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2023 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 with the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacities; therefore Latvia remained on Tier 2. These efforts included investigating and convicting more traffickers and assigning two specialized prosecutors to consult on trafficking cases. As part of an international project, the government cooperated with foreign governments on two studies analyzing law enforcement needs in investigating trafficking cases and best practices for victim identification. Furthermore, the government conducted and funded several national public awareness campaigns, including one on sexual violence against children, including trafficking, and how to report cases and find assistance. However, the government did not meet the minimum standards in several key areas. Authorities identified significantly fewer victims, particularly among vulnerable populations, including children in state social care centers such as orphanages. Moreover, police inappropriately penalized trafficking victims for unlawful acts committed as a direct result of being trafficked. Many judges, prosecutors, and police lacked a sufficient understanding of all forms of trafficking and how to apply anti-trafficking laws. Finally, the development and implementation of the NRM remained at a standstill.

PRIORITIZED RECOMMENDATIONS

- Proactively identify trafficking victims, particularly children in social care centers forced into commercial sex, victims of sex trafficking in

Latvia's legal commercial sex industry, and labor trafficking victims among vulnerable groups and third country nationals.

- Enforce the non-punishment provision and cease inappropriately penalizing victims solely for unlawful acts committed as a direct result of being trafficked.
- Develop and implement an NRM to include guidance on identification, referral, and information exchange among stakeholders.
- Investigate, prosecute, and convict traffickers under the trafficking statute (Section 154-1 of the criminal law) rather than for lesser crimes.
- Ensure all victims know their rights, the services available to them, the implications of being formally identified as a trafficking victim, and subsequent possibilities for state protection.
- Broaden legislative parameters to allow all potential foreign victims, regardless of whether authorities classify them as formally identified trafficking victims, sufficient time in country to consider assisting authorities in criminal proceedings.
- Expand efforts to educate officials involved in judicial proceedings, particularly prosecutors and judges, on all forms of trafficking and the application of anti-trafficking laws.
- Increase anti-trafficking training for law enforcement, particularly regional police officers, on working with victims, collecting evidence, and understanding all forms of trafficking and psychological coercion.
- Increase access to shelters and specialized services for male trafficking victims.
- Provide long-term assistance, such as housing, to victims after completion of the state-funded assistance program.
- Issue a new mandate for the anti-trafficking working group to continue its work.

PROSECUTION

The government increased 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 crimes involving adult victims and between three and 12 years' imprisonment for crimes 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 other crimes. Prosecutors could charge trafficking crimes under Section 164, which criminalized exploiting vulnerability or using deceit to involve

individuals in commercial sex; Section 165, which criminalized benefiting from the prostitution of others; and Section 165(1), which criminalized the transfer of individuals for the purposes of sexual exploitation. All these provisions prescribed penalties of up to five years' imprisonment, community service, or a fine. The penalties were increased if the crimes involved children or other aggravating circumstances. Law enforcement officials reportedly were more likely to investigate and charge suspected traffickers for these crimes, rather than trafficking, which required a higher standard of proof.

In 2022, authorities investigated nine new trafficking cases (four sex trafficking, four labor trafficking, one unspecified form of trafficking), a notable increase from three cases, under Section 154-1 in 2021. Authorities prosecuted two suspects (both for labor trafficking) under Section 154-1, compared with four suspects in 2021, and courts convicted six traffickers, a significant increase from one trafficker in 2021. Of the six convicted traffickers, five received jail time between five and six years, and one received a suspended sentence of two and a half years. Under Section 165-1, authorities investigated one new case, prosecuted two suspects, and convicted three traffickers (sentences included imprisonment and two suspensions). By comparison, in 2021, authorities investigated two new cases, prosecuted one suspect, and convicted four traffickers (sentences included imprisonment, suspension, reversal, and cancellation due to death). In 2022, the government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes; however, courts convicted two police officers for "pimping" and taking bribes from the operator of an illegal brothel, resulting in one fine and one suspended sentence of five years. Latvian authorities cooperated with European counterparts on several trafficking-related investigations, judicial assistance requests, and one extradition. To enhance law enforcement's response to trafficking and authorities' collaboration with other stakeholders, the government participated in a project with the Governments of Estonia and Finland to strengthen law enforcement's knowledge of and approach to trafficking. Under the project, the government conducted two studies analyzing law enforcement needs in investigating trafficking cases and best practices for victim identification.

