the punishment ranges from five to fifteen years with probationary supervision for up to three years.
15. Pursuant to Section 164 of the CL, the intentional use of a trafficking victim in prostitution is punishable by deprivation of liberty for a period of three years and up to eight years with or without confiscation of property and with and without probationary supervision for a period of up to three years. Paragraph 2 of Section 280 of the CL criminalizes the knowingly employment of victim of trafficking in exploitative working condition with the punishment of temporary deprivation of liberty or probationary supervision or community service or fine.
16. Latvian legislation does not explicitly provide for the *irrelevance of consent* when any of the means set forth in the definition of trafficking have been used. While this silence in the law did not seem to cause significant concerns when identifying victims, it may have potential implications during the investigation and prosecution of cases and the requalification of trafficking cases as other offences such as the above mentioned Section 165¹ which includes explicit reference to the relevance of consent. The Special Representative recommends that Latvian authorities include an explicit reference to the irrelevance of a victim's consent to the intended exploitation in the legal framework in line with international instruments and develop targeted capacity building activities for criminal justice practitioners.
17. Other areas of relevance to the anti-trafficking agenda are also embedded in several other laws and by-laws, such as the Law on Social Services and Social Assistance, the Law on Residence of Victims of Trafficking, The Law on the Protection of the Rights of the Child, the Administrative Violation Code, the Law on State Compensation to Victims, the Law on Execution of Confiscation of Criminally Acquired Property and others. The Cabinet of Ministers Regulation No. 344 "Regarding the Procedures by which Victims of Trafficking in Human Beings Receive Social Rehabilitation Services" serves as a bylaw to regulate victim identification and assistance measures.
18. Overall, the Special Representative commends Latvia for its robust legislative framework which has been continuously developed to address the evolving nature of human trafficking and protect the rights of its victims. Among the recent legal amendments particularly noteworthy measures have been taken in improving the

assistance and protection of trafficking victims, such as increasing the amount of state compensation for victims of trafficking which came into effect with the changes made to the State Compensation Law, and expanding the scope of the non-punishment principle in relation to victims through changes made to the Administrative Violations Code.

19. Nevertheless, there appear to be challenges in applying criminal law provisions pertaining to human trafficking in favour of other related offences which include the use of some of the trafficking means in the element of the crime, such as Section 164 para 2 and carry more lenient penalties. Particular challenges concern the lack of understanding of various elements of human trafficking by some of the criminal justice practitioners and the judiciary. For example, some practitioners noted the lack of understanding of the vulnerability and trauma of persons subjected to various forms of trafficking and stigma around victims exploited in prostitution. The Special Representative notes the work underway by the Ministry of Justice to conduct a legal assessment of offences related to human trafficking (Sections 164, 165¹, 166 (3), (4) and (5) of the Criminal Law) and recommends that Latvian authorities develop and conduct continuous guidance and capacity building initiatives on the distinct features of human trafficking offences and other related crimes to ensure the proper interpretation and enforcement of human trafficking statutes.

III. Policy and institutional framework

20. Latvia's new National Action Plan against trafficking in human beings (NAP) for the period of 2021-2023 was developed in close co-operation with anti-trafficking NGOs and adopted in September 2021. The NAP provides a detailed overview of human trafficking trends in Latvia through analysis of national and international data and envisages a series of measures within four objectives: raising public awareness, improving the identification and protection of trafficking victims, enhancing prosecution, and strengthening co-operation and exchange of information domestically and internationally. The Special Representative notes several promising actions envisaged in the NAP, such as drafting a law on inter-institutional co-operation for recognizing victims of trafficking and resolving cases, the drafting of a national referral mechanism (NRM), as mentioned in paragraph above, conducting a legal assessment of offences related to human trafficking (Sections 164, 165.¹, 166.(3), (4) and (5) of the Criminal Law), and enhancing attention to the financial sector to detect, investigate and prosecute proceeds of trafficking.
21. While acknowledging these important actions, he notes that most measures do not include concrete actions for implementation. Additionally the NAP lacks dedicated funding, relying largely on the budgets of state institutions that are party to the NAP except for a modest amount of 12,000 euros allocated for training of prosecutors and judges on THB. Moreover, reportedly many tasks that envisage funding were cut in the planning phase. The Special Representative notes that to fight the crime effectively, a robust set of actions supported with adequate human and financial resources are crucial and recommends that Latvian authorities allocate sufficient funding for implementation of the actions foreseen in the NAP.

22. With regard to the institutional anti-trafficking framework, the co-ordination of anti-trafficking policy in Latvia is housed within the Ministry of Interior with the Deputy State Secretary chairing the Latvian Inter-Institutional Working Group (hereinafter referred to as Working Group) which was established in 2010. Comprised of line ministries, law enforcement agencies, governmental and municipal institutions, and NGOs, the Working Group meets twice a year to co-ordinate the country's national anti-trafficking policy, ensuring the exchange of operational data and coordinating actions to prevent trafficking and support to trafficking victims. However, the mandate and the work of the Working Group has been criticized by the Ombudsman: noting a lack of efficiency and outcomes, the Ombudsman has called for changing the mandate of the Working Group and forming it into a strategic decision making body with the power to entrust certain tasks to competent authorities/organizations to enable the active participation of all its members. As a result, a new Working Group is being established with the aim to be operational during the autumn of 2022, and which will focus on the implementation of the NAP and improving information exchange. The Special Representative supports this initiative and stands ready to meet with the new Working Group upon the release of the present report.
23. The function of the National Anti-Trafficking Co-ordinator (NAC) is assigned to the Senior Desk Officer of the Sectoral Policy Department under the Ministry of Interior. NAC's tasks were renewed in 2016 and now include data collection and analysis of measures taken to address human trafficking, monitoring legislative and regulatory changes. The Special Representative notes the high-level support given to the NAC by the Ministry leadership. However, the position of the NAC could benefit from a more high-level placement to enable strategic co-ordination across the entire government, better mobilize anti-trafficking stakeholders and necessary resources, improve access to sensitive data within government agencies, and ensure that efforts to combat human trafficking remain high on the political agenda.
24. The designation of an independent National Rapporteur on human trafficking has been under discussion in Latvia and included as a planned action in the new NAP. Currently, this role is partially assigned to the Ministry of Internal Affairs which also acts as country's National Anti-trafficking Co-ordinator. During the visit, the Special Representative was informed about a plan to designate the Office of Ombudsman as the country's anti-trafficking rapporteur. However, while the Ombudsman expressed its positive stance on taking over this function, this role reportedly cannot be undertaken within the Office's existing capacity and resources. Additionally, such a role should also include the right to access to all data, including confidential information, to allow for comprehensive and partial oversight of anti-trafficking efforts. In 2020, the Ombudsman prepared a summary report on the function of a National Rapporteur on human trafficking which provides a comparative analysis of good practices of national rapporteur systems in various European countries. In March 2021, the Ombudsman convened a discussion on the role and functions of the National Rapporteur in Latvia and in Europe. The Special Representative stresses that the establishment of an independent National Rapporteur or equivalent mechanism allows for enhancing national anti-trafficking efforts by monitoring and evaluating policy and actions at all levels, presenting independent opinions on challenging issues for consideration of both the legislative and executive branches, interacting with other stakeholders on an equal basis, and developing international co-operation to build on respective commitments and best practices. The independent nature of the role is

central to the efficacy of the office.⁶ The Special Representative wishes to be updated on the assignment of the role of the National Rapporteur.

25. The Special Representative positively notes the active role of the Ombudsman in the anti-trafficking agenda including in assessing the efficiency of anti-trafficking institutional structures and implementing projects aimed at identification of unaccompanied minors in extradition and expulsion processes. The project was developed amid an increasing flow of irregular migrants arriving in Latvia from Vietnam and other third countries in 2019. In the framework of the project, 70 percent of border guards were trained and a court on THB was prepared for the border academy. Additionally, the Ombudsman has been actively engaged in awareness raising activities in schools and the training of criminal justice practitioners.⁷
26. NGOs play a crucial role in developing and implementing the anti-trafficking agenda in Latvia, being part of the victim identification procedure, providing assistance, reintegration and rehabilitation of trafficked persons and potential victims of trafficking, and awareness raising. The Special Representative commends the dynamic role of anti-trafficking NGOs and the co-operation built between state institutions, the NAC and civil society organizations in addressing human trafficking in the country. While noting that such co-operation reflects well the recommendations set out in the OSCE report “the Critical Role of Civil Society in Combating Trafficking in Human Beings”⁸, he underscores the need for regular, long-term and sustained financial support to NGOs to maintain the sustainability and effectiveness of operations as well as to advance the country’s victim outreach and support.

