

TEMPLATE POLICY PAGE

Category:	Prostitution and Trafficking for Sexual Exploitation
Country:	Latvia
Year:	/

Main policy page:	<p>After the Republic of Latvia regained its national independence, Latvia assumed international obligations for prevention of sexual exploitation of human beings and the UN Convention on Action Against Trafficking in Human Beings and Exploitation in Prostitution by the Third Parties, is in effect from 13 July 1992.</p> <p>In accordance with the requirements of Article 1 of this Convention, the countries who have ratified the same, undertake to punish any person, even if he or she pursues human trafficking or tries to do the same with consent of the person. The Convention states that trafficking in human beings for prostitution is deemed as mischief which must be exterminated since it cannot be association with human respect and value and it endangers welfare of a person, his or her family and the society.</p> <p>On 25 May 2002, (the Parliament of the Republic of Latvia) made amendments to the Criminal Law in order that Latvia could join the UN Convention against Transnational Organised Crime, the Protocol on Human Trafficking, and especially trafficking in women and children, prevention, combating and punishing stipulated in Sections 154.1 and 154.2 of the Criminal Law.</p> <p>In order to access the European Union, the Republic of Latvia had to carry out measures for aligning the legislation thus developing an effective penalty mechanism, which is proportional to a committed crime and contributes to refrain from committing a potential crime. Currently, the legislation of the Republic of Latvia complies with the said requirements, and those persons may be held criminally liable who perform or support transferring for sexual exploitation (human trafficking) even with consent of the person.</p> <p>After the amendments to the legislation in 2000, the number of minors and juveniles involved in prostitution and sent to foreign states decreased rapidly. Such penalty mechanism for trafficking in human beings including children has proven its efficiency by restraining persons from committing the said crimes (thus and comparing with the nineties, trafficking in children is no more a type of organised criminal trade a couple of episodes have been discovered when the injured parties are young women of age of 17). Unlike the previous year, no event of trafficking in minors or juveniles or sending of them to a foreign state for sexual exploitation was discovered during 2005.</p> <p>A range of amendments to the legislation is provided also in the State</p>
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Programme for Prevention of Human Trafficking in Latvia 2004-2008 in order it would fully comply with the requirements Palermo Convention.

By approving the State Programme for Prevention of Human Trafficking 2004-2008, the issue of human trafficking in Latvia was activated and studied at the highest political and executive power level. The purpose of the Programme is to facilitate prevention and combating of human trafficking by carrying out purposeful preventive, educational, as well as assistance activities for victims of human trafficking; to unite the efforts of the state and the society in prevention of human trafficking.

State Programme for Prevention of Human Trafficking 2004-2008 has several important objectives:

1) To align the regulations of the Republic of Latvia with recommendations and requirements of the United Nations Organisation, the European Union, the Council of Europe, Europol and other international institutions in the field of prevention of human trafficking.

In addition to the State Programme for Prevention of Human Trafficking, the legislation of the Republic of Latvia has been determined where amendments must be made in order it would be aligned with the requirements of international legislation in the field of prevention of human trafficking.

2) To limit the influence of criminal proceedings: to discover and to counteract criminal groups, criminal corporations (associations), to bring actions against such, to ensure that the participants of the same are punished; to analyse and to summarise international experience in the preventive activities with the main risk groups that most often become victims of human trafficking (children from orphanages, boarding schools, crisis centres, various shelters, disadvantageous families, etc.) and to use the said experience in practical work. For this purpose, the Programme stipulates development of a service of the Inspection for the Matters of Minors under the State Police, studying and analysing of information about persons who travel to and from risk countries, making an integrated system for detection of foreign citizens who stay in the state illegally, as well as making a database about persons who have provided false details about his or herself.

3) To ensure notification and educating of the society about the matters of human trafficking. The programme envisages the following: to educate experts, to include topics about human trafficking and the prostitution risk in the educational programmes of educational establishments, to issue informative materials and to develop programmes for further educational courses.

