



Global Monitoring

status of action against sexual
exploitation of children

REPUBLIC OF LATVIA



This publication was produced with the financial support of the Swedish International Development Cooperation Agency (SIDA), the Oak Foundation and Irish Aid. The views expressed herein are solely those of ECPAT International. The support from these donors does not constitute endorsement of the opinions expressed.

The terminology used in this report is consistent with the recently adopted Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines), which are available at: <http://luxembourgguidelines.org/>.

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TABLE OF CONTENTS

GLOSSARY OF ACRONYMS	4
GLOSSARY OF TERMS	6
FOREWORD	9
METHODOLOGY	11
LATVIA : INTRODUCTION	13
NATIONAL PLANS OF ACTION: SUCCESSES AND CHALLENGES	27
COORDINATION AND COOPERATION	30
PREVENTION: EDUCATION, INTERVENTION AND RESEARCH	34
PROTECTION: LEGISLATION AND ACCESS TO JUSTICE FOR CHILDREN	43
NATIONAL LEGISLATION	47
CHILD AND YOUTH PARTICIPATION	67
RECOMMENDATIONS	70
ANNEX	72
BIBLIOGRAPHY	82

GLOSSARY OF ACRONYMS

BLIS:	Baltic Legal Immigration Services
CBSS:	Council of the Baltic Sea States
CEACR:	Committee of Experts on the Application of Conventions and Recommendations (ILO)
CEDAW:	Convention on the Elimination of all Forms of Discrimination Against Women (UN)
CEPR:	Centre for Economic and Policy Research
CESCR:	Committee on Economic, Social and Cultural Rights (UN)
CEU:	Central European University
CF:	Cohesion Fund
CIA:	Central Intelligence Agency (USA)
CL:	Criminal Law of the Republic of Latvia
CM:	Cabinet of Ministers of the Republic of Latvia
CoE:	Council of Europe
CRC:	Convention on the Rights of the Child (UN)
CSBL:	Central Statistical Bureau of the Republic of Latvia (Centralas Statistikas Parvaldes Datubazes)
CSAM:	Child Sexual Abuse Material
CSEM:	Child Sexual Exploitation Material
EC:	European Commission
ECOSOC:	Economic and Social Council (UN)
ECRI:	European Commission against Racism and Intolerance
EFC:	European Financial Coalition against Commercial Sexual Exploitation of Children Online
EGCC:	Expert Group for Cooperation on Children at Risk
ENS:	European Network on Statelessness
ERDF:	European Regional Development Fund
ESF:	European Social Fund
EU:	European Union
FEAD:	Fund for European Aid to the Most Deprived
FRA:	EU Agency for Fundamental Rights
GDP:	Gross Domestic Product
GNI:	Gross National Income
GRETA:	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
HDI:	Human Development Index
HRC:	Human Rights Council (UN)
ICTs:	Information and Communication Technologies
IIWG:	Inter-Institutional Working Group
ILO:	International Labour Organization
IMF:	International Monetary Fund
IOM:	International Organisation for Migration

ISP:	Internet Service Provider
JIM:	Joint Inclusion Memorandum
LPRC:	Law on Protection of the Rights of the Child of the Republic of Latvia
MoES:	Ministry of Education and Science
MoFA:	Ministry of Foreign Affairs
MoH:	Ministry of Health
Mol:	Ministry of Interior
MoJ:	Ministry of Justice
MoU:	Memorandum of Understanding
MoW:	Ministry of Welfare
NATO:	North Atlantic Treaty Organisation
NCE:	National Centre for Education
NEET:	Not in Education, Training and Employment
NGO:	Non-Governmental Organisation
NPA:	National Plan of Action
OECD:	Organisation for Economic Cooperation and Development
OHCHR:	Office of the High Commissioner for Human Rights (UN)
OP:	Operational Programme
OPSC:	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
OCSE:	Online Child Sexual Exploitation
PRCL:	Protection of the Rights of the Child Law
RGSL:	The Riga Graduate School of Law
SEC:	Sexual Exploitation of Children
SECTT:	Sexual Exploitation of Children in Travel and Tourism
SIPCR:	State Inspectorate for Protection of Children's Rights
SRSG:	Special Representative of the Secretary-General on Violence against Children (UN)
UN:	United Nations
UNDP:	United Nations Development Programme
UNGA:	United Nations General Assembly
UNHCR:	United Nations High Commissioner for Refugees
UNICEF:	United Nations Children's Fund
UNODC:	United Nations Office on Drugs and Crime
UNTC:	United Nations Treaty Collection
UPR:	Universal Periodic Review
WHO:	World Health Organization
WWS:	Workplaces for Stipends
YEI:	Youth Employment Initiative

GLOSSARY OF TERMS

Access to Justice: Access to justice for victims of sexual exploitation of children (SEC) involves ensuring that victims have access to an effective remedy. ECPAT International defines the right to an effective remedy in terms of three components: the right to criminal justice, the right to recovery and reintegration and the right to compensation.

