





PRE Human Trafficking in Latvia




How to fight against human trafficking?



You can do highest level
meetings: UN, EU, Regional

A 3D grid of blue spheres on a dark blue background. The spheres are arranged in a regular, repeating pattern that recedes into the distance, creating a sense of depth. The lighting is soft, highlighting the top of each sphere.

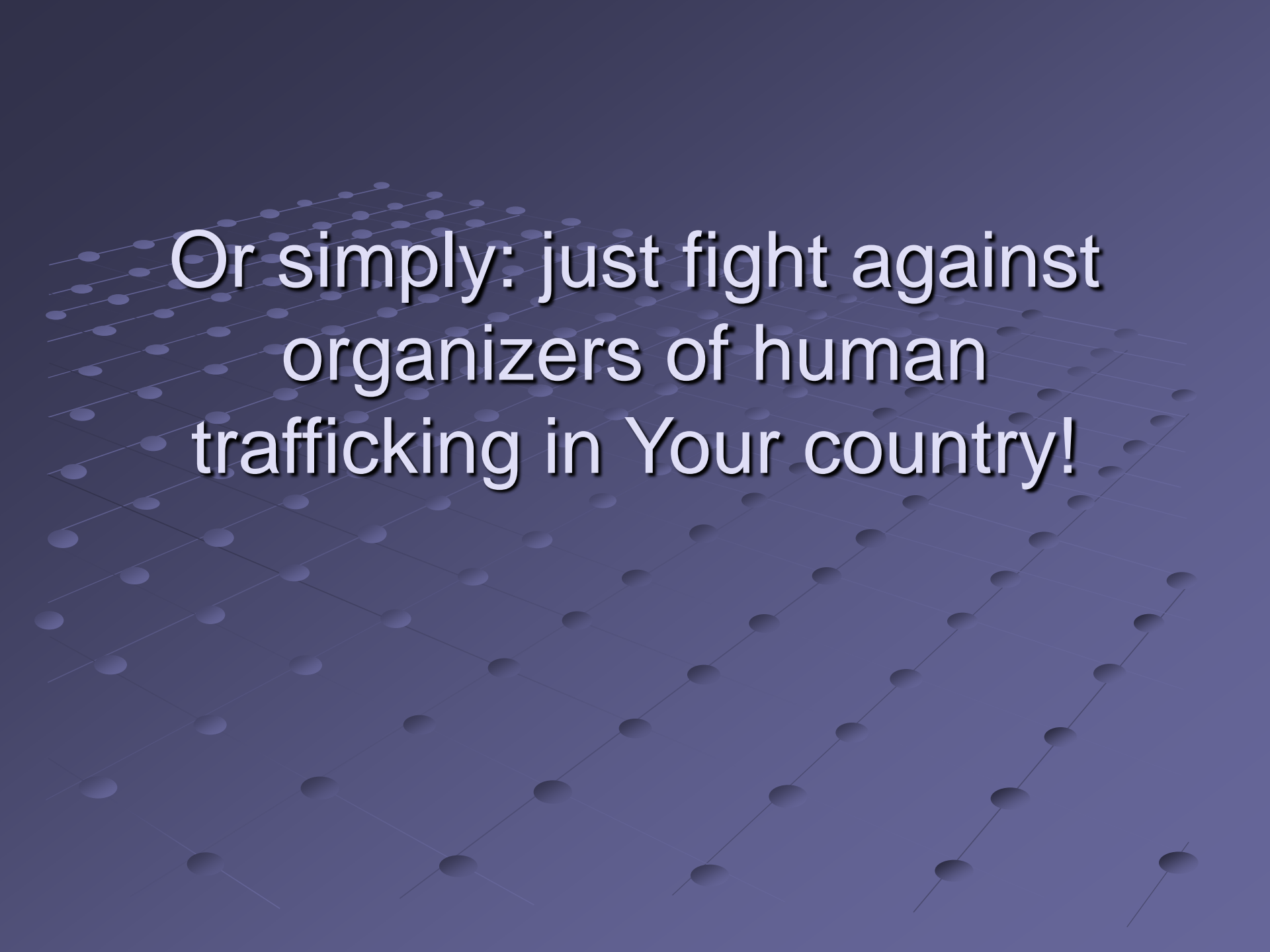
You can do lowest level
meetings, working groups



You can organize
demonstration in solidarity
with victims of trafficking!

A 3D grid of blue spheres on a dark blue background. The spheres are arranged in a regular, repeating pattern, creating a perspective view of a lattice structure. The text is centered over this grid.

You can elaborate new
recomendation, convenction



Or simply: just fight against
organizers of human
trafficking in Your country!