IV. Human trafficking context in Latvia

27. The profile of human trafficking in Latvia has been evolving: while Latvia continues to be a country of origin and destination for various forms of trafficking, domestic trafficking for the purpose of labour exploitation and sexual exploitation, including of children online, are on the rise. From 2014 to 2020, 199 persons subject to human trafficking were registered and assisted in Latvia: of these 58 were foreigners and 141 were Latvian citizens. 93 victims were exploited in Latvia and 106 victims were trafficked abroad, mainly in Europe. With regard to gender, 110 of the victims were women, 89 were men, and 17 were children.

Forty nine victims were sexually exploited, 45 were forced into sham marriages, four were forced into criminal offenses, two were held in slavery, and the majority of victims of trafficking - 99 persons - were exploited through forced labour.⁹ This confirms the pre-visit findings that labour exploitation is the most detected form of trafficking in Latvia.

⁶ OSCE, UK/IASC, Issue Brief, The role of independent National Rapporteurs or equivalent mechanisms in enhancing States’ anti-trafficking Response, 2021, available at <[Issue Brief - The role of independent National Rapporteurs or equivalent mechanisms in enhancing States’ anti-trafficking responses | OSCE](#)>

⁷ Ombudsman of the Republic of Latvia, Annual Report 2021, available at [About us - Tiesībsargs \(tiesibsargs.lv\)](#)

⁸ Available at <https://www.osce.org/secretariat/405197?download=true>

⁹ National Action Plan 2021-2023

The year 2021 marked a sizeable increase in domestic trafficking primarily for labour exploitation, however the increase was due to a single case of labour trafficking in residential drug treatment facility led by a Christian organization where more than 100 vulnerable adults were deceived through promises of treatment for addiction and instead were exploited in agriculture, forestry and farming through restriction of movement, poor living conditions, little food and no pay. Of 100 victims, 40 victims agreed to co-operate and seek assistance.

28. Despite the recently increasing shift in the type of trafficking seen in Latvia, high-levels of social exploitation and economic difficulties continue to push Latvian men and women into situations of trafficking in European countries such as Cyprus, Germany, Ireland, Netherlands, Poland, Spain and in the United Kingdom. Of note, Latvia's at risk poverty rate was 23.40 percent in December 2021¹⁰. While economy is projected to grow 1.6 percent in 2023, experts foresee a reduction of real wages and private consumption as well as shifts in external demand that will likely lead to a moderate rise in unemployment.¹¹
29. The past few years have also witnessed increasing levels of exploitation of migrant workers, particularly those from Central Asia, Ukraine and Moldova who entered the country through legal channels for employment in the construction, food and agricultural sectors. While the restrictions imposed by the COVID-19 pandemic, including travel bans (with some exceptions and regulation) prevented an increase in the number of foreign workers in the country, complaints were received from foreign workers who were present in Latvia. Reportedly, women from third countries who enter Latvia through land borders with EU member states possessing visas issued in Poland are also exploited in prostitution in Latvia.
30. As mentioned in paragraph 13, Latvian legislation prohibits compulsion of a person to perform activities/services and the violation of provisions regarding employment of persons. According to stakeholders consulted during the visit, while practitioners tend to recognize the most severe cases of trafficking for forced labour, less severe work exploitation cases, where elements of trafficking may not be so explicit, are not identified and thus not being addressed. The reasons for this are also linked to the absence of a stand-alone provision that would criminalize labour exploitation without the presence of trafficking elements.
31. The Special Representative expresses his concern over the findings of the Latvian Safer Internet Centre on the exponential increase of child sexual abuse material related to two foreign online platforms hosted in Latvia. According to data shared by the Centre, the number of reports of child sexual exploitation (CSE) and amount child sexual abuse material (CSAM) increased 139 fold between 2017 to 2021, going from 164 identified materials to 22,925 in just five years. The Center also revealed that about 70 per cent of the content was self-generated by children. However while analyzing the content, there was a reasonable suspicion that some children were acting at the urge and instruction of an adult. Although some content was blocked by the host, the steep increase in July 2021 became very challenging for the Centre to handle. This resulted in removal of the companies hosting the material from the domestic internet

¹⁰ [Latvia - At-risk-of-poverty rate - 2022 Data 2023 Forecast 2005-2021 Historical \(tradingeconomics.com\)](#)

¹¹ [Latvia Economic Snapshot - OECD](#)

infrastructure. However this incident highlights the need for policy attention to online platforms to prevent dramatic increases in online exploitation of children.

32. The Special Representative notes that despite this pattern of exploitation of children in the country, from 2014 to 2020 only 17 children were formally identified as victims of human trafficking. While not all instances of online child exploitation constitute human trafficking, there is often significant overlap between the two crimes. Moreover, the huge explosion of such material within Latvia (albeit temporary) indicates that the country's response is likely not prepared to address this evolving challenge at scale. The Special Representative welcomes the creation of the Latvian Safer Internet Centre which operates in collaboration with the Latvian Internet Association, State Inspectorate for Protection of Children Rights and local government training centres and invites the Centre to expand its focus to include the online exploitation of adults.
33. Similarly, numerous stakeholders consulted during the visit shared their observation and concern over the increasing pattern of technology-facilitated trafficking. According to the Ministry of Interior's national report on preventing and combating trafficking in human beings in Latvia in 2020 and the stakeholders consulted during the visit, individuals are increasingly being tricked into the creation of sexually explicit video content using Internet portals for adults. Such a case was identified in 2022 although the exploitation actually occurred some years ago. Given the presence of large number of websites for advertising sexual services and the alarming pattern of online sexual exploitation of both adults and children on those websites, the Special Representative recommends that Latvia develops a targeted strategy to combat this form of exploitation and urges robust investment in effort and resources to prevent and combat sexual exploitation online, including through building partnerships with online platforms.
34. Although low in number, trafficking for forced sham marriage affects Latvian women who are deceived into marrying third country nationals wishing to obtain residency in the EU. An often observed pattern was that Latvian women - single mothers, or women with disabilities - are persuaded with false promises of well-paid jobs in the destination country. After arrival, it is revealed that the jobs do not exist and the women are forced into a marriage.¹² This form of trafficking has increased since 2009 when the Latvian embassy in Ireland observed an uptick in the number of Latvian women coming in distress to seek help.¹³ In 2021, the authorities identified one victim forced into a sham marriage. According to stakeholders consulted during the visit, often such cases are not looked at through a trafficking lens.
35. Finally, trafficking for forced criminality is among the forms of exploitation identified in Latvia, yet there has been only one case detected by Latvian authorities. During the visit the Special Representative was informed about a new case of trafficking for forced criminality that was pending prosecution. Given the significant increase in such cases across the OSCE region, the Special Representative recommends that Latvian authorities advance their efforts to identify all forms of trafficking, including trafficking for forced sham marriages and for forced criminal activities.

¹² Heuni, Exploitative sham marriages: exploring the links between human trafficking and sham marriages in Estonia, Ireland, Latvia, Lithuania and Slovakia, 2016

¹³ Ibid

V. Identification and assistance for victims of trafficking

36. Regarding the system of identification and referral for assistance, the development of a National Referral Mechanism for victims of trafficking has been in discussion in Latvia. Currently, Latvia utilizes a promising dual identification procedure which allows trafficked persons to be identified either through criminal proceedings or through a specialized multi-stakeholder commission. Pursuant to the 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”¹⁴ (hereinafter referred to as Procedures), a victim’s status can be recognized by a body directing the criminal proceedings or, in case the person does not meet the criteria of the victim of trafficking through the criminal proceedings, a service provider shall establish a commission of specialists to assess the person’s status as a trafficking victim. The Commission shall include at least one social worker, psychologist and lawyer and involve other specialists as necessary. The assessment is made according to the criteria annexed to the Procedures which includes a detailed list of elements of trafficking and indicators to identify trafficking victims. According to civil society organizations consulted during the visit, victims of sexual exploitation are likely to be identified by the Commission, while victims of labour exploitation often chose to cooperate with the criminal proceedings.

