

2024 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; therefore Latvia remained on Tier 2. These efforts included prosecuting more traffickers, granting a temporary residence permit to a trafficking victim, and increasing funding for NGO-run assistance programs. In addition, the Ombudsman's Office trained legal professionals and psychologists on identifying child trafficking victims and recognizing trafficking indicators and, in collaboration with the Ministry of Interior (MOI) and the Office for Procurement Supervision, developed guidelines on trafficking risks and labor exploitation in public procurement for state and municipal authorities. Furthermore, the government participated in several international projects and programs, including one on the provision of services to trafficking victims for social workers, addressing interagency cooperation, promoting the integration of knowledge into practice, and developing skills in evaluating trafficking situations. However, the government did not meet the minimum standards in several key areas. Authorities investigated fewer trafficking cases and did not proactively pursue trafficking cases or identify victims, particularly children and third-country nationals, throughout the country, relying heavily on the Riga Regional Police to assume most of the responsibility. Moreover, the government did not consistently raise awareness among victims from vulnerable groups to understand their rights, services available to them, implications of being formally identified as a trafficking victim, or subsequent possibilities for state protection. Finally, the development of the NRM remained at a standstill.

PRIORITIZED RECOMMENDATIONS:

Increase countrywide efforts to investigate trafficking crimes and prosecute and convict traffickers under the trafficking statute (Section 154-1 of the criminal law) rather than for crimes with lesser penalties. * Proactively identify trafficking victims, particularly children in institutions forced into commercial sex and labor trafficking victims among vulnerable groups and third country nationals, throughout the country. * Develop and implement an NRM to include guidance on identification, referral, and information exchange among stakeholders. * 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. * 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. * 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 law enforcement personnel trained to effectively investigate trafficking cases. * Provide or support NGOs in providing long-term assistance, such as housing, to victims after completion of the state-funded assistance program. * Establish an accessible and efficient mechanism for applying and receiving victim compensation and train legal professionals on its use. * Appoint an independent national rapporteur to monitor and assess anti-trafficking activities and policies.

PROSECUTION

The government maintained 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 grave 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 2023, authorities investigated three new trafficking cases (two labor trafficking and one unspecified form of trafficking) under Section 154-1, a notable decrease from nine cases in 2022 but the same as in 2021. Authorities prosecuted four suspects under Section 154-1, an increase from two suspects in 2022, and courts convicted five traffickers, compared with six in 2022. Of the five convicted traffickers, four received jail time ranging from five years to six years and eight months, and one received a suspended sentence. Under Section 165-1, authorities investigated zero new cases, prosecuted zero suspects, and convicted four traffickers (sentences included imprisonment and three suspensions). By comparison, in 2022, authorities investigated one new case, prosecuted two suspects, and convicted three traffickers (sentences included imprisonment and two suspensions). The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes. Latvian authorities cooperated with European counterparts on an extradition, judicial assistance requests, and trafficking-related investigations, including a Joint Investigation Team involving a labor trafficking case with Ireland, Germany, and the United Kingdom. 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 and published a report on trafficking trends, explaining various recruitment mechanisms and trafficking schemes. In 2023, the State Police joined the EUROPOL-led Financial Intelligence Public Private Partnership project, focusing on the latest and most effective ways to detect and combat human trafficking and related crimes, such as money laundering, drug trafficking, and fraud, through public-private cooperation.

As a result of internal reforms over the past few years, the Prosecutor General's Office (PGO) and the State Police restructured their respective anti-trafficking units. The PGO dissolved the specialized prosecution section, which reviewed, monitored, and managed all trafficking-related cases pertaining to Section 154-1, and moved the responsibility to the Multidisciplinary Prosecutor's Office and the Riga District Court Prosecutor's Office, both of which worked on other types of cases in addition to trafficking. Each of these offices had two prosecutors, who specialized in human trafficking, two advisory prosecutors, who consulted on the legal requirements for trafficking cases, and senior prosecutors, who supervised trafficking investigations. Outside Riga, regional prosecution offices investigated and prosecuted crimes related to trafficking, including Sections 164, 165, 165.1. Similar to the PGO, the State Police dissolved the anti-trafficking unit and moved responsibility to the Directorate for Combating Serious and Serial Organized Crime, which investigated regional, inter-regional, and transnational organized criminal groups engaged in human trafficking and sexual crimes against children. The Riga Regional Police also investigated sexual crimes against children, including sex trafficking. Regional offices could initiate trafficking investigations that did not include organized crime; each regional office had one contact person for human trafficking. 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 police. Observers warned such a passive approach could lead to the re-traumatization of victims. The State Police maintained a

dedicated cyber-security unit and cooperated with a Latvian organization promoting a safer internet to detect online sex trafficking. In addition, the Riga Police Children's Unit regularly monitored internet content for online criminal activities involving children.