Combating trafficking in human beings in Latvia

Work of law enforcement agencies

A special unit of 20 police officers is involved in the fight against trafficking in human beings and operates under Organized Crime Enforcement Department. Additionally there are 5 regional inspectors – the TTT principle (*Train-the-Trainer*).

International cooperation in combating trafficking in human beings with the Baltic States, Nordic countries, Germany, Belarus and other countries, comprehensive joint investigations and detaining operations.

Cooperation with non-governmental organizations in the rehabilitation of victims of trafficking in human beings, in training specialists and educating society.

Preventive work in educating society, especially young people.

Combating trafficking in human beings in Latvia

- **There is an effective legislative regulation with a proportional mechanism of punishment in this crime sphere developed in Latvia :**
- ✓ it is prescribed that those offences that are committed within the territory of the Republic of Latvia and that correspond to the concept of trafficking in human beings also are considered as trafficking in human beings;
- ✓ foreign citizens and stateless persons who do not have a permanent residence permit in Latvia and who have committed crimes in the territory of another country but against Latvia or interests of its inhabitants, can be brought to trial in accordance with the Criminal Law if those persons have committed serious and especially serious crimes;
- ✓ the duration of detention foreseen for sending persons for sexual exploitation is increased to over five years, thus prescribing it as a serious crime, with the aim to ensure rights to the special procedural protection for victims, witnesses, suspects, the accused, persons on trial, and the convicted;

Combating trafficking in human beings in Latvia

- National legislation

Republic of Latvia on its way to European Union
underwent a legislation harmonization process

Penal law

Art. 165¹ (165²) – year 2000

Art. 154¹ (154²) – year 2002

Characterization of trafficking in human beings in Latvia

General tendencies:

Currently Latvia is mainly the country of origin or the country of consignment of the victims of human trafficking.

Organized crime groups in Latvia are not actively involved in trafficking in human beings, most often persons involved in human trafficking are recruiters, who have ganged up in Latvia, and souteneurs in the country of destination.

Currently in Latvia there are no outspoken risk regions and risk groups of the trafficking in human beings.

The trafficking in children is fully exterminated in Latvia.

The trafficking in women, as it is understood in Palermo Convention, is no more topical in Latvia.



Combating trafficking in human beings in Latvia

- **Legislation**

The Criminal Law Section 154¹ Human Trafficking

(1) For a person who commits human trafficking - the applicable sentence is deprivation of liberty for a term of not less than three years and not exceeding eight years, with or without confiscation of property.

(2) For a person who commits the same acts if commission thereof is with respect to a minor, or by a group of persons pursuant to prior agreement, are caused thereby, the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding twelve years, with confiscation of property.

(3) For a person who commits the same acts, if serious consequences are caused thereby or commission thereof is with respect to a juvenile, or by an organized group of persons, the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years, with confiscation of property.

Combating trafficking in human beings in Latvia

- **Legislation**

The Criminal Law Section 154² Meaning of Human Trafficking

(1) Human trafficking is the recruitment, conveyance, transfer, concealment or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of fraud, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent.

(2) The recruitment, conveyance, transfer, concealment or reception of minor persons for the purpose of exploitation shall be recognized as human trafficking also in such cases, if it is not connected with the utilization of any of the means referred to in the Paragraph one of this Section.

(3) Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform activities or to provide services, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or the compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the unlawful removal of a person's tissues or organs.

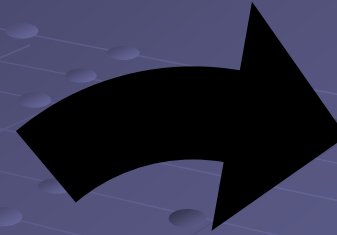
Combating trafficking in human beings in Latvia

Reactive phenomenon of The
Criminal Law Section 154¹ Human
Trafficking

Criminals

Victim
(real)

Police



Combating trafficking in human beings in Latvia

- **Legislation**

The Criminal Law Section 165¹ Sending persons for sexual exploitation

(1) For a person who commits sending a person with his or her consent for sexual exploitation, the applicable sentence is deprivation of liberty for a term not exceeding six years.

(2) For a person who commits the same acts, if commission thereof is for purposes of enrichment or if commission thereof is by a group of persons pursuant to prior agreement, or if commission thereof is repeated, the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.

(3) For a person who commits the acts provided for in Paragraphs one or two of this Section, if commission thereof is by an organized group, the applicable sentence is deprivation of liberty for a term of not less than eight years and not exceeding fifteen years, with confiscation of property, and with police supervision for a term not exceeding three years.