The number of persons identified as victims of THB was 23 in 2018, 39 in 2019, 48 in 2020 and 61 in 2021. Of the victims identified in 2021, except two victims (one each from the Russian Federation and China), the rest were Latvian citizens. Regarding the gender and forms of exploitation the victims were subjected to in 2021, 12 were women and 49 were men; of which 53 were exploited in labour, 7 in sex and 1 for forced sham marriages.

37. After assessing a potential victim as indicated in paragraph 36, the Commission draws up a report which is sent to the Social Integration State Agency. The Agency in turn has up to three working days to grant services to the person or include the person in the queue for the recipients of services. In parallel, the assessment report is also sent to the Anti-trafficking Unit of the State Police which decides on the reflection period. The Law on Residence of Victims of Trafficking allows victims a reflection period of 30 days which enables their access to assistance schemes such as shelter, legal and medical assistance. The aim of the period is “to allow the victim to 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”. However, the granting of the reflection period is limited to non EU citizens who have no regular status to stay in the country.
38. Pursuant to Latvia’s Law on Residence of a Victim of Trafficking in Human Beings¹⁵, the right to a residency permit is only granted if “the victim provides information in writing that may help in the disclosure and elimination of trafficking cases or if the person has been formally recognized as a victim in a criminal offence”. Following the request made by the body leading the criminal proceedings, a temporary residence

¹⁴ The Cabinet of Ministers Regulation No. 344 was adopted in 2019 repealing the regulation No. 889 (2006).

¹⁵ [Law-On-Residence-of-a-Victim-of-Trafficking-in-Human-Beings-in-the-Republic-of-Latvia.pdf \(bsr-trm.com\)](#)

permit for a period of time not less than six months is granted with the consideration of the time period in which the pre-trial proceedings or the adjudication might be completed as well as the nature and intensity of the threat to the victim of trafficking. This permit can be annulled with the termination of criminal proceedings. In 2020, the government issued 17 residence permits for trafficking victims: 7 to Indians, 5 to Uzbeks and 5 to Tajiks. In 2021, only one resident permit was issued to a Chinese national. The Special Representative highlights that tying residence permits to co-operation in criminal proceedings is inconsistent with the unconditional assistance scheme required by Latvian legislation which provides for dual identification mechanism for assistance purposes. It also impedes the social inclusion of trafficking victims and discourages their co-operation. The Special Representative recommends that Latvia provides for renewable residency permit to trafficking victims independent of their co-operation with the criminal proceedings.

39. Assistance to victims is assigned to two mandated NGOs – Centre Marta and Safe House, selected on the basis of a public procurement procedure conducted every two years. Based on the contract signed between the Government and the NGOs, the funding is provided for rehabilitation, including psychological, medical and legal assistance for victims up to six months. This period can be three years for victims participating in criminal proceedings. According to two NGOs consulted during the visit, six months rehabilitation is not sufficient for trafficking victims, particularly children who often need years of support due to trauma suffered during exploitation. Therefore flexibility should be allowed to meet the individual needs of trafficking victims. Psychological assistance is of particular concern as the cost of psychologist services has increased during and post COVID to 60 euros per hour, which allows only 23 hours of sessions per victim, leaving them without the possibility of long term assistance. The Special Representative invites Latvian authorities to review the existing rehabilitation scheme to ensure that the period for rehabilitation and the services provided are tailored to victims' needs and sufficiently funded for the duration of the rehabilitation.
40. With regard to accommodations for trafficking persons, there is no dedicated shelter for trafficking victims in Latvia. Centre MARTA and Safe House, with the government's financial support, can accommodate victims in crisis centres, based on agreement with crisis centre for women and children or cover temporary housing in private apartments or hotels, the latter is mainly used to accommodate male victims of labour exploitation. Placement in the centres is based on the assessment of an individual's risks and needs, however there is no guarantee of safety. NGOs also reported instances when hotel accommodation was rejected due to the external appearance of victims of labour exploitation. The Special Representative shares the concerns voiced during the visit on the lack of dedicated and specialized accommodation for trafficking victims in Latvia. He highlights that placement of victims in flats and hotels poses the risk of double victimization as there is no guarantee of safety nor for specialized treatment. The Special Representative recommends that Latvia establishes specialized shelters for trafficking victims, including a separate one for male victim given the recent increase in number of identified male victims.
41. Latvia has been making efforts to strengthen child rights and protection by considering the introduction of "Barnahus" model of Iceland to be referred to as a Childrens' House, a one-stop center for interviewing and supporting child victims and witnesses

of violence. The project “Support for Barnahus implementation in Latvia” funded by grants from the EEA and Norway aims to improve child protection system in the country. Reportedly, the project is currently in its initial phase of adapting the premises and assessing the needs in Latvia to enable for effective implementation of the model in the county.¹⁶ The Latvian Barnahus is set to open in January 2023. The Special Representative welcomes the initiative of introducing the model that is considered a best practice in the OSCE region and recommends that the staff of the Barnahus are also trained on trauma informed care and treatment of child victims of trafficking and relevant offences that require more specialized skills and knowledge.

42. Legal assistance for THB victims is provided by two NGOs in the framework of the agreement signed with the Ministry of Welfare. Victims can receive state financed legal assistance for up to six months and this duration can be extended up to three years if the victim is party to criminal proceedings. Victims can also request legal aid through the Legal Aid Administration. According to the Ministry of Justice, within the criminal proceedings, trafficking victims can access legal aid only if they have no financial means or have a disability. However, reportedly an amendment to the Criminal Procedure Law (CPL) is being developed which would allow legal aid to all trafficking victims in criminal proceedings.
43. Latvian legislation provides for compensation to trafficking victims through a number of platforms, including as part of the criminal proceedings, through the Legal Aid Administration and through a civil claim. Pursuant to Section 351 of the CPL, a victim has the right to submit an application regarding compensation for a caused harm in any stage of criminal proceedings. The application shall justify the amount of the requested compensation for financial losses, but the amount of compensation for moral injury and physical suffering should be indicated. Moreover, the Law on State Compensation to Victims of the Republic of Latvia envisages that victims of trafficking who have suffered from intentional criminal offences be eligible to access state compensation. The maximum amount of state compensation is set at five times the minimum monthly wage. Victims of trafficking are included in the category of victims eligible for compensation in the amount of 90 percent of the set maximum amount. In 2021, 14 victims were granted State compensation. The Special Representative highlights that effective access to compensation is an important factor in recovery and reintegration of trafficking victims as it provides economic empowerment and reduces victim’s vulnerability. It also ensures victims’ access to justice, empowers victims and deters exploitation. He commends Latvia for ensuring effective access of victims to compensation regardless of their participation in criminal proceedings and independent of the prosecution or conviction of traffickers.
44. In his assessment of the victim identification and assistance system in Latvia, the Special Representative notes several areas for improvement. While the process of granting victim status to trafficked persons is functional, outreach to victims and proactive identification appears to be seriously lacking. According to the Ministry of Interior’s national report on preventing and combating trafficking in human beings in Latvia in 2020, the vast majority of victims were detected through self-identification by contacting a service provider; only a handful were detected by the national police and just a few were reported through a third person or NGO. According to civil society

¹⁶ [Together against child abuse - the Latvian Barnahus | EEA Grants](#)

organizations consulted during the visit, persons in prostitution are often not seen as potential trafficking victims and thus are not being identified as such. The proposal of NGOs to join police during raids of venues for prostitution has reportedly not been supported, though it could allow for better outreach as often victims of sexual exploitation fear law enforcement. He is also concerned on the lack of proactive identification and screening tools to identify children trafficked for various exploitative purposes including online. There is a greater need for targeted actions, including mapping risk areas prone to exploitation; empowering and financially supporting civil society organizations to conduct outreach activities in sectors prone to exploitation; and developing targeted awareness activities.

Similarly, more targeted action is needed to identify trafficking victims among asylum seekers and during return processes. While the Asylum Law includes victims of human trafficking in the definition of “asylum seeker with procedural or reception needs”, there are no screening tools, nor special operating procedures developed to aid asylum officers to detect trafficked persons among asylum seekers.