4) By providing social support services that are co-ordinated among institutions, to ensure integration of victims of human trafficking in the society. During implementation of the Programme, necessary amendments to the legislation were made in 2004 in order to provide services paid by the state to victims of human trafficking, and a system

	<p>was developed in 2005 stating the criteria according to which it can be done. In 2006, the state will start provision of the new services.</p>
<p>Relevant legislation:</p>	<p>The legislation for the Republic of Latvia defines the substance of human trafficking and related crimes, as well as provides applicable penalties. Section 154.2 of the Criminal Law defines the meaning of human trafficking:</p> <p>Section 154.2. Meaning of Human Trafficking</p> <p>(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.</p> <p>(2) The recruitment, conveyance, transfer, concealment or reception of minor persons for the purpose of exploitation shall be recognised as human trafficking also in such cases, if it is not connected with the utilisation of any of the means referred to in the Paragraph one of this Section.</p> <p>(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.</p> <p>Recruitment – involvement in human trafficking by mutual negotiation, use of the third party, by publishing job announcements in the mass media, etc.</p> <p>Conveyance – displacement of a person in space from one location to another (by land, water, air) with any transport vehicle.</p> <p>Transfer – abandonment of a person who has been transferred to a foreign state or delivery of a person to some other person, for example, an owner of a striptease club or erotic services.</p> <p>Concealment – it shall mean keeping of a person in a place where he or she cannot be seen by others, found by others, as well as the causing of such circumstances in order the person could not be found by others.</p> <p>Reception – meeting and acceptance of a person who has been delivered (transported) to a foreign state.</p> <p>Section 154.1 determines penalties for human trafficking:</p>

Section 154.1. Human Trafficking

(1) For a person who commits human trafficking to a foreign state – 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 organised 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.

Section 165.2. Sending to a Foreign State

Within the meaning of Section 165.1 of this Law, sending shall be construed as any action that encourages legal or illegal departure from the State or entry into the State, transit or residence in a foreign state.

Section 165.1 of the Criminal Law determines penalties for sending of a person to a foreign state for sexual exploitation:

Section 165.1. Sending a Person for Sexual Exploitation

a) For a person who commits sending a person with his or her consent to a foreign state for sexual exploitation the applicable sentence is deprivation of liberty for a term not exceeding four years;

b) For a person who commits the same acts, if commission thereof is for purposes of enrichment or with respect to a minor, the applicable sentence is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.

c) For a person who commits the acts provided for in Paragraphs one or two of this Section, if commission thereof is by an organised group or if commission thereof is with respect to a juvenile, 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.

On 15 June 2000, amendments to the Criminal Law entered into force providing application of more severe punishments for specific criminal offences to morals and sexual immunity (Section 162 “Immoral Acts With a Minor”, Section 164 “Compelling Engaging in Prostitution”, and Section 166 “Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials”), that are closely

	<p>related to human trafficking.</p> <p>In 2004, a legal provision was transposed in the Criminal Law of Latvia, which provides a possibility to deem also offences committed in the territory of the Republic of Latvia and compliant with the meaning of human trafficking as human trafficking (amendments to Section 1541 “Human Trafficking” of the Criminal Law). Also, a legal provision was transposed in the Criminal Law according to which foreign citizens or stateless persons without a permanent residence permit in the Republic of Latvia who have committed crimes in the territory of another state, that are committed against the interests of the Republic of Latvia or its inhabitants, may be held liable in accordance with the Criminal Law if they have committed serious or especially serious crimes (amendments to Paragraph three, Section 4 of the Criminal Law).</p> <p>Penalty with deprivation of liberty is stipulated by the Criminal Law for sending a person for sexual exploitation, and such a penalty is for a period exceeding five years, thus defining the same as a serious crime. The purpose of the said amendment was to ensure the right to the special procedural protection to victims of human trafficking, witnesses, suspects, defendants, persons on trial, convicts (amendments to Paragraph one, Section 1651 “For sending of persons for sexual exploitation” of the Criminal Law). Since making amendments to the Criminal Law, the number of registered criminal offences that are related to human trafficking increase considerably year by year. It confirms the high applicability of the said Sections, as well as the increasing efficiency of the operation of the police.</p> <p>In accordance with Section 4 of the Law on the Prevention of Laundering of Proceeds Derived from Criminal Activity, as proceeds from crime shall be acknowledged financial resources and other property, which have been directly or indirectly acquired as a result of the committing of the criminal offences provided for in the Criminal Law, including as a result of human trafficking and sending of persons for sexual exploitation. The said Law provides the responsibilities and the rights of participants of the financial and capital markets, organizers of and persons maintaining lotteries and gambling, enterprises (companies), which are engaged in foreign currency exchange, natural persons and legal entities who perform professional activities association with financial transactions, and the relevant supervision and control institutions in prevention of laundering of proceeds derived from criminal activity.</p>
<p>Trends:</p>	<p>Contrary to West Europe, Latvia is not a destination country for prostitutes from other countries but however, is the country of origin of such persons. Without seeing any other possibility or not willing to improve their material position, persons (with or without previous experience in prostitution) willingly go to the West European countries with the assistance of mediators (foreign pimps, various recruitment companies, recruiters) with an aim to earn money by providing sexual services. The main reason is the considerable difference in income between Latvia and Western Europe.</p>