Limited resources within law enforcement, lengthy trials, and knowledge gaps impeded progress. For several years, the State Police operated with limited staff, impacting pre-trial criminal proceedings, including for trafficking cases. Additionally, a significant number of police officers retired, creating deficiencies in staff and competency. Furthermore, reforms in the court structure and the turnover of judges affected judicial proceedings, resulting in prolonged trials in some criminal cases, including 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 and seminars for police, border guards, social workers, prosecutors, and judges, including on types of trafficking, financial investigations, online investigations, and challenges associated with investigations and prosecutions.

PROTECTION

The government maintained protection efforts. In 2023, the government identified 24 trafficking victims (four sex trafficking, 15 labor trafficking, and five unspecified forms of trafficking), compared with 21 in 2022. Authorities identified 11 foreign nationals and 13 Latvian citizens, of which traffickers exploited five in country and eight abroad. Authorities identified one child trafficking victim, the same as in 2022. Cabinet Regulation No. 889 established procedures for identifying trafficking victims and their eligibility to receive state-funded assistance. Police, prosecutors, 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 MOI was responsible for 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. In 2023, the MOI organized a seminar to discuss the establishment of an NRM with participants from the government and civil society but suspended development due to lack of overall support and belief that the current system worked well. Nevertheless, NGOs reported law enforcement institutions had limited capacity to identify victims, particularly labor trafficking victims among vulnerable groups, including third country nationals and individuals in commercial sex. The State Border Guard (SBG) maintained procedures for the identification and referral of potential victims among asylum-seekers and migrants and conducted training on applying those procedures.

The government continued to contract two NGOs to assist victims in the state-funded, NGO-run assistance program, providing €153,924 (\$170,100) in 2023, a notable increase from €106,322 (\$117,500) in 2022. The state-funded assistance program offered victims counseling, housing, legal representation, medical and psychological assistance, psycho-social support, and reintegration services. State-funded, NGO-run shelters were available to trafficking victims throughout the country. However, the government provided most victims accommodations in apartments or co-operative hotels. NGOs believed, given the small number of victims identified, this was the most optimal system as it allowed services to be customized to the victims' needs, particularly victims from vulnerable groups, such as individuals in commercial sex or experiencing addictions or homelessness. NGOs continued to note 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, who identified only two child victims in the past three years. Government officials recognized children living in state institutions, such as orphanages, were vulnerable to sex trafficking; however, officials did not proactively screen this population for trafficking. Observers maintained trafficking was underreported and stated further education of staff at state institutions could lead to increased understanding of risks and identification of child victims. Recognizing this need, for the third consecutive year, the Ombudsman's Office informed children at state institutions about trafficking and trained legal professionals and psychologists on identifying child trafficking victims and recognizing trafficking indicators. The State Inspectorate for Children's Rights Protection provided an information brochure to children and staff at state institutions, particularly in rural areas, about the risks of trafficking and how to seek assistance. 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 institutions. In 2023, the Ministry of Welfare (MOW) expanded the use of the Barnahus interviewing methodology – a multidisciplinary method, offering a coordinated, child-sensitive approach to preventing re-traumatization during investigations and court proceedings – to respond to child witnesses and victims of violence, including trafficking, throughout the country. 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. In 2023, the Office of Citizenship and Migration Affairs issued one temporary residence permit to a trafficking victim. Latvian law also allowed 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 officials did not adequately inform victims from vulnerable groups often of their rights, services available to them, implications of being formally identified as a trafficking victim, or subsequent possibilities for state protection. To protect victims and witnesses who agreed to provide testimony, Latvian courts could apply legal provisions, such as closed court hearings. 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. The government provided legal aid to victims who participated in criminal proceedings. Trafficking victims were eligible to receive restitution from traffickers in a criminal case, file a civil suit against traffickers, and receive compensation from the government, but the government deducted any debts owed to the state from compensation amounts. In 2023, five victims received state compensation, totaling €11,790 (\$13,030). 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 recent years, Latvia experienced a surge in irregular migration flows, which Belarus facilitated, across the border. In 2023, the government amended the law providing harsher penalties for individuals crossing the border illegally. An international institution expressed concern that the amendments effectively authorized “pushbacks,” such “pushbacks” involved a practice that potentially increased a person's vulnerability to trafficking, exacerbated distrust of foreign officials, and disallowed for the reporting of any exploitation experienced. The government reported SBG authorities utilized procedures for identifying trafficking victims among foreigners allowed to enter Latvia on humanitarian grounds but often struggled to identify potential victims. In 2023, the SBG implemented a virtual training program for its officers on human trafficking; 28 officers received training on preventing and combating trafficking and identifying victims. Trained officers conducted interviews with asylum-seekers and foreigners subject to deportation. In 2023, the government closed one checkpoint on the Belarus border – the Paternieki checkpoint remained open on the Belarus border and two checkpoints remained open along the Russia border – to stem

unlawful attempts to cross into Latvia, potentially leaving migrants, mostly from Africa and the Middle East, at the border vulnerable to trafficking.

