



Trafficking in Persons Report 2017 - Country Narratives - Latvia

LATVIA: Tier 2

The Government of Latvia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Latvia remained on Tier 2. The government demonstrated increasing efforts by certifying more victims for the state-funded victim assistance program, leading two international anti-trafficking projects, and initiating the first investigation of forced labor within its borders in at least five years. However, despite these efforts, the government did not meet the minimum standards in several key areas. Courts continued to give convicted traffickers lenient sentences, usually resulting in no jail time. Officials' lack of knowledge of trafficking indicators impaired proactive victim identification, particularly among women and children in commercial sex, and forced labor victims.

RECOMMENDATIONS FOR LATVIA

Vigorously investigate and prosecute trafficking cases under the trafficking statute (section 154-1 of the criminal law) and punish convicted traffickers with stringent sentences; increase efforts to proactively identify victims, particularly minors in the state welfare system induced into commercial sex, victims of sexual exploitation in Latvia's legal prostitution industry, and labor trafficking victims exploited within the country and abroad; increase training for police, prosecutors, and judges on all forms of trafficking beyond those related to sham marriages; increase financial and human resources for trafficking prevention efforts; encourage more victims to assist law enforcement by training officials on providing appropriate protections to all victims, such as witness protection; provide more victims with compensation from their traffickers and the state agency for judicial assistance; and fully fund and implement the 2014-2020 National Trafficking Prevention Program (national action plan).

PROSECUTION

The government maintained weak law enforcement efforts. Sections 154-1 and 154-2 of its criminal law prohibit all forms of trafficking and prescribe a maximum penalty of up to 15 years imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Judges and prosecutors have the power to reclassify cases from section 154-1 to lesser crimes. Trafficking crimes could be charged under section 164, which criminalizes exploiting individuals' vulnerability or using deceit to involve them in prostitution—a scenario very similar to sex trafficking—but prescribes punishments as lenient as community service or a fine. A

20-officer state police unit specialized in investigating trafficking, sham marriages, and related crimes.

Police investigated four new cases involving three suspects under section 154-1 in 2016, compared with three new cases involving nine suspects in 2015. The government initiated prosecutions of 11 sex trafficking suspects under section 154-1 in 2016 (eight in 2015). Courts convicted four traffickers under section 154-1; all received conditional sentences resulting in no prison time. Courts concluded a 2011 case involving a police officer charged with facilitating pimping and taking bribes; he was sentenced to four years in prison. A case from 2014 involving two Riga police officers charged with facilitating pimping remained in pre-trial investigation at the end of the reporting period.

In 2016, the specialized unit reported one new domestic labor trafficking case in which four Latvian men allegedly were coerced into working on a local farm and committing criminal acts in exchange for alcohol. This was the first domestic forced labor investigation reported in at least five years; the case remained under investigation at the end of the reporting period. Courts concluded the country's first-ever labor trafficking case, which began in 2009; the court dropped the labor trafficking charges, convicted the defendant of facilitating sex trafficking, and sentenced her to a fine without prison time. Latvia has never convicted a criminal defendant of labor trafficking.

Authorities collaborated with several foreign governments on transnational trafficking investigations. Observers reported the need for more training for law enforcement, particularly on working with victims, evidence collection, and understanding psychological coercion. Law enforcement reportedly were inclined to investigate and charge suspected traffickers for crimes other than trafficking, such as money laundering, pimping, and transfer for sexual exploitation, rather than trafficking. Charging traffickers with these lesser crimes, particularly those often resulting in suspended sentences, permits traffickers to commit a serious crime with impunity, endangers the victims they exploited, diminishes the deterrent effect, and prevents policymakers from effectively evaluating the trafficking situation and calibrating policies and resources to fight this crime. The government collaborated with international and non-governmental partners to provide training for police, prosecutors, and judges.

PROTECTION

The government maintained efforts to protect trafficking victims. The Ministry of Welfare signed an agreement allowing a second NGO to assist victims in the state-funded, NGO-run victim assistance program for 2017-2018. The program offered victims psychological assistance, legal representation, housing, and reintegration services. The government certified victims for enrollment in the program based on decisions by either law enforcement or an NGO-led panel of experts. The government enrolled 14 new victims into the program, an increase from eight victims in 2015. All new victims enrolled were female, four of whom were minors subjected to sexual exploitation in Latvia and four of whom were exploited abroad. The four male victims from the labor trafficking case declined assistance.