VI. Investigation and prosecution of human trafficking

45. In general, the Special Representative expresses his concern about Latvia’s criminal justice response to trafficking. This is based on a lack of proactive investigation into various forms of trafficking, the low number of criminal proceedings, the very small number of prosecutions, the practice of suspended sentences served to traffickers, and the excessive delays in criminal proceedings. Nevertheless, Latvia has made progress in several areas such as on financial investigations into human trafficking, recovering and confiscating traffickers’ assets, and compensating victims.
46. In Latvia, criminal investigations of THB are primarily conducted by 18 police officers specialized in investigating human trafficking and related crimes. The unit works specifically on human trafficking cases involving organized crime syndicates. In the absence of the latter, the cases are instead investigated by the regional police. Regional Police Boards can also investigate trafficking cases. While positively noting the specialization of law enforcement on trafficking, the Special Representative points to information provided during the visit which indicates a greater need for victim-centred and trauma-informed training for police. Numerous interlocutors consulted during the visit shared their observation of a lack of understanding displayed by criminal justice practitioners of trafficking victims’ trauma. One of the examples provided during the visit related to a case where an interview continued despite the fact that the victim suffered epilepsy during the process. In another example, reportedly, police did not protect the privacy of a victim during an interview by dismissing the request of their lawyer to conduct the interview behind closed doors.
47. According to the anti-trafficking police, trafficking for sexual exploitation including in prostitution, forced marriages and forced sham marriages are detected forms of exploitation affecting Latvia with an average of 4-8 criminal proceedings initiated annually since 2016 (4/2016, 7/2017, 4/2018, 3/2019, 7/2020 and 3/2021) under Article 154¹. As per the data provided following the visit, during the same period (from 2017 to 2021) the number of initiated criminal proceedings were 40 under Section 165

(living on the avails of prostitution (pimping) and 12 under Section 165¹ (sending a person for sexual exploitation).

48. According to interlocutors met during the visit technology-facilitated trafficking, in particular the exploitation of persons in apartment-based prostitution, is a persistent and expanding form of exploitation. Such cases predominantly affect women from Ukraine and the Russian Federation. Most websites advertising sexual services reportedly operate from the Russian Federation, Moldova and Ukraine (until recently). Moreover, while the operation of massage parlours has been curbed with the introduction of the Cabinet of Ministers' Regulation, illicit sexual services have moved to closed gentleman's clubs where it can be harder to detect, creating challenges for law enforcement to collect evidence of sexual exploitation or breach of the prostitution regulation. To keep pace with the misuse of technology by traffickers and taking into account the dramatic shift from street-based prostitution industry to an online, home-based industry, the Special Representative recommends that law enforcement and prosecutors are supported with more capacity (training as well as human and financial resources) to make use of online investigation techniques and specialized technology tools which could scale up the fight against human trafficking.¹⁷
49. As indicated above, labour exploitation has become more prominent in the past few years, affecting mainly migrant workers from third countries. A single case of labour exploitation in rehabilitation centres significantly increased the number of identified victims of labour exploitation in the country in 2021.
50. Investigators in Latvia have access to special investigative techniques. The use of special investigative techniques can alleviate the heavy reliance on victim testimonies and corroborate the evidence gathered during the investigation. Chapter 11 of the CPL provides a list of circumstances and special investigative actions which shall be performed upon the decision of an investigative judge. The CPL Section 215 allows for control of legal correspondence, means of communication, data in an automated data processing system, content of the data, audio control of a site or a person, video-control of a site, surveillance of a person and an object. The use of these techniques can reveal the chain of perpetrators, uncover substantial evidence, support victim testimony or even make it unnecessary, and can help to prove criminal intent.¹⁸
51. As indicated in paragraph 15, Section 164 of the CL criminalizes the intentional use of a trafficking victim in prostitution. While the Special Representative was not provided with the data on the number of investigations and prosecutions launched under this provision, according to EU data¹⁹, in 2017-2018, four individuals were investigated while three of them were prosecuted and only one convicted under Section 164 of the CL. The prosecutors met during the visit referred to cases investigated in 2018/19 which involved trafficking of a mentally disabled person from a care institution for the purpose of providing sexual services to a priest. During the search of the premises, evidence of repeated sexual exploitation was collected and several other victims were identified. Three perpetrators were prosecuted including under Section 164 and are currently pending the trial. According to prosecutors, challenges persist in collecting

¹⁷ For more on digital tools see: [Leveraging innovation to fight trafficking in human beings: a comprehensive analysis of technology tools | OSCE](#), 2020

¹⁸ UNODC, *Evidential Issues in Trafficking in Persons Cases*, 2017

¹⁹ European Commission, *Data collection on trafficking in human beings in the EU*, 2020, page 243

evidence to prove that the perpetrator knew the person's victimhood as well as securing victim testimonies. However, given the volume of sexual exploitation in the country, one conviction does not adequately reflect the volume of perpetrators. Section 164 should be used more aggressively by investigators.

52. With regards to prosecution of trafficking, prior to November 2021, prosecutions of trafficking cases were conducted by specialized prosecutors at the regional level. In November 2021, an order of the prosecutor general was issued to move the supervision of THB cases to district level prosecutors. This order altered the tasks of the regional prosecutors making them the co-ordinators and consultative bodies to district prosecutors. While measuring the effectiveness of this change requires more time, such a restructuring carries the risk that institutional knowledge and expertise on trafficking could be lost. At the same time, the transfer of trafficking to district level prosecutors also increases the number of prosecutors, with three specialized prosecutors to examine trafficking cases in each of the 11 general level district offices; previously only four to five prosecutors were assigned to trafficking at the regional level.
53. Latvia also has a good practice of convening police-prosecutor roundtables. When police and prosecutors work closely in building cases, they can build stronger cases with aligned strategies and less reliance on victim testimonies. However, according to the police, the police-prosecutor roundtables are convened only to discuss complex cases and define a course of action for investigations. The Special Representative recommends that Latvian police and prosecutors collaborate at early stages of investigations of all trafficking cases regardless of their complexity. To facilitate the restructuring launched in Nov 2021, he further urges Latvia to develop and implement regular and sustained training of district prosecutors on the constituent elements of human trafficking, its forms and subtle means, including on principles guiding the anti-trafficking agenda such as the "irrelevance of consent" of the victim to the intended exploitation and the non-punishment principle.
54. Although data is lacking, the adjudication of trafficking is reportedly characterised by lengthy trials, potential risks of requalification of trafficking to other lesser offences due to lack of evidence, confusion regarding overlapping elements between different crimes such as trafficking under Article 154 and aggravated pimping under Article 164 (2) (Involvement of a person in prostitution or use of prostitution), and the lack of understanding of trauma it inflicts to victims. According to criminal justice practitioners met during the visit, the complexity of the trafficking crime, difficulty in collecting evidence, the number of victims and witnesses and over-dependence on victim testimony results in protracted criminal proceedings from the initial phases of the criminal justice response. This is further exacerbated during trials when traffickers use tactics to delay criminal proceedings such as illness and unavailability of the defence to be present in the proceedings. Also, as an example, prosecutors informed about criminal proceedings in relation to a minor who was subjected to sexual exploitation. On the demand of the defendants, the victim was summoned 3-4 times to the court and had to recall and retell the events that happened five years ago.
55. According to the 2020 report on preventing and combating human trafficking, first instance courts heard one case and appellate court heard three criminal cases on human trafficking, of which one person received a suspended sentence of 2.5 years and

probation supervision of two years. The criminal justice data of 2021 also shows that only a few cases manage to reach the courts. In 2021, criminal proceedings were launched in relation to 22 cases, of which 4 cases (3 cases of forced labour and 1 case of forced sham marriage) involving 14 suspects were prosecuted under Section 154¹ and 18 cases were launched under Articles 164, 165 and 165¹ involving 23 suspects. During the same time, the first instance court adjudicated one person under Art 154¹ and served the judgement of deprivation of liberty for 3 years.