PREVENTION

The government increased prevention efforts. The government continued implementing the 2021-2023 NAP, which included establishing a national independent rapporteur, developing an NRM, and increasing research and training. Most funding for anti-trafficking activities came from the national budget, but the government did not report the total amount spent in 2023. As the national coordinator for preventing human trafficking, the MOI ensured strategic planning and evaluation of government policy and led the anti-trafficking interagency working group. Despite the MOI's role of national coordination, experts recommended the government appoint an independent national rapporteur to monitor and assess anti-trafficking activities and policies and propose independent opinions on issues. Several ministries published quarterly and annual reports on trafficking, including a compendium of case law on Sections 154-1 and 165-1 of the criminal code published by the Latvian Senate. In 2023, 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 funded emergency helplines, and, in 2023, one call resulted in victim identification and referral to the state-funded social assistance program. Government representatives continued to participate in the Council of Baltic Sea States (CBSS) anti-trafficking task force, working to strengthen and improve anti-trafficking policies in the region, consolidate expertise from the national level with the international level, and exchange information on efforts and best practices. Through the CBSS task force, Estonia, Latvia, and Lithuania participated in a project aimed at strengthening the capacity of NGO professionals to assist and identify trafficking and improve the cooperation of NGOs in the Baltic States; the project involved national studies, the publication of an e-booklet, and a training event. Under the auspices of an EU program, in 2023 the MOW organized a workshop on the provision of services to trafficking victims for social workers, addressing interagency cooperation, promoting the integration of knowledge into social work practice, and developing skills and abilities in evaluating trafficking situations. 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. The Riga Police Children's Unit focused on preventing participation in extraterritorial sexual exploitation and abuse of children by its citizens. 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 prohibited recruitment fees; however, recruitment agencies often imposed legally permissible fees for document preparation. In 2023, the government monitored the activities of licensed employment agencies and canceled 81 licenses for agencies in violation (51 in 2022). The law 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. With the rise of third country nationals arriving in Latvia for employment, labor regulations required agencies to provide job-related information to employees in a language they understood. Through an information campaign, multiple ministries and NGOs provided information in foreign languages on labor trafficking to foreigners planning to work in Latvia; Latvian embassies abroad also distributed the information. The government provided guidelines for authorities to use when identifying domestic labor trafficking cases, particularly cases combining economic crime and illicit financial flows. In 2023, the Ombudsman's Office, the MOI, and the Office for Procurement Supervision developed guidelines on trafficking risks and labor exploitation in public procurement for state and municipal authorities. In the context of a CBSS project, the MOI published results of a study on labor trafficking 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.

In response to the arrival of refugees fleeing Russia's full-scale invasion of Ukraine, the government conducted a public awareness campaign on trafficking risks among refugees fleeing

Ukraine and, in coordination with an NGO, distributed information brochures in Ukrainian, English, and Latvian on trafficking risks and on how to report the crime at the border and at various refugee assistance centers throughout the country. The MOI maintained a task force and measures to broaden its ability to identify and prevent trafficking among refugees fleeing Ukraine. For instance, the State Police and SBG continued to implement 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. In addition, the State Police participated in EUROPOL's Ukraine against Human Trafficking Task Force. In 2023, the State Police investigated a trafficking case involving a Ukrainian boy exploited in forced criminality and received information on a potential labor trafficking case involving a Ukrainian man.

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. Vulnerable groups include single women with limited education, children from disadvantaged families, students, individuals in commercial sex, and unemployed adults. Traffickers increasingly use the internet, social media, and instant messaging applications to recruit women from Ukraine, Belarus, and Moldova for commercial sex in Latvia. According to an international organization study, approximately 20 percent of children are targeted online. 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 exploit Latvian women and girls in sex trafficking in Latvia and other European countries. Women from Eastern Europe and Central Asia are at risk of sex trafficking in Latvia. 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 institutions. Police report a growing number of children being recruited for sham marriages or commercial sex, mainly from state institutions, from disadvantaged families, or with mental health conditions. Children in state institutions, including orphanages, are particularly vulnerable to sex trafficking. Traffickers recruit Latvian men and women to work in Germany and Poland and, once there, confiscate their identity documents, refuse to sign employment contracts, and withhold wages. Reports indicate incidents of forced labor in fish processing companies with employers placing misleading job advertisements on the internet to recruit victims and then failing to provide employment contracts, restricting their mobility, and withholding salaries or overtime pay. Labor trafficking cases involving foreign nationals from Belarus, India, Kenya, Tajikistan, and Ukraine have increased in 2023. However, NGOs note 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, forestry, and hospitality industries, are also vulnerable to labor trafficking. The State Labor Inspectorate reports increasing numbers of undocumented workers in the construction and transportation industries, including taxi drivers from Uzbekistan and Tajikistan, are at risk of trafficking. As a result of Belarus facilitating irregular migration flows across the Latvia-Belarus border, 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. Nearly 50,000 refugees fleeing Russia's full-scale invasion of Ukraine and arriving in Latvia, are highly vulnerable to trafficking.