Combating trafficking in human beings in Latvia

Reactive (proactive) phenomenon of The Criminal Law Section

165¹ Sending persons for sexual exploitation

Police



Criminals

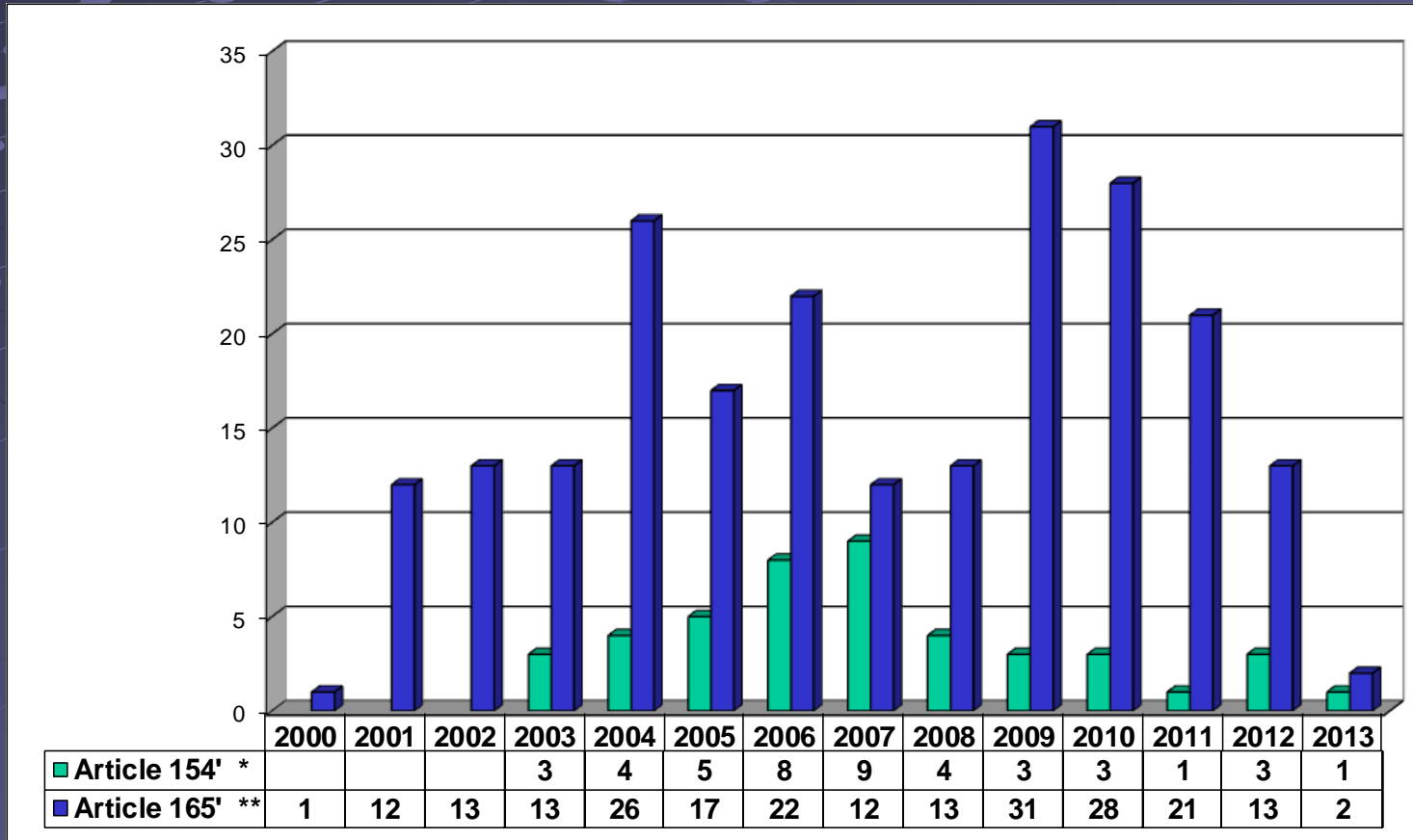
Combating trafficking in human beings in Latvia

General peculiarities of the investigation of Sending persons for sexual exploitation (art.165¹) and Human trafficking (art.154¹)

- (1) In order to gain status of the victim of THB, collaboration with law enforcement institutions is not compulsory.
- (2) Absence of the victim of THB is not an obstacle for putting on trail person committing THB.
- (3) Due to the security reasons, only specialized undercover police officers are involved in the police operations for identifying and arresting the recruiters of prostitutes.
- (4) After particular police activities (undercover work, etc.), recruiters of prostitutes are arrested for violation of Art.165¹, i.e., police by that does not allow that already recruited persons become victims of THB. It is also a preventative measure of Human trafficking as it is stated in art.154¹.