56. According to statistical data provided following the visit, during the period from 2017-2020, 16 cases were sent to prosecution under Section 165 (pimping) and 5 cases under Section 165¹ (sending a person for sexual exploitation). During the same period, the 1st instance court adjudicated 14 cases under Section 165 and 11 cases under Section 165¹. Of cases before the court under Articles 165 and 165¹, one defendant received the punishment of deprivation of liberty for 2 years, 1 defendant was acquitted, 3 defendants received conditional sentences of deprivation of liberty of 3 years and 2 years with and without probationary supervision of 2 years, respectively. One case was terminated due to the death of the accused. This data shows a heavy trend towards the use of pimping provisions instead of trafficking legislation and raise concern that cases could be incorrectly qualified during criminal justice process. To this end, the Special Representative welcomes the initiative of the Ministry of Justice to launch a legal assessment of offences related to human trafficking (Sections 164, 165.¹, 166.(3), (4) and (5) of the Criminal Law) and their application. Legal clarity is needed to ensure that trafficking offences are not requalified to other offences and are prosecuted and penalized proportionate to the gravity of the crime. He requests a copy of the results of the legal review when completed.
57. Particular concerns are also linked to lack of understanding on the subtle means of trafficking and victim vulnerabilities reportedly displayed by the judiciary when adjudicating cases of labour exploitation. The Special Representative highlights that the strength of the legal system also lays in the specialized and skilled practitioners who are tasked with its application and strongly recommends that Latvia organizes continuous training and criminal justice practitioners and the judiciary on the application of the national legislation and on the elements of trafficking.
58. With regard to the non-punishment principle, Latvia's Criminal Law Section 58 paragraph 6 and Criminal Procedure Law Section 379 paragraph 5 provide for the exoneration of trafficking victims from the crimes they were forced to commit in the course or as a result of being subjected to human trafficking. Trafficking victims are also released from administrative liability for administrative violations they were forced to commit. According to a Ministry of Interior report of 2021, in 2020 there were no cases of victims of human trafficking subjected to penalties or sanctions for violations of the law committed in connection with human trafficking. The Special Representative welcomes the explicit reference made to the non-punishment principle in various laws in Latvia and encourages Latvian authorities to ensure regular capacity building activities to guide criminal justice practitioners and the judiciary in its effective application.
59. With regard to financial intelligence and investigations into the proceeds of human trafficking, in 2022, the Financial Intelligence Unit (FIU) issued its first Strategic

Analysis Report on Human Trafficking and Associated Money Laundering²⁰ with the aim to identify human trafficking trends in Latvia and develop financial red flag indicators for subjects of the AML/CFTP Law. The report showed a significant spike in suspicious transactions related to trafficking for the purposes of forced labour. The Special Representative positively notes the work of the FIU in development of the Strategic Analysis Report which includes not only analysis of case law on labour trafficking and the list of red flag indicators but also court judgements of non-convicted cases related to confiscation of illegal proceeds. Because human trafficking is a financially motivated crime, financial investigations conducted in parallel to criminal investigations are an increasingly important tool in disrupting the business model of traffickers and in enhancing the use of corroborating evidence in prosecutions. Financial investigations can be used both as a punitive measure against traffickers, as well as a protective measure for victims, helping to deliver reparations and compensation for trafficked persons.²¹ To this end, the Special Representative recommends that the FIU expands its focus to all forms of exploitation, including sexual exploitation online, which has been on the rise in Latvia.

60. Latvia has a sound legal system²² and successful practices of confiscation of criminal proceeds. The system is based on two pillars, conviction-based and non-conviction based confiscation. According to authorities, the amount of confiscated assets from traffickers were 347 650 euros in 2017; 1 705 721 euro in 2018; 38, 238.00 euros in 2019; 1,714 243 euros in 2020 and 315,134 euros in 2021. Pursuant to Section 359 of CPL, “resources acquired as a result of the confiscation of criminally acquired property shall be used first for the ensuring and payment of the requested compensation. Actions with the acquired resources shall take place in accordance with the procedures laid down in the Law on Execution of Confiscation of Criminally Acquired Property.” A Confiscation Fund was established under the Ministry of Justice in 2018 to combat financial and economic crimes and protect victims of crime. Pursuant to Chapter V, Article 45 of the Law on Execution of Confiscation of Criminally Acquired Property, half of the confiscated proceeds of crime transferred to the State budget, but not more than two million euros per financial year, shall be allocated to a separate budget programme of the Ministry of Justice in order to implement the necessary measures for combating financial and economic crimes and providing support to victims of crime. The department of the Ministry of the Interior, including both the State Police and the State Border Guard, has received the largest financial resources in general for strengthening the capacity to combat financial and economic crimes.²³ The Special Representative commends Latvia for tracing, recovering and confiscating the proceeds of trafficking and particularly for its use for victim support and reparation as compensation and restitution are a crucial part of an effective remedy for victims of trafficking.

61. Latvia is part of the ELECT THB project together with Finland and Estonia which aims to disrupt the financial business model of trafficking to help counter the impunity of all actors in the trafficking chain. The activities of the project include collection of best

²⁰ [Trafficking in human beings and money laundering | Finanšu izlūkošanas dienests \(fid.gov.lv\)](#)

²¹ [Joint Statement on the Critical Role of the Financial Sector in Combating Trafficking in Human Beings and Modern-day Slavery | OSCE](#)

²² Criminal law Sections 70.10 – 70.14 and Criminal Procedure law Section 124, para 6 (predominance of evidence), Section 125, para 3 (money laundering activity as a legal laundering presumption), Section 126, para 31 (transfer of the burden of proof), Sections 626-631 under Chapter 59 (proceedings regarding criminally acquired property).

²³ [The assets of the Confiscation Fund strengthen the capacity of investigative bodies - LV portal \(lvportals.lv\)](#)

practices of funding models and lessons learned for inter-agency collaboration, a comprehensive online investigation resource, an online training resource covering the latest modus operandi of traffickers, four national trainings, two international training workshops and two operational exchange visits to Poland and Ukraine. The project resulted in the identification of nine best practices in Latvia among which are the existence of specialized police and prosecutors, joint inspections of border guards, labour inspectorates and police and early co-operation between police and prosecutors. During the next phase of the project, the project partners will visit Ukraine and Poland to study the modus operandi of trafficking women through Ukraine and Poland for sexual exploitation in Latvia and Estonia. The Special Representative welcomes Latvia's active engagement in the project and its input to raising the capacities of criminal justice practitioners to address human trafficking.

VII. Prevention of human trafficking

62. Prevention is a critical – but often under-utilized – component of every country's anti-trafficking response. The Special Representative notes prevention measures foreseen in the NAP, include awareness raising campaigns and activities on the risks of trafficking, including online. Such activities are aimed at schools and at high-risk groups. The provisions anticipate conducting research on the public understanding of human trafficking, its risks and threats.
63. As outlined in paragraph 31, amid the increasing pattern of sexual exploitation of children online, on 8 February 2022, the Latvian Safer Internet Centre, together with the State Police and the State Inspectorate for The Protection of Children's Rights, launched a social campaign "Dangerous Friendship on the Internet". The aim of the campaign was to inform children about the risks of grooming online. During the campaign, the Centre developed a tool to help children, parents and caretakers to recognize grooming and advised how to seek help. The tool was disseminated through various social media channels, including Facebook, Youtube, Instagram, Google and gaming platforms targeting children with focused ads. At the time of the visit, 2900 children aged 8-15, 1476 children aged 16-17, 65 specialists working with children and 302 parents used the tool to identify "dangerous friends". As a result of the campaign, the Centre identified more than 500 potential child victims of grooming. The Special Representative commends the work of the Centre in developing resources and tools to raise awareness on the risks of abuse and exploitation online. He recommends that targeted educational initiatives be designed and disseminated in all educational institutions targeting youth and adolescents. Implementing such tools that target potential perpetrators and bystanders, is also encouraged, as they offer a pathway toward altering harmful gender norms on a larger scale.²⁴
64. Prostitution and the purchase of sexual services are legal in Latvia with some limitations imposed by the Regulation 32 regarding the restriction of prostitution. The regulation allows for sexual services provided at premises owned or rented by the service provider. The regulation outlaws pimping, bars persons in prostitution from working in groups and prohibits prostitution in selected areas, such as near educational, religious, healthcare, sport facilities and buildings where state authorities are located. The Special

²⁴ [Discouraging the demand that fosters trafficking for the purpose of sexual exploitation | OSCE](#), 2021

Representative notes the ongoing discussions around prostitution in Latvia and wishes to recall numerous legally and politically binding commitments at the international level that direct States to take action to address the demand that fosters all forms of trafficking. These include Article 9 of the Palermo Protocol and Article 6 of the Council of Europe Convention, which require State Parties to adopt legislative or other measures including educational, social and cultural measures to discourage demand; Article 18 of the EU Directive 2011/36/EU which tasks Member States to discourage and reduce the demand; and the OSCE Action Plan for Combating Trafficking in Human Beings which urges countries of destination to take measures to effectively address demand as a key element in their strategies. In this regard, he notes the importance of developing public awareness campaigns on understanding the THB risks associated with the commercial sex industry, and prostitution in particular, that are geared towards achieving scale and thus seen by as many potential sex buyers as possible.²⁵ Moreover, educational measures to address the demand that fosters trafficking for the purposes of sexual exploitation are also a strong means of prevention which can be designed to target young persons as well as actual buyers and users of sexual services and have potential to deter future demand.²⁶ To this end, the Special Representative recommends that Latvia incorporates efforts to discourage demand into the new NAP, making it a strategic priority with adequate funding and resources and accounting for diverse tactics including disruption and deterrence. He further recommends that the new NAP takes into account the gender dynamics of demand, and include encouraging partnerships between national authorities, CSOs, victim/survivor organizations and the private sector to take advantage of their individual expertise and experiences.

