

# Informative Reports

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## Informative Report on the implementation of Programme for Prevention of Human Trafficking for years 2009 – 2013 in 2009 and 2010

Text abbreviations used in the document:

CBSS – Council of Baltic Sea States

CBSS TF-THB – Council of Baltic Sea States Task Force against Trafficking in Human Beings

IOM – International Organization for Migration

National Task Force – inter-institutional working group for the coordination of implementation of the Programme for Prevention of Human Trafficking for years 2009-2013

Programme – Programme for Prevention of Human Trafficking for years 2009-2013

### Introduction

The Programme for Prevention of Human Trafficking was approved by the Cabinet of Ministers on August 27, 2009 by the order No.590 which main purpose is to plan and implement measures to facilitate human trafficking prevention and combating.

The Ministry of the Interior and the Ministry of Welfare are designated as responsible authorities for the implementation of the Programme.

The Programme prescribes the implementation of four sub-goals and five directions – data collection and researches, improvement of the legal acts, implementation of preventive measures, improvement of the cooperation between the State institutions and NGOs, improvement of the actions of law enforcement institutions and subordinated 26 tasks for achievement of results of the Programme.

According to the Programme the Ministry of the Interior coordinates the introduction of the Programme every two years collecting information provided by institutions responsible for the implementation of tasks of the Programme and submitting it to the Cabinet of Ministers.

This is the first Informative Report on the implementation of the Programme. It contains information about progress of implementation of tasks of the Programme during the period of assessment from January 1, 2009 until December 31, 2010 as well as on the perspectives of the implementation of tasks which are not accomplished or which are continuous.

Six ministries are responsible for the implementation of the tasks stated in the Programme: the Ministry of the Interior, the Ministry of Welfare, the Ministry of Foreign Affairs, the Ministry of Education and Sciences, the Ministry of Defense, the Ministry of Justice and their subordinated institutions.

Information about participation in the implementation of the tasks stated in the Programme is provided also by the Ministry of Economics, the Department of Welfare of the Riga City Council, the Committee of Public Order, Security and Prevention of Corruption of the Riga City Council, the Municipal Police, the State Agency of Medicines and NGOs: the society "Shelter "Safe House"" and the society "Resource Centre for Women "Marta"".

The purpose of this Informative Report is to inform the Cabinet of Ministers about the implementation of the tasks stated in the Programme, to establish reasons and conditions which hinder the implementation of the tasks stated in the Programme, as well as other problems related to the implementation of the tasks stated in the Programme.

#### Assessment of the implementation of tasks

Information about the implementation of the Programme was received from all the branch ministries involved in the implementation of the Programme and their subordinated institutions, from institutions and organizations which representatives are included in the National Task Force or who act as the experts.

The tasks stated in the Programme are considered implemented if results specified in the column "Indicators of implementation" are achieved.

23 tasks from 26 tasks stated in the Programme are tasks which are implemented or which are being implemented as permanent tasks or which implementation has been started in terms stated in the Programme. 9 tasks have been fully implemented. 13 tasks in the Programme are defined as permanent (regular or annual) tasks – these are the tasks which are related to preventive measures, the providing of social rehabilitation services for victims of human trafficking, cooperation and exchange of information between institutions.

Assessing all the information provided by the responsible institutions it follows that 3 tasks stated in the Programme have been started but due to various reasons are not completed in term defined by the Programme.

Information about the implementation of the tasks stated in the Programme is included in the chapter "Summary on the implementation of the tasks stated in the Programme".

#### Summary on the implementation of the tasks stated in the Programme



1. In order to coordinate the activities of governmental agencies, municipal institutions and non-governmental organizations within the implementation of the Programme for Prevention of Human Trafficking for Years 2009-2013 and to ensure the efficient exchange of information and coordinated actions related to the issues of the prevention and combating the human trafficking and the issues of providing the support of social services for the victims of human trafficking on March 3, 2010 an inter-institutional working group (National Task Force) by an order of the Prime Minister was established. The National Task Force and experts who are invited but are not members of the National Task Force is a well organized system which is able to deal with any challenge involving the changes related to the development of criminal offences related to human trafficking.

I. The sub-goal of the Programme: To raise awareness of society on issue of human trafficking:

2. In the implementation of this sub-goal during the period of assessment governmental agencies, municipal institutions and NGOs were involved in organizing the informative and educational activities to urge a problem of human trafficking in society by means of mass media (television, published sources and internet sources) in Latvia and Ireland, by informative campaigns and informative materials (brochures) distributing them in Riga and in regions of Latvia during

informative activities at public places, educational institutions and social services, as well as organizing educational activities for branch specialists to increase their understanding about human trafficking and to improve their skills to identify possible victims of human trafficking.

3. The significant informative campaigns and activities to inform society were organized and implemented in cooperation between the Ministry of the Interior, the State Police, the General Prosecutor's Office, the Ministry of Foreign Affairs, the State Employment Agency and the society "Shelter "Safe House"":

- about fake marriages (marriages in convenience) as a form of human trafficking and risks;
- safe traveling and risks of illegal employment;
- what should be borne in mind using services provided by licensed private employment companies;
- what should be borne in mind of pupils and students who after graduating secondary schools and universities would like to travel abroad to study or to find a job;
- about safe traveling and behavior in emergency situations;
- about the Consular Register;
- how to apply for consular assistance in cases when inhabitants of Latvia have got into trouble in foreign countries;
- about a role of governmental institutions and NGOs in elimination of human trafficking and providing the assistance for victims of human trafficking.