Combating trafficking in human beings in Latvia

Indicators of combating trafficking in human beings

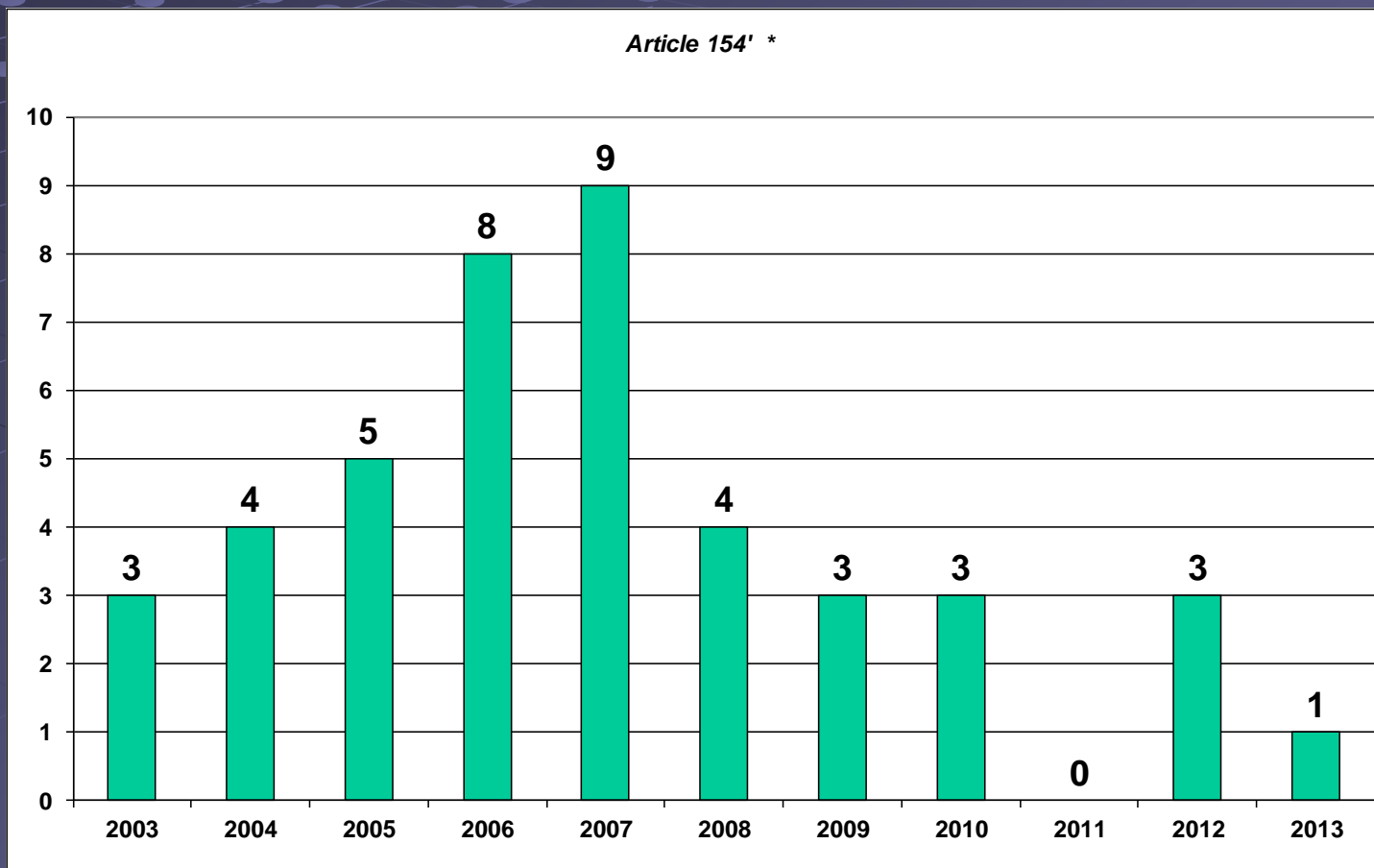


* Article 154' Criminal Code of the Republic of Latvia "Trafficking in human beings"; entered into force on May 23, 2002

** Article 165' Criminal Code of the Republic of Latvia "Sending persons for sexual exploitation"

Combating trafficking in human beings in Latvia

Number of initiated cases
(Trafficking in human beings)