65. Children in institutions are a primary group of persons at risk of human trafficking and other forms of abuse. Reportedly, despite the reduction of children in institutions since 2018, there are approximately 500²⁷ children deprived of parental care living in state institutions. Along with the persistent health problems experienced by these children, numerous reports indicate the patterns and risks of sexual and other forms of violence against children.²⁸ According to a 2019 study carried out by the Ombudsman, knowledge and information about trafficking is low in Latvian residential schools. As a result, the Ombudsman initiated the school programme “Ready for Life” and conducted training and educational sessions both for staff of the facilities and for child residents. The Special Representative welcomes the work of the Ombudsman focusing on children in state institutions and recommends Latvian authorities develop regular, sustained and targeted measures, including by engaging the administration of such institutions, to detect and prevent any forms of exploitation against children.

66. Since February 2022, Latvia received more than 36,000 refugees from Ukraine²⁹ and was among the first countries to establish an assistance scheme, prepare information and resources for Ukrainians, including online, in Ukrainian, Latvian, English and Russian. The Special Representative visited a one-stop reception center in Riga which was established in March 2022 to provide Ukrainian refugees with all services including registration for temporary protection, psychological support, application for housing

²⁵ [489388_2.pdf \(osce.org\)](#)

²⁶ [Ibid, p. 56](#)

²⁷ [Number of children staying at orphanages in Latvia down by half since 2018 - Baltic News Network - News from Latvia, Lithuania, Estonia \(bnn-news.com\)](#)

²⁸ [Children of Latvia - Humanium](#)

²⁹ [Reception center in Latvia is helping and welcoming Ukrainian refugees into the society \(unhcr.org\)](#)

and school enrolment. According to media reports³⁰, 63.8 per cent of Ukrainians arriving in Latvia are women and 36.2 percent are men. 11.900 are children under the age of 18 years, 9.000 are aged 7-17 years and 3.900 are children of pre-school age. The report further states that the majority of Ukrainian citizens registered in Latvia are now employed in the industrial sector (21.6 percent) followed by commerce, automobile and motorcycle repair (17.2 percent) as well as accommodation and catering services (17 percent). The Special Representative commends Latvia for its efforts to aid Ukrainian refugees with the particular focus on prevention. Nevertheless, he notes that as the war against Ukraine persists, more sustainable solutions are needed to reduce the vulnerability of these persons fleeing war, including stable housing, access to social services and welfare, as well vocational training, language courses and child care. Given the information above on the sectors where Ukrainians are increasingly employed and the increasing risk of deceptive recruitment of girls and women into prostitution, systematic monitoring of workplaces and online platforms is crucial to detect and prevent trafficking for various exploitative purposes.

67. With regard to the prevention of labour exploitation, which is an increasing form of trafficking in the country, there are approximately 100 labour inspectors in the country with some of them specialized in certain areas, such as wages or illegal employment which is the focus of approximately 15-20 inspectors' in Riga. The decision of the businesses or sectors for inspection is prioritised based on claims/complaints received about remuneration, lack of contract or agreement which often sent by workers of construction and transportation sectors. One of the areas of persistent concern is exploitation of posted workers which triggered the amendment to the Labour Code introducing mandatory requirements to the employment contract such as information in a language understandable to the job seeker, on social welfare and remuneration. The Special Representative notes guidelines and checklists developed for labour inspectors and yet to be applied in practice. To encourage reporting of exploitation by workers, a self-reporting tool in the form of a questionnaire was developed by the labour inspectorate and disseminated among workers. In this regard, the Special Representative notes the existence of electronic versions of self-reporting tool developed and used in some OSCE participating States which enables wider outreach and more rapid reporting.
68. According to interlocutors, while licensed companies in Latvia are being inspected twice a year according to the checklist, there is no institution responsible for inspecting companies that operate without license. Information about the cases of detection of such businesses is sent to the police and revenue services; which agency takes action against those businesses appears to be unclear.
69. The Special Representative notes the Joint Statement³¹ signed by the State Secretary of the Ministry of Interior on June 9, 2021 on the commitment to work against human trafficking for the purpose of labour exploitation in the countries of the Baltic Sea region.³² The commitment provides for the improvement of the legislative framework,

³⁰ [Majority of Ukrainian refugees in Latvia employed in the industrial sector - Baltic News Network - News from Latvia, Lithuania, Estonia \(bnn-news.com\)](#)

³¹ Along with Latvia, nine other Baltic Sea countries have joined the Joint Statement - Denmark, Estonia, Iceland, Lithuania, Finland, Norway, Poland, Germany and Sweden.

³² CBSS Member States adopt "Joint statement of commitment to work against human trafficking for labour exploitation", available at <<https://cbss.org/2021/06/09/cbss-member-states-adopt-joint-statement-of-commitment-to-work-against-human-trafficking-for-labour-exploitation/>>

monitoring and practical cooperation with employers, and providing adequate protection and assistance to victims of human trafficking. The Special Representative notes currently there is no supply chain due diligence legislation in Latvia. As discussed during the visit, the European Union has issued a draft directive on due diligence and a ban on products made with forced labour. While the EU is progressing in this direction, member states are advised to consider how to implement such provisions at the national level, including where to house the appropriate regulatory body. Prior to the passage of the EU directive, it is similarly important to increase the capability of professionals to detect trafficking and labour exploitation within supply chains. In this regards, he recommends that Latvia engages in dialogue with the private sector to understand the needs and constraints of businesses in regard to CTHB and labour exploitation in their supply chains and provides guidance on how businesses can identify and mitigate risks; and develops and adopts specific laws and policies on due diligence in supply chains and public procurement. Including provisions related to responsible business conduct in government contracts and requiring public tenders to include provisions on THB and labour exploitation would constitute a reasonable starting point.

70. In conclusion, while positively noting the commitment and numerous steps taken by the Government of Latvia to prevent and counter human trafficking, particularly through strong policy adoption, the Special Representative encourages the authorities to continue their efforts and invites them to consider the following recommendations to enhance the implementation of OSCE anti-trafficking commitments, in particular the OSCE Action Plan to Combat Trafficking in Human Beings and its Addenda³³. The Special Representative and his Office stand ready to provide technical assistance, if requested, by national and local authorities, as well as civil society, and welcomes further dialogue and co-operation to promote appropriate follow-up to these recommendations.

³³ OSCE Permanent Council, Decision No. 557/Rev.1 *OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005); OSCE Permanent Council, Decision No. 1107 *Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later* (Vienna, 6 December 2013).

VIII. Recommendations

1. Enhance legal, policy and institutional framework by:

- Ratifying ILO Convention 189 concerning Decent Work for Domestic Workers.
- Ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 2003.
- Amending legislation and policy guidance to include explicit references to “the irrelevance of victim consent” to the intended exploitation in line with the international instruments.
- Completing the analysis of the Criminal Law Sections on human trafficking and other offences such as Sections 162¹ - 165¹ with the view to ensure their correct application in practice by criminal justice practitioners and the judiciary.
- Upgrading the position of the National Anti-Trafficking Co-ordinator to allow for more effective strategic co-ordination across the entire government and to ensure anti-trafficking remains high on the political agenda of the government.
- Ensuring the renewed mandate and the tasks of the Inter-Institutional Working Group provides for effective co-ordination and strategic decision-making process including by possessing the authority to assigning tasks and activities to all state agencies and organizations party to the National Action Plan.
- Allocating sufficient financial resources for implementation of the National Action Plan (NAP) to allow for designing and implementation of robust measures to raise awareness within the criminal justice system of national and international law on trafficking and enforce its implementation;
- Envisaging specific actions to address the increasing prevalence of online exploitation of children and adults, including by establishing partnerships with private agencies such as technology companies to develop specific tools; establishing regular joint capacity building and consultation among various agencies, such as cybercrime, organized crime and trafficking criminal and social justice practitioners; and provide for adequate accommodations to all trafficking victims.
- Finalizing the process of designating an independent National Rapporteur on human trafficking in line with the NAP.