4. Since the beginning of September, 2009 the State Police is implementing a campaign "Safe days at schools" during which among other issues of legal education pupils are informed and educated about risks and threats of human trafficking. Preschools, primary schools, secondary schools, specialized and professional education institutions were involved in the campaign throughout Latvia: in year 2009 in Riga region – 213 educational institutions, in Kurzeme region – 104, in Latgale region – 144, in Vidzeme region – 130, in Zemgale region – 106. During 2010 within a campaign "Safe days at schools" 2996 preventive measure were realized. In this campaign during 2010 1073 preschools, 1578 primary and secondary schools, 259 specialized and professional education institutions were involved. During 2010 in total 5129 preventive measures were realized by the State Police.

5. In October 2010 within the project "Challenging Gender Roles for Prevention of Trafficking!" of the society "Resource Centre for Women "Marta"" and Åland Islands Peace Institute, the project is financed by Central Baltic „INTERREG IV A" programme 2007-2013, the society "Resource Centre for Women "Marta"" has started the implementation of weekly activities of youth groups. Throughout Latvia and in Riga in total 14 youth groups are established whose members are 13 – 16 years old. The objective of group activities is using various informal educative and interactive methods to prevent risks of human trafficking among young people.

6. In year 2010 within the project "Challenging Gender Roles for Prevention of Trafficking!" the society "Resource Centre for Women "Marta"" has started the implementation of several informative activities and social campaigns in order to make society aware about issues on prevention of human trafficking, legalization of prostitution, punishing of

buyers of sexual services. Within the social campaign "Buy a girl – save the county!" web sites [www.meitenes24.lv](http://www.meitenes24.lv), [www.izglabvalsti.lv](http://www.izglabvalsti.lv) and [www.seksapolicija.lv](http://www.seksapolicija.lv) were launched. Within the campaign the society "Resource Centre for Women "Marta"" invited politicians, experts from areas of education, health care, economy and law enforcement to discuss legal regulation of prostitution.

7. The Ministry of the Interior, the Ministry of Foreign Affairs, the State Police and the Ministry of Welfare within their resources have organized educational events for specialists from different branches:

- consular trainings: annual regional trainings of consular officials of Latvia for the consular officials working in the member states of Schengen and for the consular officials working in countries outside Schengen (training was organized within funding of the European External Borders Fund of the Framework Programme for Solidarity and Management of Migration Flows for 2007 – 2013, 25% – Latvian co-financing), as well as for diplomats and consular officials working in foreign diplomatic missions in Riga;
- trainings for law enforcement officials to enhance their awareness about human trafficking, their role in prevention of human trafficking and to improve their skills to identify possible victims of human trafficking: in these trainings police officers, border guards, officials of the Office of Citizenship and Migration Affairs, prosecutors from Riga and the regions of Latvia, municipal police officers, one judge, officials of the State Employment Agency and the State Labor Inspectorate have participated;
- trainings for specialists of social issues branch: the chairmen and officials of orphan courts from Riga and the regions of Latvia, officials of social assistance services from Riga and regions of Latvia, officials of the State Inspectorate for Protection of Children's Rights have participated.

8. The National Police College during the period of assessment have organized several seminars for the officers of the State Police for the improvement of necessary skills for prevention, combating and investigation of the criminal offences related to human trafficking, investigation of cases of human trafficking/pimping, international searching of missing persons. The National Police College has developed professional development training plan for the police officers of the regional offices of the State Police in year 2011. The professional development training plan consists of 6 training courses. Each training course provides an education of 20 police officers in each regional office and 40 police officers in Riga. During these trainings police officers will be educated who do not deal with issue of human trafficking in their daily work (officers on duty, inspectors of minors' prevention, criminal police officers), but who could face the cases of human trafficking. Acquired knowledge would help identify possible cases of human trafficking and to take decision appropriately and forward information to respective institution, as well as to educate colleagues according to the principle "train the trainers". On December 2010 in Riga the first training course was implemented in which 22 police officers of Riga Regional Board of the State Police have participated.

9. The biggest municipality of Latvia – Riga Municipality is involved in the National Task Force and in the implementation of the Programme providing real financial support in the providing of preventive measures. Within funding 2`770 LVL granted from the Fund for providing public order in Riga a project "Preventive measures for the elimination of human trafficking" was implemented: two seminars, each of three days, during which 60 social workers have got knowledge about identification of victims of human trafficking, psychological assessment, stigmatization, needs, problems, providing of assistance, legal standards and provisions. The brochure "Human trafficking prevention" was developed and published in Latvian and Russian languages in 20`000 copies.

10. The trainings for judges about issues on human trafficking actually have not been realized, because wide trainings on topic about human trafficking there were organized for judges in 2005, 2006 and 2007. On December 7, 2010 there was a Day of Criminal Justice during which the qualification of sex crimes was one of the discussed issue inter alia human trafficking was one of the four discussed types of criminal offences. 70 officials of court system took part in this event. Foundation Latvian Judicial Training Centre has informed that in the nearest future special trainings for judges about issues of human trafficking prevention are not planned because substantial amendments in legal acts in this field have not been done.

11. The Ministry of Justice has submitted a project proposal within a call for proposals of European Union Programme „Criminal Justice” for judicial trainings about human trafficking in which the focus on labour exploitation and victim identification is planned. It is planned that the activity could be realized on 2012. The Ministry of the Interior of Latvia and the Ministry of Justice of Lithuania are invited as the partners within the project. It is planned that an announcement of confirmation or refusal will be received in spring 2011.

12. The funding 7`000 LVL allocated to the Ministry of Welfare in 2009 for the implementation of trainings for social work specialists, the officials of the State Labor Inspectorate and the State Employment Agency (inter alia EURES (*European Employment Services*) consultants and their assistants) was diverted for the providing of the state funded social rehabilitation services for victims of human trafficking. During 2010 no trainings organized by the Ministry of Welfare have taken place because the funding allocated for the trainings are still diverted for the providing of the state funded social rehabilitation services for victims of human trafficking.