According to information in disposal of the police, the majority of such women leave the state willingly and by being aware that they will be involved in prostitution or sex business. Persons who have been engaged in prostitution in such countries often establish friendly contacts with locals of the sex industry who promise to pay a single remuneration or fixed interest (5-10%) from the income of a recruited person for each prostitute who has been recruited in Latvia and sent to them. Upon return to Latvia, prostitutes, by assignment of representatives of the foreign sex industry, encourage, by telling about their income, other young women to go to foreign states willingly and to engage in prostitution there, thus the number of persons involved in the commercial sex industry increases and the same applies also to the number of the third parties who gain benefit from human trafficking. The majority of organisers-recruiters of human trafficking who have been detained in Latvia are young women. For example, fourteen detainees were women of 24 persons detained for human trafficking in 2006.

Main destination countries of human trafficking are: Great Britain, Germany, Italy, Spain, Switzerland, Denmark, Portugal and Norway.

For combating human trafficking, the State Police has close collaboration with the State Border Guard. The Immigration Service of the State Border Guard has not discovered persons with indicators of victims of human trafficking, who would have been exploited by force in Latvia in 2005/2006.

The State Police of Latvia carries out activities, on a constant basis, for extension of collaboration with the law enforcement authorities in the main destination countries of human trafficking. Currently, increasingly closer collaboration for prevention of trafficking of women is with the police offices of Germany and Denmark.

According to Section 165.1 "Sending a Person for Sexual Exploitation" of the Criminal Law, 108 criminal matters and criminal proceedings have been investigated:

In 2000: 1 criminal matter,
In 2001: 12 criminal matters,
In 2002: 13 criminal matters,
In 2003: 13 criminal matters,
In 2004: 26 criminal matters,
In 2005: 17 criminal matter,
In 2006: 24 criminal proceedings,
In 2007: 2 criminal proceedings.

However, 22 criminal matters and criminal proceedings have been initiated so far according to Section 154.1 "Human Trafficking" of the Criminal Law. Investigation was made in 8 criminal proceedings of those, in 2006:

In 2003: 3 criminal matters,
In 2004: 4 criminal matters,
In 2005: 5 criminal matters and 3 criminal proceedings,

	<p>In 2006: 8 criminal proceedings.</p> <p>In general, 108 criminal matters and criminal proceedings have been initiated since 2000 and according to Section 165.1 "Sending a Person for Sexual Exploitation" of the Criminal Law, from those 13 criminal matters in 2003, and a double-increase of 26 in 2004, 17 criminal matters in 2005, 24 criminal proceedings in 2006, 2 criminal proceedings in 2007.</p> <p>In 2003, 3 criminal matters were initiated according to Section 165.1 of the Criminal Law of Latvia, 4 criminal matters in 2004, 5 criminal matters and 3 criminal proceedings in 2005, 8 criminal proceedings in 2006.</p> <p>Since 2005, Latvia is no longer on the list of the countries of origin of human trafficking discovered in Germany. However, the most popular destination country of human trafficking is still Germany but Great Britain and Spain have become the runners-up in the meaning of destination countries for prostitutes</p>
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<p>Contacts:</p>	<p>National organisations</p> <ol style="list-style-type: none"> 1. The Latvian National Human Rights Office – http://www.vcb.lv/eng 2. Ministry of the Interior of the Republic of Latvia - http://www.iem.gov.lv/?lng=en 3. Ministry for Children and Family Affairs of the Republic of Latvia - http://www.bm.gov.lv/eng/ 4. Ministry of Welfare of the Republic of Latvia - http://www.lm.gov.lv/ 5. State police of the Republic of Latvia – http://www.vp.gov.lv 6. State Border Guard of the Republic of Latvia - http://www.rs.gov.lv 7. Office of Citizenship and Migration Affairs - http://www.pmlp.gov.lv <p>NGO`s:</p> <ol style="list-style-type: none"> 1. Resource Center for Women "Marta" - http://www.marta.lv/new.php?lang=en 2. International Migration Office – http://www.darbaz.lt/lv/ (In Latvian) 3. Crisis Centre "Skalbes" – http://www.skalbes.lv
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	4. Rehabilitation Center for Children Suffered from Violence “Dardedze” – http://www.centrsdardedze.lv/index.php (In Latvian)
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