2. Enhance victim identification, assistance and protection by:

- Developing strategies for better proactive outreach and identification of victims of all forms of trafficking in Latvia, such as mapping high-risk areas and sectors prone to exploitation. This also includes developing a strategy to combat trafficking of children and

adults for sexual exploitation online, including through building partnerships with online platforms and expanding the focus of the Latvian Safer Internet Centre to identify online exploitation of adults along.

- Addressing online platforms that ignore risks or facilitate exploitation on their platforms through policy action requiring implementation of safety measures; risk assessments; due diligence and monitoring for illicit content; reporting to authorities; and enhanced transparency. Policies should also provide for enforcement by authorities and liability for harms occurring on or through the platforms.³⁴

- Designing and implementing regular, sustained and targeted measures, including by engaging the administration of child institutions to detect and prevent any forms of exploitation against children residing in these institutions.

- Developing and implementing training on identification and referral of victims of various forms of trafficking for relevant authorities, especially front-line officers who may be the first ones in contact with a potential victim of trafficking, including law enforcement, labour inspectors, social workers, and staff of child welfare institutions.

- Enhancing measures to identify victims of trafficking among persons in asylum processes and in detention facilities for irregular migrants including by developing screening tools to assist immigration and asylum officers in reviewing the process.

- Ensuring that granting of residency permits to trafficked persons is not conditional on their co-operation with the criminal proceedings to be consistent with the unconditional assistance scheme required by Latvian legislation which provides for dual identification mechanism for assistance purposes.

- Reviewing the existing rehabilitation scheme to ensure that the period for rehabilitation and the services provided are tailored to victims' needs and sufficiently funded for the duration of the rehabilitation.

- Conducting a nation-wide assessment on the accessibility and sufficiency of specialized accommodation for trafficking victims including by assessing the effectiveness of the current approach to accommodation which includes placement in rented flats and hotels.

3. Enhance the criminal justice response to all forms of human trafficking by:

- In light of the review process of practical application of Criminal Law provisions, developing and updating where necessary internal guidance and policy on action against trafficking in human beings to ensure explicit references to elements of human trafficking and key principles guiding anti-trafficking work, i.e. irrelevance of consent.

³⁴ [Policy responses to technology-facilitated trafficking in human beings: Analysis of current approaches and considerations for moving forward | OSCE](#)

- Enhancing efforts to criminalize and prosecute users of services of trafficking victims under the Criminal Law Section 164 by collecting evidence through the use of special investigative techniques, including by making use of financial investigations to identify perpetrators through payment systems.

- Establishing police-prosecutor collaboration at early stages of investigations of all trafficking cases regardless of their complexity to build stronger cases with less reliance on victim testimonies.

- Urgently conducting regular and sustained training for district prosecutors who are newly assigned to human trafficking offences across the country to ensure the transfer of the trafficking prosecution mandate from regional to district level prosecutor does not create a void in knowledge and skills to hold trafficking offenders accountable.

- Allocating specialized human and financial resources to law enforcement and prosecutors to investigate human trafficking facilitated through the internet, including through continuous multi-department/agency training and capacity building activities to benefit from specialized technology tools which could scale up the fight against human trafficking.

- Expanding the focus of Latvian Financial Intelligence Unit to all forms of trafficking including on sexual exploitation happening in online platforms and developing tailored and co-ordinated actions to increase detection and prevention of trafficking related financial flows.

4. Enhance prevention of human trafficking by:

- Increasing and supporting prevention efforts by focusing on the demand that fosters all forms of trafficking through designing and implementing targeted measures in educational institutions targeting youth and adolescents, as well as campaigns directed toward potential perpetrators and bystanders. This also includes incorporating efforts to discourage demand – including disruption and deterrence - into the next NAP, making it a strategic priority with adequate funding and resources. The next NAP should also take into account the gender dynamics of demand, and include encouraging partnerships between national authorities, CSOs, victim/survivor organizations and the private sector to take advantage of their individual expertise and experiences.

- Enhancing the measures to identify victims of labour exploitation through increasing outreach activities and unscheduled inspections to industries prone to exploitation, such as agriculture, textile, tourism and hospitality and domestic work. These measures should also include policy or guidance to monitor, detect and address companies working without licenses which are prone to engage in labour exploitation.

- Ensuring prevention of trafficking for various forms of exploitation of persons fleeing the war against Ukraine by designing and implementing long-term assistance measures in line with the recommendations issued by the Special Representative.³⁵

- Engaging in dialogue to understand the needs and constraints of businesses in regard to CTHB and labour exploitation in their supply chains and providing guidance on how businesses can identify and mitigate risks; develops and adopts specific laws and policies on due diligence in supply chains and public procurement; including provisions related to responsible business conduct in government contracts and requiring public tenders to include provisions on THB and labour exploitation.

³⁵ [Recommendations on enhancing efforts to identify and mitigate risks of trafficking in human beings online as a result of the humanitarian crisis in Ukraine | OSCE](#)

ANNEX I

Programme of the visit

Tuesday, 22 March 2022	
15:00-16:00	Meeting with the Latvian Safer Internet Centre
Wednesday, 23 March 2022	
09:00-10:30	Meeting with anti-trafficking NGOs
12:30-14:00	Meeting with the National Anti-Trafficking Co-ordinator, the Ministry of Internal Affairs
14:30-15:30	Meeting with the State Border Guard and the office for Citizenship and Migration Affairs
15:30-16:30	Meeting with the State Police
Thursday, 24 March 2022	
09:00-10:00	Meeting with the Latvian Financial Intelligence Unit
10:00-11:00	Meeting with the Prosecution Office
11:00-11:50	Meeting with Judges of Supreme Court and Riga Regional Court
11:50-13:00	Meeting with the Ministry of Justice and the Latvian Judicial Training Centre
14:00-15:00	Meeting with Ombudsman Latvia
15:00-15:45	Meeting with welfare sector (child protection and social rehabilitation)
15:45-16:30	Meeting with the State Employment Agency, State Labour Inspectorate, the Ministry of Welfare
Friday, 25 March 2022	
09:00-09:30	Meeting with the Minister of Interior, Ms. Mara Golubeva
10:00-11:00	Meeting with the Parliament Commission for Defence, Home Affairs and Prevention of Corruption and Committee on Legal Affairs
11:30-12:30	Visit to the Shelter Safe House
13:30-14:00	Press Conference
14:00-15:00	Final briefing to the Inter-Ministerial Group

ANNEX II. Comments and Remarks of the Government of the Republic of Latvia on the Report of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey, following the official country visit to Latvia 22-25 March 2022



Iekšlietu ministrija

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Ministry of the Interior of the Republic of Latvia presents its compliments to the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Mr. Valiant Richey, and wishes to thank Mr. Richey and his team for the country report and recommendations to improve Latvia's response to trafficking in human beings. We wish to assure that these recommendations are highly valued and used when selecting interventions and shaping the anti-trafficking policy.

The report and recommendations have been consulted with all relevant national authorities and in accordance with the comments received, we wish to provide both general and specific comments to the report.

Page 5, paragraph 15. Latvia welcomes the recommendation to include an explicit reference to the irrelevance of a victim's consent to the intended exploitation in the legal framework in line with international instruments and develop targeted capacity building activities for criminal justice practitioners. At the same time, it is important to explain that according to the national legal framework, which is developed in accordance with the international and EU regulations, when all three elements of trafficking (two in cases of minors) are detected during the criminal proceeding, the victim's consent is considered irrelevant.

Page 7, Paragraph 24, part "*In March 2021, the Ombudsman convened a discussion on the role and functions of the National Rapporteur in Latvia and in Europe*". The Ombudsman convened a discussion with the National Coordinator in March 2021 and in November 2021 the Ombudsman provided a presentation at the meeting of the Inter-ministerial working group on functions of the National Rapporteur and positions of National Rapporteur in EU countries.

