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2019 Trafficking in Persons Report: Latvia

LATVIA: Tier 2

The Government of Latvia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Latvia remained on Tier 2. These efforts included seizing approximately \$2.3 million in assets from suspected traffickers; increasing the maximum amount of state compensation victims are legally able to receive; and collaborating in international anti-trafficking cases and projects. However, the government did not meet the minimum standards in several key areas. Authorities investigated fewer trafficking crimes and prosecuted fewer suspected traffickers. Many judges and prosecutors lacked a sufficient understanding of all forms of trafficking and applying anti-trafficking laws, resulting in courts issuing sentences with no prison time and fewer overall convictions. Officials enrolled fewer new victims, including no child trafficking victims, into the state assistance program; nevertheless, children in state orphanages remained vulnerable to sex trafficking. Additionally, children in state orphanages remained ineligible for state-funded trafficking victim assistance program benefits.

PRIORITIZED RECOMMENDATIONS

Vigorously investigate and prosecute trafficking cases under the trafficking statute (Section 154-1 of the criminal law) and punish convicted traffickers with prison sentences. • Identify trafficking victims, particularly minors in state care institutions induced into commercial sex, victims of sexual exploitation in Latvia’s legal prostitution industry, and foreign workers in the agriculture and construction industries. • Amend regulations to allow for the enrollment of persons from state care institutions, such as orphanages, into the state-funded victim assistance program. • Establish a dedicated unit of prosecutors specializing in trafficking issues. • Expand efforts to train officials involved in judicial proceedings, particularly prosecutors and judges, to understand all forms of trafficking and apply anti-trafficking laws. • Increase anti-trafficking training for law enforcement officials on working with victims, evidence collection, and understanding psychological coercion. • Provide specialized services to child trafficking victims in residential institutions. • Train authorities from agencies tasked primarily with non-trafficking issues, such as the State Labor Inspectorate, State Employment Agency, State Border Guard, the Office of Citizenship, and Migration Affairs (OCMA), to identify trafficking cases for investigation and refer victims for assistance.

PROSECUTION

The government decreased law enforcement efforts. Sections 154-1 and 154-2 of Latvia's criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to eight years' imprisonment for offenses involving adult victims and between three and 12 years' imprisonment for offenses involving child victims. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Judges and prosecutors had the power to reclassify cases from Section 154-1 to lesser crimes. Trafficking crimes could be charged under Section 164, which criminalized exploiting vulnerability or using deceit to involve individuals in prostitution with prescribed penalties as lenient as community service or a fine. Additionally, law enforcement reportedly were more likely to investigate and charge suspected traffickers for crimes other than trafficking, such as pimping and transfer for sexual exploitation. Authorities used Section 165-1, which prohibited the transfer of individuals for the purpose of sexual exploitation, to prevent potential cases of trafficking by charging perpetrators who attempted to recruit individuals for sexual exploitation schemes abroad.

The State Police's anti-trafficking unit, comprising 19 officers, specialized in investigating trafficking, brokered marriages, and related crimes. In 2018, investigations and convictions continued a multi-year decline. Police investigated four new cases (three sex trafficking and one labor trafficking) involving eight suspects under Section 154-1, compared with seven cases involving four suspects in 2017. Authorities indicted one trafficker under Section 154-1, compared with three in 2017. Courts convicted one trafficker in 2018, compared with four in 2017. The convicted trafficker received a conditional sentence of five years, resulting in no prison time. Under Section 165-1, authorities investigated two new cases, indicted one defendant, and convicted one suspect, who did not receive a prison sentence. By comparison, in 2017, authorities investigated eight cases, indicted five defendants, and convicted six suspects. In 2018, the anti-trafficking police unit seized approximately \$2.3 million in assets from suspected traffickers. The prosecutor general's office completed three judicial assistance requests in trafficking cases from the United Kingdom and Ukraine, and the government extradited four traffickers to the United Kingdom as a result of a 2017 joint investigation on a labor trafficking case. A 2014 case involving two Riga police officers charged with facilitating pimping remained in court at the end of the reporting period.

Perennial issues within the judicial system, such as lengthy trials and lenient sentences, which often resulted in no jail time for convicted traffickers, limited Latvia's prosecution efforts. Furthermore, unlike the police, neither the prosecutor general's office nor the courts had units of prosecutors or judges specializing in trafficking or staff dedicated to trafficking issues. Consequently, prosecutors and judges possessed a limited understanding of trafficking. Experts reported the need for more training for judges, prosecutors, and law enforcement, particularly on applying anti-trafficking laws, working with victims, evidence collection, and understanding psychological coercion. The government supported such educational efforts during the reporting period by organizing a two-day training on prosecution and victim protection issues for 115 participants, including judges, prosecutors, police, and NGO representatives. Additionally, Latvia's judicial center coordinated various courses on trafficking for

prosecutors, judges, and judges’ assistants; however, only four percent of the total number of currently appointed judges registered for the training. Latvia’s municipalities also organized a nine-part training series for police, attorneys, and prosecutors on victim identification, at-risk groups, rehabilitation, and interagency cooperation, and the State Border Guard trained its border guards in victim identification.