13. The Ministry of Welfare has worked out the project of the Regulations of the Cabinet of Ministers “Amendments of The Regulations of the Cabinet of Ministers No.729 “Regulations regarding Procedures for the Acquisition of Special Knowledge in the Field of Protection of the Rights of the Child and the Content of Such Knowledge” (which prescribes the procedures by which specialists of the State and local government institutions who examine cases that are related to the protection of the rights of the child acquire special knowledge in the field of protection of the rights of the child, and the content of such knowledge) approved on 27 September, 2005 including topics on the issues of human trafficking. It is planned that the project of the Regulations will be approved until the end of 2011.

14. The Ministry of Education and Sciences during year 2010 in order to improve professional competences of teachers 215 specialists (teachers and heads of education institutions) of secondary schools and professional education institutions were trained in informative and educative seminars and in eight professional development programmes about issues of prevention of human trafficking with the purpose for sexual exploitation.

15. The Embassy of the United States of America in Riga, IOM Riga, IOM Moldova, IOM Ukraine, CBSS, CBSS TF-THB have provided professional and financial support in organizing and implementation of trainings for the officials of competent institutions. Very essential contribution was the training seminar about methods of identification of human trafficking cases and possibilities for victims of human trafficking to receive assistance organized in Riga on November 29 – December 2, 2010 by International Organization for Migration and the Embassy of the United States of America in Riga. About 40 participants from Riga and the regions of Latvia took part in the training seminar: the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Defense, the Ministry of Welfare, the State Police, the Office of Citizenship and Migration Affairs, the Social Assistance service of Riga City Council, the Municipal Police, prosecutors, the Orphan

courts, NGOs: the society "Shelter "Safe House"", the foundation "Centre Dardedze" and the society "Resource Centre for Women "Marta"".

16. In September 2010 the international Nordic – Baltic conference "Stop Trafficking and Stand for Health!" which was realized as a part of Nordic Council of Ministers project „Nordic-Baltic Conferences on Health: Consequences of Sexual Trafficking and Obstacles to Health Care Access" which is administrated by Nordic School of Public Health in cooperation with the society "Resource Centre for Women "Marta"". During the conference the issues were discussed about the consequences of sexual exploitation affecting person's health and availability of medical care for persons who have suffered from sexual exploitation in the Nordic Countries and Baltic States. The representatives of the governments of the Baltic States and Nordic Countries, governmental institutions and NGOs as well as officials of branch ministries and municipalities of Latvia, police officers, border guards, prosecutors and representatives of the Office of Citizenship and Migration Affairs. This conference was the most important educational event during the last years where the issues about the mental and physical health of victim of human trafficking were discussed.

17. The website [www.cilvketirdznieciba.lv](http://www.cilvketirdznieciba.lv) ([www.trafficking.lv](http://www.trafficking.lv)) is an informative space where qualitative information on all issues concerning the trafficking in human beings is available for public. It is a public tool where mutual communication between governmental institutions and society is provided. There are special discussion forums for teachers, social workers and victims of human trafficking. During the period of assessment the technical maintenance of the web portal was fully provided, but the maintenance of the content of the web portal was implemented within the available capacity of human resources. The full update of the content of the web portal will be implemented during 2011.

18. At the same time the information about human trafficking, forms, risks, types of recruiters, employment abroad, consequences of human trafficking and possibilities of assistance for victims of human trafficking is accessible in websites of the Ministry of Welfare, the Ministry of Foreign Affairs, the Ministry of the Interior, the State Police and websites [www.sargi-sevi.lv](http://www.sargi-sevi.lv), [www.dzimba.lv](http://www.dzimba.lv), <http://www.patverums-dm.lv/>.

19. Since the year 2007 no research work has been done in Latvia about a problem of human trafficking. In year 2010 the State Police in cooperation with the society "Shelter "Safe House"" had developed an application for a project "Assessment of free movement of individuals and update of national policies according to observed trends in the field of human trafficking" which main goal was to make an assessment and prepare report about the situation of human trafficking in Baltic States as well as to make a research about possibility of fake marriages between Latvian citizens and third-countries nationals in Ireland and Cyprus. The project application was submitted to the European Commission programme "Prevention of and Fight against Crime", but the European Commission has refused the project.

The competent institutions of Latvia had participated in researches conducted by CBSS TF-THB to assess current cooperation mechanisms between governmental institutions, especially law enforcement agencies and the civil society in providing assistance for victims of human trafficking in the region of Council of Baltic Sea States and to assess how existing information on data collection on human trafficking in the Baltic Sea Region is identified, systematised and analysed.

20. In order to provide the awareness of society and foreign tourists several informative and help hotlines are provided:

- In order to provide information and consultations about safe travel and other consular issues including issues regarding risks of human trafficking concluding fake marriages and working abroad, in the Consular Department of the Ministry of Foreign Affairs informative hotline (80005905) for travelers free of charge was established on February 6, 2009.
- In order to reduce the cases of deceit of tourists and to increase awareness of tourists about possibilities to receive various forms of assistance, the Tourism Development State Agency subordinated to the Ministry of Economics on January 4, 2007 had developed the hotline for tourists "The tourist hotline – 22033000". In late 2009 the Agreement was concluded with Ltd. "Lattelecom BDO" which according to an announced tender has become as the official partner of the Tourism Development State Agency and provides the operation of official tourist information hotline. In order to use state budget funding as efficient as possible the decision was made not to introduce a new hotline but to use well known informative inquiry service hotline 1188. With the introduction of this service the foreign tourists have got information support 24 hours a day (in Russian, English and German) – assistance in emergency situations and other issues, mostly related to transportation, travel and recreational facilities, communications. In 2010, about 9`700 phone calls were received coming from a foreign phone numbers.
- The special hotline (phone number 67181818) was introduced in Riga Municipal Police to get information about incidents with the guests of the city. Hotline is available 24 hours a day and it is possible to receive a consultation of police officer, to request the help of police, to provide information about possible unlawful action etc. in English language. Information about this hotline is published in brochure distributed in tourism agencies and hotels. On September 1, 2009 the specialized unit – Tourism unit was created with the aim to provide help for foreign citizens in non-standard situations and to control administrative violations done by foreign tourists. The personnel of the Tourism unit can communicate in English language; additionally some officials can speak fluently in German, Italian, Russian and other languages. The police officers of the Tourism unit patrols mainly in the central part of the city where are situated the places frequently visited by tourists, but in the case of necessity the police officers of the Tourism unit can serve all the territory of the city in order to provide help and assistance in the incidents in which foreign tourists are involved.
- The hotline 80002012 of the society "Resource Centre for Women "Marta"" is financed from proceeds received from selling of hand lotion „Soft Hands, Kind Heart” which was the product of social campaign "Stop children and youth sex trade" implemented by the society "Resource Centre for Women "Marta"" and „The Body Shop". In 2010, it was the only hotline on child and youth sex trafficking and safe employment abroad.