In 2022, as a result of internal reforms, the State Police and Prosecutor General's Office (PGO) restructured their respective anti-trafficking units. The State Police incorporated the anti-trafficking unit into a new unit that investigated both trafficking and sex crimes and decreased its overall number of investigators from 18 to 16 officers. The unit remained the leading anti-trafficking unit for investigations, prevention, and outreach. Similarly, the PGO incorporated the specialized prosecution section, which reviewed, monitored, and managed all Riga District Court trafficking-related cases pertaining to Section 154-1, into a larger multisectoral prosecution unit that worked on other types of cases in addition to

trafficking. In the rest of the country, regional prosecution offices investigated and prosecuted trafficking cases. The PGO assigned two prosecutors from the former specialized prosecution section to consult on trafficking cases for prosecutors in other regions. While each of the five regional police boards employed anti-trafficking specialists, the State Police's anti-trafficking unit investigated most trafficking cases. NGOs reported police outside of Riga had limited motivation to pursue trafficking cases and difficulty identifying victims. NGOs also reported regional police began investigating trafficking-related crimes only after involving Riga's anti-trafficking unit. Observers warned such a passive approach could lead to the re-traumatization of victims.

Inadequate evidence collection in investigating and prosecuting trafficking cases, limited human and financial resources within law enforcement mostly due to the pandemic and Russia's war against Ukraine, and lengthy trials impeded progress. Pandemic-related illnesses forced a quarantine in a Latvian prison, temporarily delaying the prosecution of several trafficking cases. Reports persisted that police, prosecutors, and judges retained a limited understanding of trafficking and judges lacked qualifications and experience in reviewing trafficking cases. Experts noted the need for more training for authorities, particularly on applying anti-trafficking laws, working with victims, and understanding psychological coercion. To address knowledge gaps, the government provided a range of trafficking-related trainings for police, investigators, prosecutors, and judges, including on types of trafficking, anti-trafficking legislation, risks in the financial sector, and challenges associated with investigations and prosecutions.

PROTECTION

The government decreased efforts to protect victims. In 2022, the government identified 21 trafficking victims (10 sex trafficking, 11 labor trafficking), a significant decrease from 60 (seven sex trafficking, 53 labor trafficking) in 2021, 47 in 2020, and 39 in 2019. Government and NGO representatives attributed the discrepancy to a large labor trafficking case in 2021 that involved a third of the identified victims. Police, immigration, and social services utilized written procedures for identifying victims. Police or an NGO-led panel of experts could formally identify victims; based on that decision, authorities then referred victims to the state-funded assistance program. Experts raised concerns that the lack of a centralized NRM hindered coordination among stakeholders and the provision of assistance to all potential victims. As part of the NAP, the Ministry of Interior (MOI) began developing an NRM to define coordination of anti-trafficking efforts and include exchange of information among stakeholders on victim identification, protection, and referral to services but did not complete it in 2022. The MOI also worked

on developing a new screening tool for law enforcement institutions to use for improved victim identification and referrals. NGOs reported law enforcement institutions had limited capacity to identify victims, particularly labor trafficking victims among vulnerable groups and third country nationals. In 2022, authorities did not identify any trafficking victims among migrants.

The government continued to contract two NGOs to assist victims in the state-funded, NGO-run assistance program, allocating €135,110 (\$144,350), the same as in previous years. However, the government allocated additional funding depending on how many victims they admitted to the program in a given year; in 2022, the government allocated a total of €106,332 (\$113,600), compared with €224,560 (\$239,920) in 2021. The state-funded assistance program offered victims medical and psychological assistance, legal representation, housing, psychotherapy, and reintegration services. Shelters were available to trafficking victims throughout the country. Following the increased number of male labor trafficking victims in recent years, NGOs reported the need for a specialized shelter for men. While NGOs reported the overall quality of victim assistance was high, they noted the government still needed to tailor assistance according to the needs of each victim as many victims were from vulnerable groups, such as individuals experiencing addictions or homelessness, and required specialized support. NGOs emphasized the need for long-term assistance, such as housing, to vulnerable victims after completion of the state-funded program. Government regulations regarding assistance to trafficking victims limited state-funded services to six months, although victims whose cases went to trial received assistance – mostly legal counseling – for the duration of the legal proceedings. Victims who cooperated with law enforcement received 150 state-funded legal or psychological consultations for up to one year after they completed the state-funded assistance program. For child trafficking victims, the government provided an additional 10 psychologist consultations or up to 60 days of state-funded rehabilitation in addition to the state-funded assistance program.