NGOs represented on the government's working group for coordinating the enforcement of the national action plan, reported most government agencies lack either the practical experience or willingness to identify victims. Local victim advocates reported the number of victims certified for state assistance did not accurately reflect the scope of trafficking in Latvia because of victims'

hesitation or inability to report abuses. Observers noted identifying child sex trafficking victims domestically remained a challenge. Experts raised concerns that state orphanages often did not report suspected child sex trafficking cases and instead provided victims with limited on-site assistance. Experts also raised concerns about sexual exploitation in Latvia's legal prostitution industry, noting law enforcement's focus on fining individuals not in compliance with prostitution regulations or other criminal statutes rather than on identifying potential trafficking victims. Experts noted agencies tasked primarily with non-trafficking issues, such as the state border guard and the Office of Citizenship and Migration Affairs, made little effort to recognize trafficking cases for investigation or refer victims for assistance. In 2016, the government decreased funding for the victim assistance program to €133,275 (\$140,437) from €162,562 (\$171,393) in 2015. Only 37 percent of the 2016 funding was spent because of the low number of victims in the program.

NGOs reported that, on a practical level, cooperation improved with law enforcement on trafficking investigations. Only six of the 14 registered victims cooperated with law enforcement in 2016, amid reports officials did not gain victims' trust or take sufficient efforts to encourage victims to cooperate. The four male victims from the labor trafficking case cooperated with authorities. All courts had digital video capabilities and audio recording equipment to protect victims from trafficker-victim confrontation. In 2016, Latvia amended section 96-1 of the criminal law, which pertains to special protection measures for crime victims, including victims of trafficking. The special protection measures included questioning victims in private rooms; ensuring the questioning was conducted by a prosecutor or judge of the same gender as the victim; the right to a closed court hearing; and the right to court-recorded testimony. In the past six years, only four victims received court-ordered restitution payments from their traffickers. In 2016, three trafficking victims received compensation from the state agency for judicial assistance, which administers a crime victims' compensation program.

PREVENTION

The government maintained prevention efforts. Authorities continued to use section 165-1, which prohibits the transfer of individuals for the purpose of sexual exploitation, to prevent potential cases of trafficking. In 2016, the government began prosecutions of four defendants under section 165-1 and courts convicted 10 suspects, although only two convicted offenders received prison sentences of less than a year, while the others received conditional sentences. The anti-trafficking working group composed of national and local governments and civil society monitored the domestic and international anti-trafficking situation, facilitated information exchange, and implemented the 2014-2020 national action plan. Authorities reported the national budget did not allocate funding for several of the action plan's activities, including training and state police activities. The Ministry of Interior led two international anti-trafficking projects on preventing human trafficking and sham marriages and strengthening the role of municipalities in combating trafficking. The Office of the Ombudsman conducted a survey to determine how well agencies understood trafficking issues, analyzed victim identification measures, and issued recommendations. The office solicited information from 126 orphan courts, 107 social services agencies, 26 state employment agency offices, and local NGOs. Recommendations included the creation of a national victim referral mechanism with uniform procedures, specialized anti-trafficking guidelines for orphan courts, outreach to government employees, education at the local level and at state employment agency offices, and improved interagency cooperation with municipalities. Various ministries contributed to a number of awareness-raising activities, including programs for schools. The government maintained emergency hotlines that received calls on potential trafficking situations. The

government provided anti-trafficking training for Latvian diplomatic personnel. The government did not report any specific measures to reduce the demand for commercial sex or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, Latvia is a source country for men, women, and children subjected to sex and labor trafficking. Latvian women and girls are subjected to sex trafficking in Latvia and other parts of Europe. Government agencies note an increase in child sex trafficking cases over the past few years. Latvian men and women are subjected to forced labor, particularly in other parts of Europe. Latvian women recruited for brokered marriages in Western Europe, particularly Ireland, are vulnerable to sex trafficking, domestic servitude, and forced labor. To a lesser extent, Latvia is a source and destination country for exploitation in forced criminality.