II. The sub-goal of the Programme: To provide the support services for victims of human trafficking:

21. The improvement of availability and quality of support services for victims of human trafficking as well as the enhancement of observation of legal acts prescribing the responsibilities of employers mainly has been achieved by the improvement of legal acts:
22. On December 1, 2009 amendments in "Law on Social Services and Social Assistance" issued by Parliament on 31 October 2002 providing the rights for the EU citizens as well as a minor in the accompaniment thereof (inter alia Latvian) to receive social rehabilitation services had had enforced.
23. Since October 7, 2009 a new legal regulation – the Article 172<sup>3</sup> "Illegal Involving of Children in Events" is introduced in the Latvian Administrative Violations Code which prescribes that in the case of involving of a child in beauty contest or in an event, where the only thing that is valued is his or her outer appearance, if done by natural person a fine

in an amount from 250 LVL up to 500 LVL shall be imposed, but if done by legal person a fine in an amount from 500 LVL up to 1500 LVL shall be imposed. For the violation of legal acts prescribing procedures by which children may be involved in activities (events) concerned with the demonstration of outer appearance a warning shall be issued or if done by natural person a fine in an amount from 100 LVL up to 250 LVL shall be imposed, but if done by legal person a fine in an amount from 250 LVL up to 1000 LVL shall be imposed.

24. During the year 2010 amendments in several legal acts were elaborated in order to adopt requirements of Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. It is planned to introduce the Directive until July 20, 2011. It is planned that the amendments in legal acts will facilitate that employers will eschew from unlawful action to recruit persons who are not entitled to enter and to reside in the Republic of Latvia. Consequently the possibilities that third-countries nationals will become the victims of labour exploitation will be reduced.

The draft laws elaborated by the Ministry of Welfare are sent to the Cabinet of Ministers for harmonization:

- in the Labour Law – prescribing the prohibition for employers to employ persons who are not eligible to enter and reside in the Republic of Latvia and prescribing responsibility of employer in connection with this prohibition;
- in the Latvian Administrative Violations Code – prescribing administrative responsibility of employers for the employment of persons who are not eligible to reside in the Republic of Latvia, as well as prescribing administrative responsibility of “user undertaking” (which means any natural or legal person for whom and under the supervision and direction of whom a temporary agency worker works temporarily) for the violation of legal acts providing labour protection;
- in the Criminal Law – in some cases prescribing criminal liability of employers for employment of persons who are not eligible to reside in the Republic of Latvia inter alia the responsibility for the employment of a minor or a person employed in particularly exploitative working conditions or if knowingly a victim of human trafficking is employed;
- in Law on State Social Insurance – prescribing an obligation for employers who have employed a person who is not eligible to enter and reside in the Republic of Latvia to perform mandatory social insurance contributions for the entire period of employment of this person or three-month period if the actual duration of employment is not able to estimate;
- in legal acts on the European Union Structural Funds and Cohesion Fund prescribing prohibition for employers who have employed a person who is not eligible to reside in the Republic of Latvia to receive such funding as well as to refund the funding received previously if it is realized that that the employer has employed a person who is not eligible to reside in the Republic of Latvia. Ministry of Finance is drawing up mentioned legal acts.

25. In order to improve the availability and quality of social rehabilitation services offered to persons the Ministry of Welfare has assessed the current situation and necessity of amendments in the Regulations of the Cabinet of Ministers No.889 “Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings” approved on October 31, 2006 and the Regulations of the Cabinet of Ministers No.291 “Requirements for Social Service Providers” approved on June 3, 2003. The introduction of amendments in the mentioned legal acts is planned in 2012.

26. The Ministry of Welfare has started to consider necessity to define the language in which the contract of employment with foreigner should be drafted providing that the contract of employment should be drafted in Latvian language attaching the translation of the contract of employment in respective foreign language which is understandable

by foreigner. On May 13, 2009 the Ministry of Welfare had organized a meeting about offered amendments in the Labour Law and it was decided that the Ministry of Welfare should prepare the wording for amendments in the Article 40 "Form of an Employment Contract" of the Labour Law. The proposal of amendments was discussed by the Trilateral Cooperation Subcouncil of Labour Affairs on February 4, 2011 as the proposal of draft law "Amendments in the Labor Law" which was submitted to the State Chancellery on January 31, 2011 for the consideration in the Cabinet of Ministers. During the meeting it was decided to continue the discussions on that proposal.

27. The State Police provides the identification of the persons suffered from human trafficking and investigates criminal offences related to human trafficking. Every person who probably has become a victim of human trafficking is informed obligatory about the rights to receive rehabilitation services. The State Police before the implementation of procedural activities or if necessary during procedural activities offers victims of human trafficking to receive the state funded rehabilitation services. In the case of consent the society "Shelter "Safe House"" is invited which provides the state funded rehabilitation services.