Page 8, Paragraph 25. The project "Effective implementation of the monitoring and deportation process (stage 1)" (No. TSB/PMIF/2018/1)³⁶ had several activities and the Ombudsman focused attention not only on minors, but all age groups were covered within the project. It should be clarified that as a result of the project, the staff of the Office of the Ombudsman, in cooperation with the State Border Guard, developed a training material on the detection of victims of human trafficking during the forced return process. In this regard, on 16 November 2020 and 26 November 2020, the staff of the Ombudsman's Office organised two training seminars to enhance the detection of possible victims of human trafficking in the process of forced return. In total, 42 participants from the State Border Guard, Custody Courts, the State Inspectorate for the Protection of Children's Rights, "Shelter "Safe House", "Centre MARTA" and "Latvia Red Cross" association attended the training. In addition, the Ombudsman also organised another virtual training in May 2021. In total, 25 persons participated in this training - 9 officials of the State Border Guard, 1 official of the College of the State Border Guard, 5 members of Custody Courts, 1 representative of the Society Integration Fund, 5 non-governmental organizations, 3 representatives of the Directorate of Citizenship and Migration Affairs and 1 representative of the attorneyship.

Page 13, paragraph 41. Please be informed that the launch of the Barnahus model has been delayed and is currently planned for the second part of 2023.

Pages 13 - 14, paragraph 44. Latvia would like to provide additional information on the measures taken during the asylum procedure. The State Border Guard and the Office for Citizenship and Migration Affairs are two main institutions that are working with asylum seekers and are front line institutions that can detect possible trafficking. Both institutions are using the IPSN tool (<https://ipsn.easo.europa.eu/lv>) to identify people with special needs, including victims of trafficking in human beings. This tool provides necessary information for detection and allows to map case management measures for each individual. In addition, both the Office for Citizenship and Migration Affairs and the State Border Guard undergo regular trainings on identification. The State Border Guard has developed the Train the Trainer programme on the topic of trafficking in human beings, the College of the State Border Guard regularly updates their programmes with the latest information about the trafficking in human beings. For example, within the framework of the project "Effective implementation return process and observance procedure" phase 1, a number of officers participated in trainings, and training materials of this project were integrated in the courses of the State Border Guard College. The migration officers also regularly undergo IPSN learning modules, and other national and international trainings, when available. Thus, taking into the consideration that both institutions already have tools to detect possible trafficking victims, the establishment of a new screening tool could cause some confusion and administrative burden, and the need of such tool should be carefully assessed.

Paragraph 52 and page 25, paragraph 3. Since the 1st January 2023 all criminal proceedings under Criminal Law 154.¹, 165, and 165.¹, including from regions, will be supervised by the Multidisciplinary Prosecution Office which institutionally is located under Riga District Court Prosecution. Both prosecutions have designated prosecutors with speciality in cases of trafficking in human beings. In this regard, the prosecutors from the Multidisciplinary Prosecution Office and Riga District Court Prosecution will be the main target group of trainings.

³⁶ Information about the project: <https://www.tiesibsargs.lv/news/tiesibsarga-birojs-piedalas-projekta-efektiva-noverosanas-un-izraidisanas-procesa-realizesana-1-posms/>

Page 16, paragraph 54. Latvia fully agrees with the recommendation that in all trafficking cases as soon as possible the round tables of law enforcement and prosecution must be established, including, when relevant, before launching the criminal proceeding. The specialised unit at the State Police is already working according to this approach, and actively involves prosecutors at an early stage of investigation. To strengthen this approach, continuous and regular trainings are necessary in order to develop and maintain common understanding of the trafficking crime, victims' vulnerabilities, and trauma bond. Thus, to acquire common understanding the development of guidelines should be considered as well, while being cautious that the trafficking crime is mutable and law enforcement and criminal justice actors must be aware of new trafficking trends that fall out of established knowledge about the trafficking crime.

Page 17, paragraph 58. Latvia would like to inform that in 2022 the non-punishment principle has been implemented in accordance with the Criminal Procedure Law Section 379 paragraph 5 that provides for the exoneration of trafficking victims from the crimes they were forced to commit in the course or as a result of being subjected to human trafficking. A person, while being trafficked, was forced to do a petty crime. Upon results of the investigation charges against petty crime were lifted in accordance with the Criminal Procedure Law Section 379 paragraph 5.

Page 21, paragraph 67 mentions that there are 100 labour inspectors in the country with some of them specialised in certain areas, such as wages or illegal employment which is the focus of approximately 15-20 inspectors' in Riga. We wish to underline that formally there is no such specialisation and all inspectors must have knowledge and skills on recognising potential trafficking and labour exploitation. For this purpose, inspectors can use internal guidelines.

Page 25, bullet point 8, part “Designing and implementing regular, sustained and targeted measures, including by engaging the administration of child institutions to detect and prevent any forms of exploitation against children residing in these institutions.” In 2022, the Ombudsman launched a new initiative on educating children and employees of childcare institutions (i.e. Custody Courts) about the risks of human trafficking. The employees of the Office of the Ombudsman visited two children and youth centres of Riga municipality, where they educated about 20 young people about the risks of human trafficking. Subsequently, two lectures were also held for approximately 50 employees of these institutions. It is already planned to continue this activity, possibly in cooperation with a non-governmental organisation, in 2023, covering both the other custody institutions in Riga and all the regions.

Page 26, recommendation “Ensuring prevention of trafficking for various forms of exploitation of persons fleeing the war in Ukraine by designing and implementing long-term assistance measures in line with the recommendations issued by the Special Representative.” Latvia would like to highlight that a number of immediate, short-term and long-term measures have been taken by Latvian authorities to support people fleeing the war in Ukraine. In this regard, Latvia's government would like to express gratitude to Ms. Tetiana Rudenko who carried out a workshop in Latvia in December 2022 on the Recommendations of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings on the need to enhance anti-trafficking prevention amid mass migration flows. The tools given during the workshop allowed authorities to conclude that many of the recommendations have already been implemented Latvia, while highlighting the areas that need considerable improvements.

Page 26, recommendation “*Ensuring that granting of residency permits to trafficked persons is not conditional on their co-operation with the criminal proceedings to be consistent with the unconditional assistance scheme required by Latvian legislation which provides for dual identification mechanism for assistance purposes.*” Section 23, part six of the Immigration Law defines the right of the responsible investigator to request a temporary residence permit for a foreigner who is not a citizen of the EU and has been recognised as a victim of human trafficking, as well as for an accompanying minor child for a period of not less than six months. The Immigration Law article 5 part four defines the right of a foreigner who is not a citizen of the EU and has been recognised as a victim of human trafficking, as well as an accompanying minor child, to stay in Latvia without a visa or residence permit until the reflection period has expired or been interrupted or the decision on temporary residence has been granted.

In addition, the Immigration Law article 23 part three has granted the right to a foreigner a temporary residence permit for five years in cases not provided for in this Law, if it complies with international legal norms or is related to humanitarian considerations. When granting a temporary residence permit to a person in accordance with article 23, part three, clause 2 of the Immigration Law, the compliance of the circumstances of the person's case with the existence of humanitarian considerations is evaluated. The term "humanitarian considerations" is a general clause, the content of which is not specified in detail neither in the Immigration Law, nor in other legal acts. It must be underlined that it is impossible to find one regulation that would fit all situations, therefore the mandate of issuing the decision on humanitarian considerations is given to the Chief of the Office for Citizenship and Migration Affairs. Several criteria and aspects are taken into consideration in the decision to issue a permit on the grounds of humanitarian considerations. Mostly, humane considerations are applicable in exceptional cases, that is, those are circumstances related to a person's individual severe moral experiences or great physical pain directly to the person himself. These could be subjectively burdensome conditions for a person, in which compliance with certain requirements or prerequisites would be excessively difficult - to such an extent that it can be recognised as an inhumane requirement.

In addition, in accordance with the subsection 11.13 of the Cabinet of Ministers Regulation No. 557 "Regulations on the state fee for the examination of documents necessary for requesting a visa, residence permit or a permanent resident of the European Union in Latvia and the related services", a foreigner, who has been granted the status of a victim of human trafficking is exempted from paying the state fee for examining the documents submitted for requesting a temporary residence permit; issuance of a residence permit, if the previous residence permit is lost or damaged, or the data included in it has changed; on the examination of the documents submitted for the registration of the temporary residence permit.

The Immigration Law article 9 part five point 18 stipulates that a foreigner who has received a temporary residence permit as a victim of human trafficking is granted the right of an employment without restrictions. A foreigner who has received a temporary residence permit based on the decision of the Chief of the Office for Citizenship and Migration Affairs also has the right of employment without restrictions.

State Secretary Dimitrijs Trofimovs