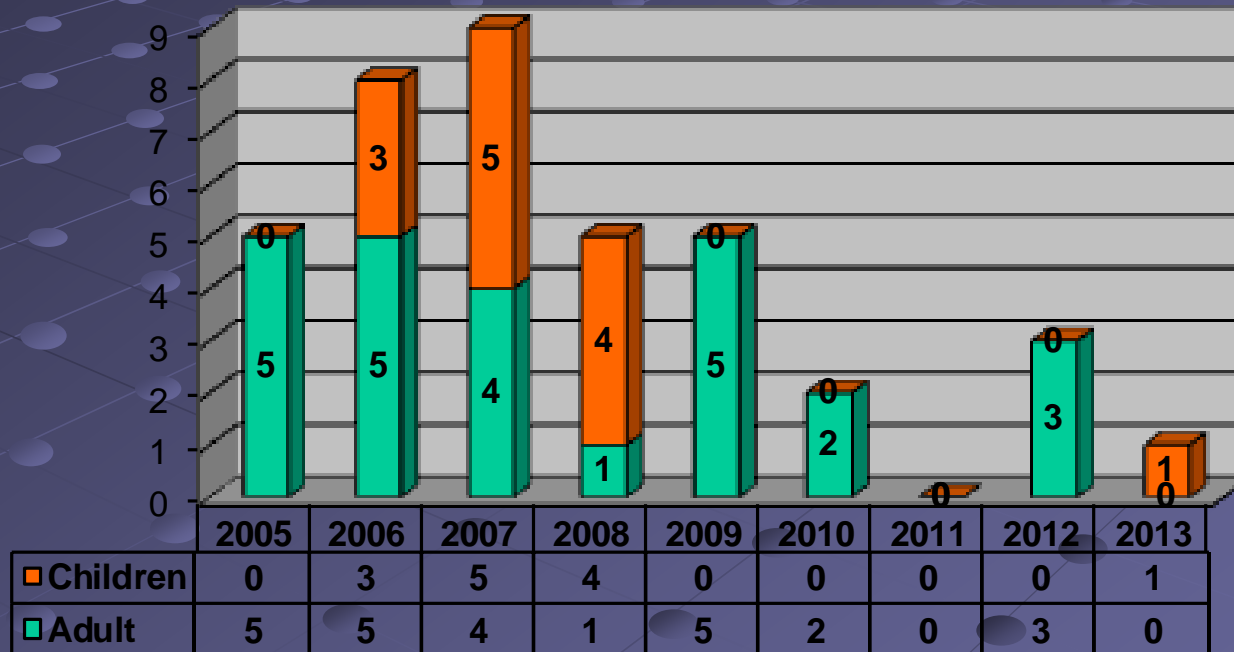


* Article 154' Criminal Code of the Republic of Latvia "Trafficking in human beings"; entered into force on May 23, 2002

Combating trafficking in human beings in Latvia

Number of underage victims
(Trafficking in human beings)

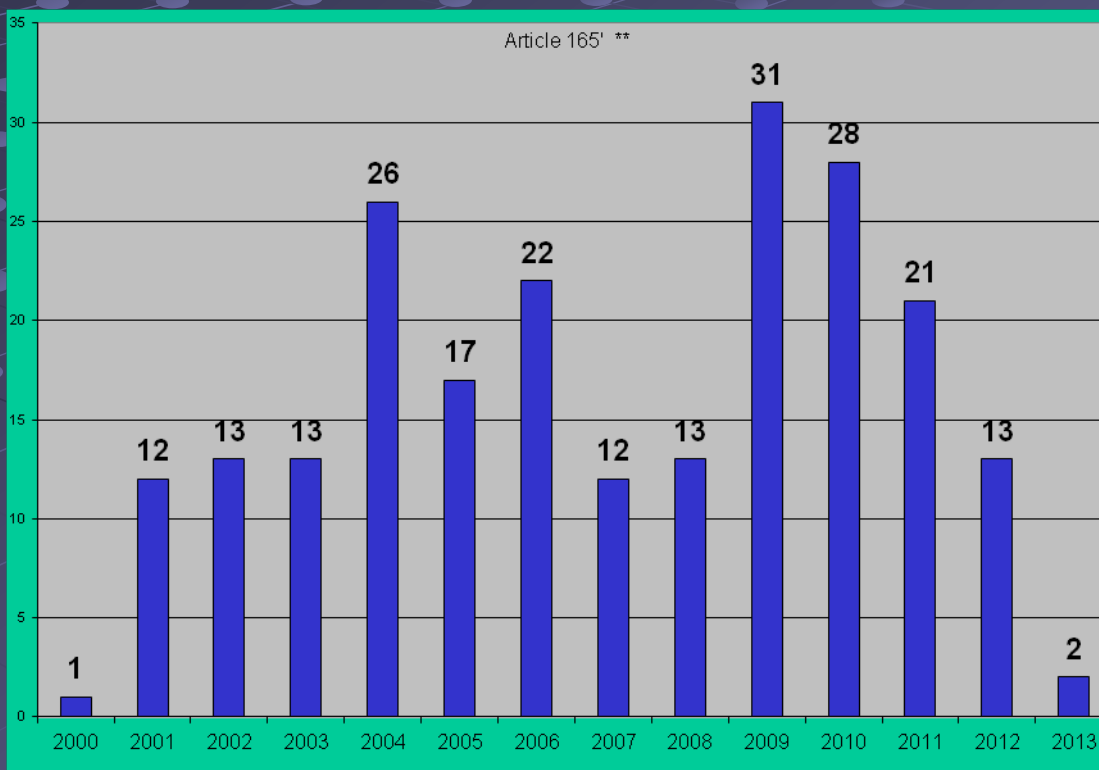
Article 154' *



* Article 154' Criminal Code of the Republic of Latvia "Trafficking in human beings"; entered into force on May 23, 2002