28. According to the Regulations of the Cabinet of Ministers No.889 "Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings" approved on October 31, 2006 which prescribe the procedures, by which a person who has been recognised a victim of the traffic in human beings shall receive social rehabilitation services for the State budget funds, and the criteria for the recognition of a person as a victim of the traffic in human beings, the Ministry of Welfare provides social rehabilitation services for the State budget funds. The Ministry of Welfare takes a decision regarding the provision of services or the refusal to provide services, enters into a contract with a provider of services regarding the provision of services, as well as controls the implementation of the referred to contract and the compliance of the amount of the services provided with the contract entered into, controls the quality of the services provided, establishes a database of the services provided and informs public organisations, law enforcement institutions, social service offices, medical treatment institutions and other institution involved regarding the possibilities of a person to receive services for the State budget funds.

29. The society "Shelter "Safe House"" is the only organization which since the year 2007 has the rights to provide the state funded rehabilitation services for victims of human trafficking and will continue this work in 2011.

30. In the year 2009 12 victims of human trafficking received the state funded rehabilitation services for total amount of 28`264 LVL (the planned funding in 2009 was 17`000LVL). In the year 2010 14 victims of human trafficking received the state funded rehabilitation services for total amount of 34`132 LVL.

31. The contract between the Ministry of Welfare and the society "Shelter "Safe House"" is signed about rehabilitation of 7 victims of human trafficking in year 2011. The allocated funding for this purpose is 22`680 LVL.

32. The victims of human trafficking are offered to receive a special social-psychological rehabilitation, lawyer and medical advice, in the case of necessity a safe housing is provided, material support, assistance in acquiring new skills as well as in acquiring primary or additional education in order to help person to find a job. The content of help and social rehabilitation services for victims of human trafficking does not depend on the type of human trafficking from which

person has suffered. In the case of necessity adult and minor victims of human trafficking can be housed in the crisis centres within all the territory of Latvia.

33. The society "Shelter "Safe House"" provides six months rehabilitation programme for victims of human trafficking. During these months the main goal is to reduce consequences of victim of human trafficking. The state funded rehabilitation programme provides five specialists consultations which should be provided by the service provider after victim's rehabilitation. This programme does not provide integration of victims of human trafficking into society. The collection of data on inclusion or non-inclusion of the victim of human trafficking into society is not provided. The society "Shelter "Safe House"" collects information unofficially where are victims of human trafficking who had received rehabilitation programme and what are they doing, but the information about all victims of human trafficking is not available.

34. In September 2010 the development of Criminal Proceedings Information System was finished which contains a specific Database on victims suffered from criminal offences. The following information about a person will be, amongst others, available:

- formal information (personal data: name, surname, identification number, date of birth, nationality, gender, place of residence);
- characterizing information (marital status, minor victim's guardianship / custody, and family situation, education, occupation);
- information about the circumstances in which the person has suffered;
- information about the relationship between victim and offender;
- the type of assistance provided for victim;
- the data on the performed expertise (determination of the health damage);
- the compensation amount applied by the victim during pre-trial criminal proceeding and the reimbursed amount of compensation.

### III. The sub-goal of the Programme: To promote a cooperation between the public institutions and NGOs

35. In order to provide fully the participation of NGOs in the process of decision making in the field of the prevention of human trafficking the representatives of the society „Shelter „Safe House"" and the society of „Resource Centre for Women „Marta"" are included in the National TF-THB. The coordination mechanism established by the Prime Minister is considered successful and previous cooperation are considered efficient.

36. During the meeting of the National TF several important decisions were taken and initiatives which will improve substantially the work of competent institutions were launched:

37. During the year 2010 time after time an information regarding possible labour exploitation and the victims of labour exploitation (the nationals of Latvia living in Latvia and the foreign countries, as well as foreigners in Latvia). In order to consider the necessity to introduce measures in the country to strengthen combating and prevention of labour exploitation the Ministry of the Interior has organized a meeting on September 7, 2010 about issues of combating and prevention of the form of human trafficking – labour exploitation. In the meeting representatives and experts from different competent institutions took part: the officials of the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Welfare, the State Labor Inspectorate, the State Employment Agency, the State Police, the State Border Guard and the General Prosecution Office, and the representatives of the society „Shelter „Safe House”” and the society "Resource Centre for Women "Marta"". One of the conclusions taken by the participants of the meeting about further actions and necessary activities was to develop the list of criteria for the identification of the victims of labour exploitation and its approval by all the competent institutions, as well as to provide the harmonized information to other institutions which could come into contact with the victims of labour exploitation. Taking into consideration this decision the State Police has worked out the list of criteria for the identification of the victims of labour exploitation and the methodological recommendations for the investigation of such cases and has sent out to the regional offices of the State Police.

38. Assessing the possible risks of human trafficking the State Police has recognized the conclusion of a fake marriage without a purpose to make a family in foreign countries as the possible risk of human trafficking. The conclusion of a fake marriage without a purpose to make a family in Latvia is criminalized if it contains the constituent elements of a criminal offence which correspond to the Article 154.<sup>1</sup> „Human trafficking”, the Article 165.<sup>1</sup> „Sending a Person for Sexual Exploitation” or the Article 285.<sup>1</sup> „Ensuring the Possibility of Residing Illegally in the Republic of Latvia” of the Criminal Law. By criminalizing any action which facilitates the conclusion of a fake marriage without a purpose to make a family the main goal to prevent the development of organized crime and the increase of the flow of uncontrolled immigration will be achieved. Therefore to deal with this problem the State Police has elaborated a proposal for amendments in legal acts – to supplement the Criminal Law with an Article on the organizing a fake marriage without a purpose to make a family and to supplement the Article 190.<sup>3</sup> „Failure to Notify Territorial Offices of the Office of Citizenship and Migration Affairs in a Timely Manner regarding Information to be Included in the Population Register” of the Latvian Administrative Violations Code with a new paragraph which states that in the case of failure to notify territorial offices of the Office of Citizenship and Migration Affairs in a timely manner regarding information about concluded marriage in a foreign country to be included in the Population Register and foreseeing a punishment for such violations. The Ministry of the Interior encourages a further submission of the planned proposals to the Ministry of Justice for consideration in the permanent working groups of the Criminal Law and the Latvian Administrative Violations Code in which experts of administrative and criminal law participate. As soon as the project will be discussed and approved by these working groups it will be submitted to the working group of the State Secretaries of branch ministries starting the general procedure of the harmonization of legal acts.

