

Recommended citation:

USDOS - US Department of State: Trafficking in Persons Report 2016 - Country Narratives - Latvia, 30 June 2016 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/local_link/326209/452750_en.html (accessed 03 February 2017)



Trafficking in Persons Report 2016 - Country Narratives - Latvia

LATVIA: Tier 2

Latvia is a source and destination country for men, women, and children subjected to sex and labor trafficking. Latvian women and girls are subjected to sex trafficking within Latvia, as well as in other parts of Europe. Latvian men, women, and children are subjected to forced labor within Latvia, as well as in other parts of Europe, particularly in the construction and agricultural sectors. 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.

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. Latvia continued to be a regional leader in identifying and preventing sham marriages that put women in highly vulnerable situations, including some cases of trafficking. The government raised awareness of the dangers of sham marriages in Latvia and across Europe, and Latvian courts convicted organizers of these schemes. These robust efforts, however, were not matched in the government's fight against other forms of trafficking. Authorities have not initiated a labor trafficking investigation since 2009, and a Latvian court has never convicted a criminal defendant of labor trafficking. While prosecutors indicted significantly more sex trafficking suspects in 2015, there were no convictions under the trafficking statute in 2015 versus one conviction in 2014. In victim protection, notably fewer victims received government-funded services in 2015.

RECOMMENDATIONS FOR LATVIA:

Increase efforts to investigate and prosecute trafficking cases under the trafficking statute (section 154-1 of the Latvian criminal law); increase efforts to proactively identify victims, particularly Latvian and foreign victims exploited within the country; increase training for police, prosecutors, and judges on all forms of trafficking beyond those related to sham marriages; encourage more victims to assist law enforcement by training officials on how to provide appropriate protections to all victims, such as witness protection, and how to minimize the trauma victims face when testifying against their traffickers in courtrooms; provide police investigators sufficient resources to conduct investigations; improve collaboration between the state labor inspectorate and the police to

ensure credible referrals result in police investigations; provide prosecutors and judges with clarity on the use of section 154-1 versus section 164, and consider amending section 164 if too much overlap exists; provide more victims with compensation from their traffickers and from the State Agency for Judicial Assistance; and fully fund and implement the 2014-2020 National Anti-Trafficking Program (national action plan).

PROSECUTION

The government maintained weak law enforcement efforts. Latvia prohibits all forms of trafficking through sections 154-1 and 154-2 of its criminal law, which prescribe a maximum penalty of up to 15 years' imprisonment. These penalties are 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. For instance, 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.

Authorities have not initiated a labor trafficking investigation since 2009, despite the government certifying at least 25 labor trafficking victims in the last three years. The country's first labor trafficking investigation, which began in 2008, remained ongoing. A Latvian court has never convicted a criminal defendant of labor trafficking. Local media raised concerns that domestic and international labor exploitation was underreported. On sex trafficking, the government investigated nine suspects in three new cases under section 154-1 in 2015, compared with one new case involving 10 suspects in 2014 (which was finalized in 2015). The government initiated prosecutions of eight sex trafficking suspects under section 154-1 in 2015, which was more than the combined total of prosecutions in the five years preceding 2015. Courts, however, did not secure any convictions under section 154-1 in 2015. In the past five years, only three traffickers have been subject to final convictions under section 154-1.

In 2015, authorities began a trial process involving two Riga police representatives charged with facilitating pimping. In a second case, the prosecution of a former anti-trafficking police officer accused of extortion and other crimes was pending enforcement of an appeals trial ruling that provided for a four-year imprisonment term and a five-year bar from government employment. Authorities continued to prosecute a sworn attorney for withholding evidence in a trafficking-related prosecution.

A 19-officer unit of the state police specialized in investigating trafficking, sham marriages, money laundering, and related crimes. 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 had more capacity and was more inclined to investigate and charge suspected traffickers for crimes other than trafficking, such as money laundering, pimping, and transfer for sexual exploitation, rather than doing so under trafficking provisions. Charging traffickers with these lesser crimes, particularly those that often result in suspended sentences, permits traffickers to commit a serious crime with impunity, endangers the victims they exploited, diminishes the deterrence effect, and prevents policymakers from effectively evaluating the trafficking situation and calibrating policies and resources to fight this crime. The government partnered with international and non-governmental partners to provide training for

police, prosecutors, and judges. The State Police College and State Border Guard College each developed a trafficking-specific training course during the reporting period.

PROTECTION

The government demonstrated mixed victim protection efforts. The government's NGO-run rehabilitation program offered victims psychological assistance, medical aid, legal representation, housing, and reintegration services. The government certified victims for enrollment in the state-funded assistance program based on decisions by either law enforcement or an NGO-led commission of professionals. For victim certification, the commission had the authority to use Skype or other technology instead of an in-person interview with the victim in front of the commission. The welfare ministry's budget for this program was 162,562 euros (\$176,890) in 2015, which was sufficient to cover the number of victims enrolled in the program.

In 2015, the government enrolled eight new victims into its assistance program, a sharp decline from 27 victims in 2014; the decrease may be due in part to fewer outreach activities by the government and the state-contracted NGO. The government established a working group to improve the current referral mechanism based on NGOs' concerns about officials' inconsistent application. Seven of the newly enrolled victims were Latvian and had been exploited abroad. Two victims were children, including one foreign citizen exploited in Latvia. In one case, the NGO commission enrolled a minor who may have been trafficked to commit armed robbery; Latvian law enforcement and prosecutors later found the minor was a voluntary participant. The minor continued to receive state-funded assistance and remained in pre-trial imprisonment at the close of the reporting period. Only two of the eight registered victims cooperated with law enforcement in 2015, amid reports that officials did not gain victims' trust or take sufficient efforts to encourage victims to cooperate. Civil society reported authorities pressured trafficking victims into serving as witnesses in criminal trials. Local victim advocates reported the number of victims certified by the state did not accurately reflect the scope of trafficking in Latvia because of victims' inability to report abuses or hesitation to do so given concerns noted above. All Latvian courts had video conference and audio recording capabilities; nevertheless, observers noted instances in which victims facing their traffickers during trial caused re-victimization. In the last six years, only three victims have received court-ordered restitution payments from their traffickers; the last was in 2013. In 2015, one trafficking victim received compensation from the State Agency for Judicial Assistance, which administers a crime victims' compensation program.

PREVENTION

The government demonstrated strong prevention activities. Latvian 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 2015, the government began prosecutions of five defendants under section 165-1 and convicted nine suspects, although only two convicted offenders received a prison sentence. An anti-trafficking working group comprised of 33 representatives across government ministries and NGOs coordinated inter-ministerial activities and implemented the 2014 to 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. Various ministries contributed to a number of awareness-raising activities, including programs for schools and potential migrants. The government continued to maintain information and 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 acts or forced labor.