Combating trafficking in human beings in Latvia

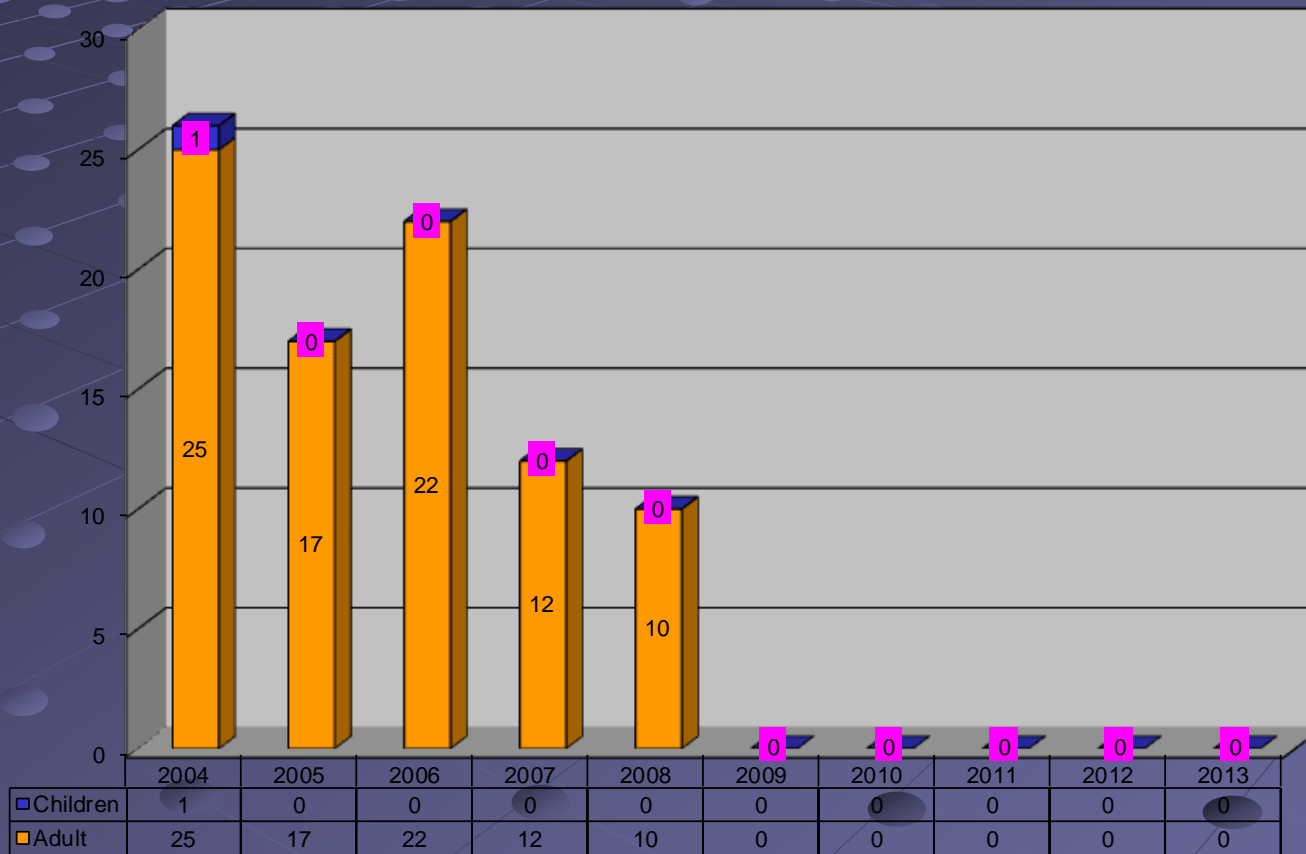
Number of initiated cases
(Sending persons for sexual exploitation)



** Article 165' Criminal Code of the Republic of Latvia "Sending persons for sexual exploitation"

Combating trafficking in human beings in Latvia

Number of underage victims
(Sending persons for sexual exploitation)



** Article 165' Criminal Code of the Republic of Latvia "Sending persons for sexual exploitation"

Combating trafficking in human beings in Latvia

Sending persons for sexual exploitation (Art.165¹) vs Human trafficking (Art.154.¹)

In order to exterminate completely human trafficking, legislator introduced the Art. 165.¹(Sending persons for sexual exploitation) in Latvian Criminal Law, relying on the expanded definition of human trafficking, as it is stated in *UN Convention on Action Against Trafficking in Human Beings and Exploitation in Prostitution by the Third Parties* (1950-March-21).