Identifying child trafficking victims remained a challenge for authorities; in 2022, authorities identified only one child victim (zero in 2021). Government officials recognized children living in state social care centers, such as orphanages, were vulnerable to sex trafficking and reported an increase in recent years in allegations involving such children. Observers maintained trafficking was underreported and stated further education of staff at state social care centers could lead to increased understanding of risks and identification of child victims. Recognizing this need, in 2022, the Ombudsman's Office trained social workers and informed children at state social care centers about trafficking. Experts called for an improved child protection system to increase the identification of and assistance for child victims, particularly children with behavioral conditions and in state

social care centers. The Ministry of Welfare (MOW) continued to utilize the interviewing methodology “Barnahus” to respond to witnesses of violence, particularly children; the approach coordinated the child protection and criminal justice response and prevented further traumatization during investigations and court proceedings. The MOW planned to introduce the model in all state institutions by the end of 2023. Child protection services maintained a helpline and website with information about safety measures for child victims of abuse, including trafficking.

Latvian law allowed formally identified foreign victims with no legal residence to receive residence permits and a 30-day reflection period to consider assisting authorities in criminal proceedings. Experts expressed concern the right to a reflection period was conditional on formal identification and recommended amending legislation to broaden the parameters and allow all potential foreign victims, regardless of whether they claimed formal status as trafficking victims, sufficient time to consider assisting authorities in criminal proceedings. Experts also expressed concern that victims from vulnerable groups often did not know their rights, services available to them, implications of being formally identified as a trafficking victim, or subsequent possibilities for state protection. Latvian courts could apply legal provisions, such as closed court hearings, to protect victims and witnesses who agreed to provide testimony. Additionally, courts had digital video capabilities and audio recording equipment to protect victims and witnesses from trafficker-victim confrontation. However, experts reported traffickers continued to intimidate victims, and authorities provided uneven levels of protection during court proceedings. Trafficking victims were eligible to receive restitution from the trafficker in a criminal case, file a civil suit against the trafficker, and receive compensation from the government, but the government deducted any debts owed to the state from compensation amounts. In 2022, 10 victims received compensation (14 in 2021) from the State Agency for Judicial Assistance, which administered the victims’ compensation program, totaling €22,500 (\$21,060). While victims could file for compensation from traffickers, some experts expressed concerns that access to compensation remained sporadic with a complex application process that often required legal assistance. In 2022, nine victims requested compensation from traffickers, and the court ordered compensation in two of those cases. Experts expressed concern about the inappropriate penalization of victims, particularly in Latvia’s legal commercial sex industry, noting law enforcement’s focus was on fining potential victims who were not in compliance with regulations or statutes rather than on identifying victims. The MOI reported police initially detained a victim for criminal activity committed as a direct result of being trafficked but eventually dropped the charges following an investigation. Separately, in 2022, an NGO reported authorities fined a sex trafficking victim for unlawful acts committed as a direct result of being trafficked.

PREVENTION

The government maintained prevention efforts. The government continued to implement the 2021-2023 NAP, which included establishing a national independent rapporteur, developing an NRM, and training investigators, prosecutors, and labor inspectors. While anti-trafficking activities did not have a single national funding source, each state institution's structure and budget included funding for activities. Although the mandate for Latvia's anti-trafficking working group expired in December 2020 and the Cabinet of Ministers did not issue a new mandate, the group, which comprised representatives from the government and civil society, continued to monitor domestic and international developments, facilitate information exchange, and coordinate the government's anti-trafficking response. Several ministries published quarterly and annual reports on trafficking, including a study on trafficking and associated money laundering. In 2022, the government conducted several trainings and informative events to raise public awareness on trafficking issues and maintained public facing websites with trafficking information. The government also conducted and funded national public awareness campaigns, including on employment abroad and associated trafficking risks and on sexual violence against children, including trafficking, and how to report cases and find psychological assistance. The government maintained emergency helplines, and in 2022, four calls resulted in victim identification and referral to the state-funded social assistance program. The State Police continued to participate in a four-year international project aiming to combat sexual exploitation among children by addressing trafficking risks and victim vulnerability. A special police unit focused on preventing child sex tourism and the sexual abuse of children. The government did not make efforts to reduce the demand for commercial sex acts.