39. Simultaneously with the State Police's work of the development of a proposal for amendments in legal acts to tackle a problem connected with the conclusion of a fake marriage without a purpose to make a family in foreign countries, in September, 2010 the society “Shelter “Safe House”” had started to plan an organization of an informative campaign „Fake marriage – a trap!”. The informative campaign was started with a press conference on January 18, 2011 during which it was announced that the amendments in the Criminal Law which would allow punishing of organizers of fake marriages are necessary urgently. During the press conference the representatives of the society “Shelter “Safe House”” has emphasized that in order to fight the increasing problem of human trafficking the public, municipal and NGO sectors have joined together as well as entrepreneurs who have supported the organization of press conference and informative campaign financially. During the informative campaign „Fake marriage – a trap!” the society was informed about the risks of human trafficking concluding fake marriages with the third countries citizens with or without reward as well as a survey was done to assess the awareness of society regarding fake marriages. The wide interactive activities were planned at the traffic points from which people travel from Latvia. The informative campaign „Fake marriage – a

trap!" was supported by Philip Morris Latvia, Tallink Hotel Riga, Joint-Stock Company Riga International Bus Station, State Joint-Stock Company Latvia's Railway, State Joint-Stock Company „International airport „Riga”, Joint-Stock Company Riga Passengers' Port. Informative supporters: [www.tvnet.lv](http://www.tvnet.lv), [www.rus.tvnet.lv](http://www.rus.tvnet.lv), [www.draugiem.lv](http://www.draugiem.lv), [www.apollo.lv](http://www.apollo.lv).

40. Since April, 2010 Riga Social Service cooperates successfully with the society "Shelter "Safe House"". Regularly once in two months a mutual exchange of information is realized between Social Work Section of Riga Social Service and the society "Shelter "Safe House"" about current events which are useful for the work of social workers with clients. The social workers of Riga Social Service are informed about services provided by the society "Shelter "Safe House"" and in case of necessity are able to inform possible victims of human trafficking about these services.

41. In October 5, 2010 was a meeting of Head of Riga Social Service, Head and personnel of Social Work Section and during which a previous and further cooperation was discussed. During the meeting an verbal agreement was achieved that in case of necessity Riga Social Service will contact the society "Shelter "Safe House"" about persons who have suffered from human trafficking or there are suspicious about such case, as well as the society "Shelter "Safe House"" will immediately contact Social Work Section if there will be a victim of human trafficking living in Riga Municipality and will plan further cooperation in providing help and assistance for a person suffered from human trafficking.

42. In October 12, 2010 the signature collection campaign "Against sex trade" was started in Riga Railway Station by the NGOs of Latvia: the society „Resource Centre for Women „Marta"", the foundation "Centre Dardedze", the society "Papardes zieds", the youth society of "Red Cross". This campaign was launched within the campaign "Against trade of children and youth" which is a global project of "The Body Shop" started in 2009 with a sign collection campaign with an appeal to local legislative power to react and adopt a law restricting human trafficking and providing assistance for the victims of human trafficking. The aim of the global campaign is to collect thousands of signatures all around the world and to submit them to United Nations Organization in 2011. The society „Resource Centre for Women „Marta"" the collected more the eight thousands of signatures ceremonially presented to parliamentarians of the Commission of Human Rights and Public Affairs on December 10, 2010 – the Day of International Human Rights.

43. In Latvia no case has been stated when persons would travel to Latvia from other countries with the purpose of sex tourism to exploit minors. No case has been stated when persons from Latvia would travel to other countries with the purpose of sex tourism to exploit minors in destination countries. In Latvia the development of legal acts and policy planning documents in the field of tourism is based on the values included in the World Tourism Ethics Code which states that exploitation of human beings in all forms of exploitation inter alia sexual exploitation, especially if it concerns children, is in contradiction with basic objectives of tourism and is negation of tourism. Therefore according international laws it should be combat severely in cooperation with all involved countries by punishing according the legal acts of visited countries, as well as according the legal acts of country of origin of the person who has committed a crime even if crimes were committed in foreign countries. Although the application of the World Tourism Ethics Code is based on a principle of voluntary participation and a principle of unanimity, the observation of the included principles is essential for continuous development of the tourism's branch. The policy of tourism in Latvia has been developed and implemented so that Latvia would be considered as safe and reliable destination country for tourists. Implementing the state development policy of tourism the Ministry of Economics participates in the National Task Force and implements activities providing cooperation and exchange of information on issues related to the prevention and combating the human trafficking.

44. On April 13, 2010 the Cabinet of Ministers approved the Regulations No.353 [‘Regulations Regarding the Rights and Duties of Tourism Operators, Tourism Agents and Clients, the Procedures for the Preparation and Implementation of a Package Tourism Service, the Information to be Provided to a Client and the Procedures for Deposition of Security Guarantee of Money’](#) establishing more clearly duties and responsibilities of tourism agents and tourism operators, prescribing development of the database of tourism agents and tourism operators, prescribing the procedures for the registration of tourism agents and tourism operators in this database, as well as prescribing the provision of the security guarantee of money deposited by clients. On June 14, 2010 the registration of tourism agents and tourism operators was started free of charge in the database of tourism agents and tourism operators developed by the Ministry of Economics.