Therefore the above mentioned fact is a precondition for bringing to trial persons, who committed crime stated in Art. 165.¹ “Sending persons for sexual exploitation”, i.e., there is a legal instrument before they commit crime stated in Art. 154.¹ “Human trafficking” (exploitation, committed by using violence or threats or by means of fraud, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent).

Combating trafficking in human beings in Latvia

Fake marriage what it is?

- Human trafficking?
- Violation of migration law?
- Bigamy?
- Fraud?
- etc.

Could be any of mentioned and combination of all.

Latvian law enforcement institutions, involved in solving this problem, recon that most appropriate and sufficient definition for mentioned illegal activities would be "Human trafficking". According International and local legislation it covers most of indications.

There should be done preventative measures in order to avoid bigamy, usage of fake documents and misusing existing migration policy. Nevertheless taking into account organized criminal groups involved, illegal money flow and exploitation of involved EU citizens, this illegal activity should be treated as criminal offence. According Latvian legislation – Human trafficking is the closest one in national penal code.

Phenomenon on the map



Recognising sham marriages as the potential risk of human trafficking, in order to reduce the essential increase of sham marriages concluded mostly in another EU Member State, Member State of the European Economic Area or the Swiss Confederation, between citizens of Latvia and third-country nationals (mostly from Pakistan, Bangladesh, India), with the sole aim of circumventing the rules on entry and residence of third-country nationals and obtaining for the third-country national a residence permit or authority to reside in the Member State, and to discourage demand for brides and grooms from Latvia, a new article supplementing the CL was elaborated: CL Amending Law was adopted by the Parliament on December 13, 2012, published on December 27, 2012 in "Official Gazette" No 201 (4805), will come into force on April 1, 2013.

“Article 285.²Malicious
(abusive) provision with an
opportunity to obtain legal
right to reside in Latvian
Republic, another EU Member
State, Member State of the
European Economic Area or
the Swiss Confederation

(1) For malicious provision with an opportunity to obtain legal right to reside in Latvian Republic, another EU Member State, Member State of the European Economic Area or the Swiss Confederation,-the applicable punishment is deprivation of liberty for a term not exceeding three years, or short-term imprisonment or community service, or a fine.

(2) For malicious provision with an opportunity to obtain legal right to reside in Latvian Republic, another EU Member State, Member State of the European Economic Area or the Swiss Confederation, if it is committed for purposes of acquiring property or if it provided for two or more persons, or if it is committed by a group of persons,-the applicable punishment is imprisonment for a term not exceeding five years or short-term imprisonment, or community service, or a fine, with or without confiscation of a property.[1]”