In accordance with European Parliament directives, Latvian labor law required employers to regulate working conditions for employees posted abroad. The law also required employers to provide a written contract and minimum wage to employees or face penalties. The State Police monitored job advertisements and responded when employment offers demonstrated trafficking indicators. Legislation prohibited recruitment fees; however, recruitment agencies often imposed legally permissible fees for document preparation. In 2022, the government monitored the activities of licensed employment agencies and canceled 51 licenses for agencies in violation (46 in 2021). With the rise of third country nationals arriving in Latvia for employment in recent years, labor regulations required agencies to provide job-related information to employees in a language they understood. Latvian embassies abroad distributed informative brochures on labor exploitation risks in seven languages. The

government provided guidelines for authorities to use when identifying domestic labor trafficking cases, particularly cases combining economic crime and illicit financial flows. In 2022, the government conducted a social media campaign on labor trafficking risks, highlighting false online job offers. The Ombudsman's Office, in conjunction with the MOI and the State Procurement Monitoring Bureau, launched an informative campaign on risks in public procurement. In the context of a Baltic Sea States project, the MOI conducted a study on labor trafficking cases in the Baltic Sea Region by evaluating victim referral mechanisms in each country using statistical analysis, web surveys, focus group discussions, and semi-structured interviews with professionals and experts.

More than 45,000 Ukrainian refugees have received temporary protection in Latvia since the start of Russia's war against Ukraine in February 2022. In response, the government conducted a public awareness campaign on trafficking risks among refugees fleeing Ukraine. The MOI and an NGO developed, translated, and distributed information brochures in Ukrainian, English, and Latvian on trafficking risks and on how to report the crime. NGOs and government institutions worked together to distribute the brochures at the border and at various refugee assistance centers throughout the country. The MOI introduced measures to broaden its ability to identify and prevent trafficking among refugees fleeing Ukraine. For instance, the State Police and State Border Guards prepared informal guidelines for institutions interacting with Ukrainian refugees that included an algorithm for identifying potential victims, monitoring practices, and cooperating among institutions in trafficking cases.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Latvia, and traffickers exploit victims from Latvia abroad. Traffickers target marginalized communities, single women with limited education, children from disadvantaged families, students, and unemployed adults by word-of-mouth and through social media. Government reports indicate a rise in traffickers exploiting individuals experiencing mental health conditions, addiction, and homelessness, particularly in forced begging or forced criminal activity in Western Europe. Traffickers, typically from wealthier European countries, exploit Latvian women and girls in sex trafficking in Latvia and other European countries. However, in 2022, the government reported all convicted traffickers were Latvian citizens. Latvian women coerced into brokered marriages in Western Europe are vulnerable to sex trafficking, domestic servitude, and forced labor; the husbands in the brokered marriages are third country nationals from Bangladesh, India, and Pakistan who use the marriages to obtain EU residency benefits. Many of these women have

mental health conditions or once lived in state social care centers. Police report a growing number of children being recruited for sham marriages or commercial sex, mainly from state social care centers, from disadvantaged families, or with mental health conditions. Children in state social care centers, including orphanages, are particularly vulnerable to sex trafficking. Government officials note a decrease in reported cases of labor trafficking but highlight the continued risk in Latvia and abroad. NGOs report labor trafficking remains underreported because institutions do not know how to identify victims, especially among third country nationals. Guest workers, particularly men, from India, Kyrgyzstan, Pakistan, Tajikistan, Uzbekistan, and Ukraine, most of whom arrive in Latvia legally with Schengen or student visas and mainly work in the agriculture, construction, food, and forestry industries, are also vulnerable to labor trafficking. The State Labor Inspectorate reports increasing numbers of illegal workers in the construction and transportation industries, including taxi drivers from Uzbekistan and Tajikistan, are at risk of trafficking. As a result of the Lukashenka regime facilitating irregular migration flows across the Latvia-Belarus border, hundreds of migrants from the Middle East, Africa, and Asia remain in flux at the border and are vulnerable to trafficking. Separately, undocumented migrants from Algeria, Pakistan, Russia, and Vietnam, some of whom may be or may become trafficking victims, transit Latvia en route to Western Europe. Foreign nationals and Ukrainian refugees, predominantly women and children fleeing Russia's war against Ukraine and seeking sanctuary, are highly vulnerable to trafficking.

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