PROTECTION

The government maintained efforts to protect victims. The government contracted two NGOs to assist victims in the state-funded, NGO-run victim assistance program. This program offered victims medical and psychological assistance, legal representation, housing, and reintegration services. The government allocated the same amount of funding for the program as in 2017—€135,110 (\$154,940). Authorities enrolled victims in the program based on decisions by either law enforcement or an NGO-led panel of experts. Authorities enrolled 20 new victims (24 victims in 2017). Ten were adult males; 10 were adult females. Eleven were victims of labor exploitation, including forced criminal activities; five of domestic or international sex trafficking; and four of forced sex or labor trafficking as a result of brokered marriages. All victims in the state program were Latvian nationals. While the government reported concerns of suspected labor trafficking of Ukrainian guest workers in the Latvian agriculture and construction industries, no victims were identified. Government regulations on assistance to trafficking victims limited state-funded rehabilitation services to six months, although victims whose cases went to trial received assistance, mostly legal counselling, for the duration of the legal proceedings. Police, immigration, and social services had written procedures for identifying victims. The government’s trafficking working group reported most government agencies lacked either the practical experience or willingness to identify victims. Experts noted agencies tasked primarily with non-trafficking issues, such as the State Labor Inspectorate, State Employment Agency, State Border Guard, and the OCMA, rarely referred trafficking cases for investigation or victims for assistance. Identifying child sex trafficking victims domestically remained a challenge, and the government did not identify any such victims in 2018. Observers expressed concern that state orphanages did not report cases of commercial sexual exploitation of institutionalized minors and instead gave victims limited assistance available onsite. Regulations did not allow persons from state care institutions, such as orphanages, to enroll in the state trafficking victim assistance program. Experts also expressed concern about human trafficking in Latvia’s legal prostitution industry, noting law enforcement’s focus on fining individuals who were not in compliance with prostitution regulations or other criminal statutes rather than on identifying potential victims.

NGOs reported good cooperation with law enforcement on trafficking investigations. Seven victims in the state rehabilitation program cooperated with law enforcement in 2018 (13 in 2017); male victims were often reluctant to work with police. In 2018, the state compensation program provisions changed, increasing the maximum amount of state compensation to up to 90 percent of five months’ salary at minimum wage. Four trafficking victims received compensation from the State Agency for Judicial Assistance, which administered the victims’ compensation program. Two trafficking victims received state-funded repatriation and other services through the state assistance program.

PREVENTION

The government increased prevention efforts. The anti-trafficking working group monitored efforts, facilitated inter-ministerial information exchange, and implemented the 2014-2020 national action plan. Several ministries published quarterly and annual reports on trafficking, including a survey on the scope and social backgrounds of identified victims. The government participated in a project assisting the Government of Moldova in implementing international anti-trafficking standards. The government also participated in a multi-country project, establishing a comprehensive approach to the prevention and investigation of labor trafficking cases, particularly cases combining economic crime and illicit financial flows. The Office of the Ombudsman in conjunction with an NGO monitored sexual abuse in orphanages and boarding schools to identify the risks of sex trafficking in this sector. The government amended Latvia's law on tourism to require the licensing of tourism operators to reduce the risks of child sex tourism and increase controls over safe tourism. The state monitored the activities of licensed employment agencies and canceled licenses for 12 agencies in violation (34 in 2017). Various ministries contributed to a number of awareness-raising activities, including promoting campaigns focusing on safe travel and labor exploitation. The government maintained emergency helplines that received 56 calls on potential trafficking situations; specialists referred eight cases to law enforcement and NGOs.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and, to a lesser extent, foreign victims in Latvia, and traffickers exploit victims from Latvia abroad. Traffickers subject Latvian women and girls to sex trafficking in Latvia and other parts of Europe. Latvian women recruited for brokered marriages in Western Europe are vulnerable to sex trafficking, domestic servitude, and forced labor. Traffickers target single women with limited education, minors from disadvantaged families, students, unemployed adults, and people with mental disabilities by word-of-mouth and through social media. Children in state orphanages are particularly vulnerable to sex trafficking. Latvian men and women are subjected to forced labor, mainly in other parts of Europe. Government officials report concerns of possible domestic labor trafficking of Ukrainian guest workers in the agriculture and construction industries.

ecoi.net summary:

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