45. During the period of evaluation according to the requests of nationals of Latvia the diplomatic missions of Latvia has checked information about potential employer and has provided contact information of competent institutions related to employment issues of foreign countries and Latvia. The information about possibilities of assistance in case of deception was provided.

46. Developing cooperation with the diplomatic missions of Latvia in order to provide accessible information about the state funded safe return of victims of human trafficking the Consular Department of the Ministry of Foreign Affairs organizes annual trainings for consular personnel in which topics on problem of human trafficking and its combating are included. Therefore consular personnel is informed about financial support, social and psychological rehabilitation for victims of human trafficking which is provided and funded by social services in Latvia. A consular official is informed about procedure and available assistance in case if a victim of human trafficking approaches embassy for help.

47. In order to deal with the issue of the development of outreach work and identification of potential victims of human trafficking, the possibilities of cooperation were considered and discussed by the National Task Force: the possibilities for representatives of NGOs together with crews of Municipal Police to go for patrolling during which to distribute informative materials and provide consultations for prostitutes. In December, 2010 an agreement with Riga Municipal Police was achieved that the security of representatives of NGOs will be provided during spot checks during which the outreach work is provided. In order to use the resources of the State Police more effective the Riga Regional Police Board of the State Police realizes the coordination of measures of control to restrict prostitution in Riga region as well as coordination of topical controls in the cooperation with Riga Municipal Police, regional offices of the State Police and NGOs.

#### IV. The sub-goal of the Programme: To prevent human trafficking by improving work of law enforcement agencies:

48. The State Police with the aim to combat human trafficking and related organized sexual exploitation diverts its resources for many years into identification of traffickers and gathering of necessary evidences against the organizers of these crimes, therefore the convictions are achieved. Since the year 2003 the implemented anti-trafficking strategy has given positive results. The main objective has been achieved – human trafficking is decreasing, organized involvement of minors and their sexual exploitation has been eliminated, as well as violence against adult persons engaged in prostitution.

49. The substantial changes in the field of human trafficking in Latvia are not ascertained. Latvia constantly should be considered as a country of origin of victims of human trafficking and there are no reasons to assert that Latvia has become a country of transit and/or country of destination for victims of human trafficking. Comparing the number of criminal proceedings when persons were called to justice for sending the persons for sexual exploitation in foreign countries stability in years 2009 and 2010 in this field was observed.

50. During the period of assessment not a single case of the case of transit of human trafficking has been recorded, as well as not a single case of human trafficking to Latvia or internal human trafficking according to the understanding of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) has been recorded.

51. The statistical summary about initiated criminal proceeding according to the Article 154.<sup>1</sup> „Human trafficking”, the Article 165.<sup>1</sup> „Sending a Person for Sexual Exploitation” according to the data provided by the State police:

2009
2010
Article 154. <sup>1</sup> „Human trafficking”
number of criminal proceeding (type of exploitation)
3 (2-forced marriages, 1 – sexual exploitation)
3 (about possible human trafficking cases in foreign countries: 2 – sexual exploitation, 1 – forced marriages)
number of suspected persons
male
2
2
female
2
2

number of victims

male

0

0

female

5 (25-30 ages)

3 (1 – 17 ages, 2 – 25-30 ages)

Article 165.1 „Sending a Person for Sexual Exploitation”

number of criminal proceedings

31

28

number of suspected persons

male

25

from them 7 foreigners

19

female

10

15

number of victims

male

0

0

female
0
21 person have agreed to cooperate with the State Police and bear testimony;
48 police officers women undercover
4 (25-30 ages);
37 police officers women undercover
number of suspected persons
male
17
24
female
11
12
number of victims
male
female

52. The number of persons suffered from human trafficking which is incommensurately smaller in comparison with number of detained organizers of human trafficking that is explainable that the State Police in order to not assume possible cases of human trafficking using extended definition of human trafficking within criminal cases which are investigated for criminal offences prescribed in the Article 165.<sup>1</sup> „Sending a Person for Sexual Exploitation”, prevents perpetration of criminal offence in its begging and uses the specially trained police officers women undercover as the

possible victims of human trafficking who legally are not victims, but they are witnesses within criminal proceeding. In 2009 48 specially trained police officers women undercover were used within special operations and in 2010 – 37 specially trained police officers women undercover who received a status of victim in further criminal proceeding. Accordingly during the assessment period at least 85 women were not subjected to human trafficking according to the extended definition of human trafficking prescribed by the Republic of Latvia in Criminal Law by ratifying international legal acts.

53. The Criminal Procedure Law of Latvia contains very high guarantee of human rights and a person can be recognized as a victim only with consent of this person. In most cases victims of human trafficking willingly cooperate with the State Police providing essential testimonies against organizers of human trafficking and sending of persons for sexual exploitation, but they refuse a possibility to receive the state funded social rehabilitation for victims of human trafficking even having a status of witness because according to their opinion they do not need it.

54. In order to improve efficiency of combating the human trafficking which is a cross border problem the State Border Guard continues actively cooperate with competent institutions of neighboring countries: the Republic of Lithuania, the Republic of Estonia, the Republic of Belarus and the Federation of Russia – on the ground of annual bilateral agreements and protocols on cooperation, which require more active exchange of information on illegal immigration with special focus on nationals from Central and South-East Asia, Middle East, as well as Africa who are smuggled over the state border especially over the state border between Latvia and Russian Federation, and to increase preventive measures with regard to illegal immigration and human trafficking.