Timeline

Criminalization of Fake Marriage organization abroad

Initiation of THB/Fake Marriage criminal case

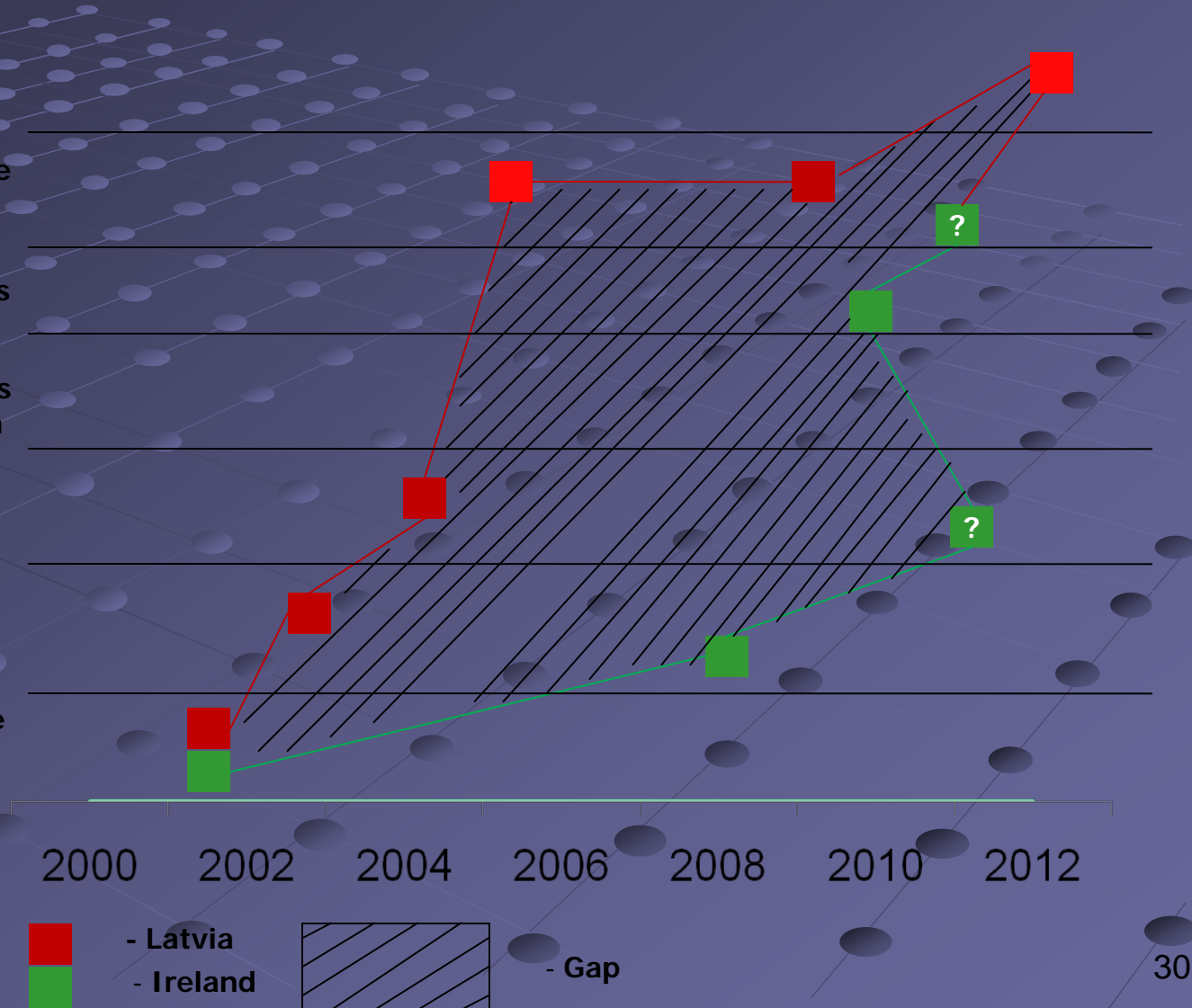
Preventative activities

Amendments/changes in existing legislation

Overview of existing legislation

Identification/recognition of Fake Marriages

Appearance of Fake Marriages



■ - Latvia
■ - Ireland
 - Gap

Characterization of trafficking in human beings in Latvia

- **General trends:**

- ✓ Currently Latvia is mainly the country of origin or the country of consignment of the victims of human trafficking. Latvian police is prepared for changes! It is foreseeable that in the next years this tendency will change and Latvia will also become the country of transit and destination for the victims of the human trafficking, especially for persons from the East – Ukraine, Belarus.
- ✓ Organized crime groups in Latvia are not actively involved in trafficking in human beings, most often persons involved in human trafficking are recruiters, who have ganged up in Latvia, and souteneurs in the country of destination.
- ✓ Currently there are no outspoken risk regions and risk groups of the trafficking in human beings in Latvia.

Characterization of trafficking in human beings in Latvia

- **Tendency of globalization of the trafficking in human beings**

- ✓ More often foreign citizens appear in the list of suspected and accused persons for souteneurism and recruitment in Latvia.
- ✓ Rarely Latvian citizens–recruiters organize the last stage on their own, without help of persons from other countries – create and organize prostitution in flats in England, Norway.
- ✓ Young women without mediation of recruiters join together and come to Western countries as tourists in order to provide sexual services there.
- ✓ After accession to the European Union Latvian women are full-fledged EU citizens and are authorized to be legally employed in prostitution in many Member States of the EU. Local police authorities do not control very carefully local souteneurs who exploit Latvian citizens.

Characterization of trafficking in human beings in Latvia

Tendency of the readiness element

Recruiters agree with victims on the basis of mutual advantage, or women themselves without mediators go abroad where they provide sexual services.

After returning home persons who were involved in providing sexual services abroad often involve in this occupation their relatives or acquaintances, thus creating a kind of a chain.

The achieved results combating against trafficking in human beings in Latvia

Elaborated State Programme for combating trafficking in human beings in the period of 2009-2013;

adjusted legislation that can be an example for other countries;

established a special, effective police unit;

substantially decreased trafficking in children;

substantially decreased trafficking in women in the conception of Palermo Convention.

Thank you for your attention!

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