55. Law enforcement agencies regularly participate in the elaboration of national and international risk assessments on criminal offences on the ground of results of investigative work and pre-trial investigation, offer proposals on combating of cross border crime inter alia about prevention of human smuggling. Latvian law enforcement agencies participate in the elaboration of the risk and threat assessments organized by Interpol and Europol and which contain information about human trafficking with the purpose of sexual exploitation, about overall situation in the field of human trafficking, about money laundering of means obtained from human trafficking and illegal immigration. The State Police once in a month elaborates tactical assessment of criminal activities connected with prostitution, pimping, human trafficking and related unlawful activities, by collecting information from all regional offices of the State Police and summaries on activities done by them within their territory of responsibility to ascertain activities related to prostitution, pimping, human trafficking and involved persons.

56. The Chief Prosecutor of the Criminal Law Department of the General Prosecutor's Office issues an order every half a year on the priorities in the supervision of investigation of special kinds of criminal offences and in calling to justice of guilty persons. The Article 154.<sup>1</sup> „Human trafficking” of the Criminal Law was stated as a priority among other criminal offences.

57. The Statistical summary on criminal cases adjudicated in the Court of First Instance according to the Article 154.<sup>1</sup> „Human trafficking”, the Article 165.<sup>1</sup> „Sending a Person for Sexual Exploitation” according to the data provided by the Court Information System:

2009

2010

Article 154.<sup>1</sup> „Human trafficking”

number of cases which have not been adjudicated before the period of assessment

1

4

number of received cases

3

1

number of finished cases

0

3

number of cases which have not been adjudicated after the period of assessment

4

2

number of convicted persons

inter alia women

1

1

2

0

age
18-24
1
0
25-29
0
0
30-49
0
2
50 and more
0
0
basic punishment - deprivation of liberty
until 1 year
0
0
1-3 ages(included)
1 (additional punishment confiscation of property and deportation from the Republic of Latvia)
0
3-5 ages(included)
0
0
5-10 ages(included)
0
0

suspended sentence

0

2

other basic punishments

a fine

0

0

Article 165.1 „Sending a Person for Sexual Exploitation”

number of cases which have not been adjudicated before the period of assessment

7

8

number of received cases

12

26

total number of finished cases

11

18\*

number of cases which have not been adjudicated after the period of assessment

8

16

number of convicted persons

inter alia women

14

4

19 (inter alia 1 citizen of Lithuania)

8

age

18-24

2

3

25-29

2

6

30-49

10

9

50 and more

0

1

basic punishment - deprivation of liberty

until 1 year

0

1



partly, stating that convicted person should pay 180 LVL to each victim.

58. The following feature has still remained that detained organizers of human trafficking (women) in mostly cases had been involved in prostitution before or they continue to prostitute in foreign countries and at the same time recruit women and send them to foreign countries for sexual exploitation by starting their own business of providing sexual services in foreign countries or wishing to earn additional proceeds from foreign pimps as a reward for each recruited women.

59. In the mostly cases recruiters are coincidental persons who had not been involved in recruitment before or who had had a request to assist and find persons in Latvia who would like to prostitute legally in brothels. Usually recruitment is organized through internet and social networks, among street and flat prostitutes or among friends and acquaintances. Recruiters provide airplane or bus ticket to travel to destination country or offer to convey a person themselves by private means of transportation. In fact the transportation does not happen because the State Police in order to not assume possible cases of human trafficking using efficient legislation of Latvia overtakes a commitment of crime and almost in all cases uses specially trained police officers women undercover and in cooperation with officials of the Criminal Investigation units of the State Border Guard detains recruiters at the state border.

60. The officials of the State Border Guard in cooperation with the officials of the Office for Citizenship and Migration Affairs, the State Police and the State Labor Inspectorate carry out spot checks at companies to control observation of foreigners' employment requirements and to detect foreigners who reside in country illegally and who probably could be victims of human trafficking with purpose for forced labor.

61. In order to eliminate the demand for child sexual exploitation involving a child in producing of pornographic materials the units of the State Police in cooperation with, the Latvian National Bureau of Interpol, the Latvian National Bureau of Europol and NGOs actively combats crimes related to dissemination of criminalized pornography in cyberspace (sexual exploitation of children, zoophilia, and necrophilia). Europol the production and distribution of organized child pornography has classified like organized crime, while Interpol – as a kind of human trafficking.

62. In order to enhance the actions to fight human trafficking on global level and to pay more targeted attention to the rights of victims of human trafficking by harmonizing the rights of victims of human trafficking in throughout the European Union and prescribing that children victims of human trafficking has the rights to receive legal assistance free of charge, on December 14, 2010 the European Parliament by a majority vote had approved the Proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA. The Council's working group had had sustainable work in order to achieve the best and the most eligible compromise solution between member states and the European Parliament. It is important to mention that the mentioned project of Directive is very special because it contains material standards of criminal law (for example, extended definition of exploitation to conform it to the actual situation), as well as procedural standards which are addressed to the reinforced protection of victims of human trafficking. It is prospective that the mentioned project of Directive will be approved during the presidency of Hungary.

## Problems and Conclusions

The governmental institutions are informed about the tasks within their competence stated in the Programme providing the implementation of the tasks and providing the implementation within the available funding. The implementation of some of tasks is started or is planned.

Conclusions about the implementation of the Programme:

- major difficulties address the tasks stated in the Programme which implementation is not possible without additional funding;
- implementation of such tasks in 2011 largely depends on the activity of the responsible branch ministries during elaboration of budget amendments for 2011 as well as political decision on preference of primary branch.

In general implementation of the Programme in 2009 and 2010 is considered successful. All available financial and human resources are used to implement the Programme as well as new solutions and possibilities how to attract funding of the European Commission programmes are being considered to achieve the objective un sub-goals of the Programme – to plan and implement activities to facilitate prevention and combating of human trafficking improving awareness of society about human trafficking, providing support services for victims of human trafficking, promoting cooperation between public organizations and NGOs, enhancing work of law enforcement institutions.

Minister of the Interior

Linda Mūrniece