Child: According to Art. 1 of the Convention on the Rights of the Child (CRC), a child is "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."

Child/early marriage: According to Art. 16(2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), "the betrothal and the marriage of a child [under the age of 18] shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory." Art. 24(3) of the CRC states that "States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children." According to ECPAT International, child or early marriage can be considered a form of sexual exploitation when "a child is received and used for sexual purposes in exchange for goods or payment in cash or kind." ECPAT International also recognises child marriage as a contributing factor to the vulnerability of the child to sexual exploitation. Early marriage can be linked to wife abandonment, which can expose young girls to extreme poverty and increase the risk that they will be forced to enter the commercial sex trade in order to survive.

'Child pornography' and Child sexual abuse/exploitation material (CSAM/CSEM): According to Art. 2(c) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC), 'child pornography' means "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes." According to Art. 3(1)(c) of the OPSC, "each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law (...) producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the [purpose of sexual exploitation of the child] child pornography."

The term 'child pornography' is still used when addressing legal issues and contexts, in particular when reference is made to international and domestic legal treaties that explicitly include this term. However, according to the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, this term should be avoided to the extent possible, in particular when referring to non-legal contexts. In such contexts, 'child sexual abuse material' or 'child sexual exploitation material' should be the terms of choice. The term 'child sexual abuse material' can be used as an alternative to 'child pornography' for material depicting acts of sexual abuse and/or

focusing on the genitalia of the child. The term 'child sexual exploitation material' can be used in a broader sense to encompass all other sexualised material depicting children.¹

Exploitation of children in prostitution: According to Art. 2(b) of the OPSC, child prostitution means "the use of a child in sexual activities for remuneration or any other form of consideration." According to Art. 3(1)(b) of the OPSC, "each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law (...) offering, obtaining, procuring or providing a child for child prostitution."

Compensation: Art. 9(4) of the OPSC states that "States parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible." Compensation is normally some sort of financial award made by a court or through a legal settlement. The money is usually awarded to pay for the costs of psychosocial services needed by the victim and there may also be a component to compensate for pain and suffering.

Internet service providers (ISPs): entities that provide services for accessing, using or participating in the Internet and online services. Reporting obligations, when mandated and enforced, typically require the ISPs to report illegal content (according to the national law of the country where the ISP operates) to law enforcement or other designated authorities in their country when they are notified about it.

Live streaming of child sexual abuse: The live broadcast of sexual acts and abuse committed against children (this may include children being forced to act in sexually suggestive ways, in various situations of nakedness) often on demand dictated by paying customers who view such content, using online technologies and often produced using simple tools such as webcams and Internet connected computers or camera phones that have Internet access. In most situations, these sessions are not recorded by the ISPs and the evidence of abuse is only available while the live session is taking place. According to reported cases most of these are in exchange for monetary favour.

Mere possession: The simple possession of CSAM/CSEM for personal consumption only and not for the intent of distribution. **Online grooming:** The solicitation of children through the

1. Interagency Working Group (2016), "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse", June 2016, 40, accessed 14 March 2017, <http://luxembourgguidelines.org/>.

use of information and communication technologies (ICTs) for sexual purposes. Recovery and reintegration: The right to recovery and reintegration is provided for in Art. 39 of the CRC which states that "States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse." It is also provided for in Art. 9(3) of the OPSC which states that "States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery." This assistance can include physical health services, psychosocial support and assistance with reintegration where children have been removed from their families or communities.

Sale of children: According to Art. 2(a) of the OPSC, sale of children means "any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration." According to Art. 3(1)(a)(i) of the OPSC, "each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law (...) offering, delivering or accepting, by whatever means, of a child for the purpose of: (a) sexual exploitation of the child."

Sexual Exploitation of Children (SEC): SEC consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are four primary and interrelated forms of SEC: exploitation of children in/for prostitution, online child sexual exploitation, trafficking for sexual purposes and sexual exploitation of children in travel and tourism (SECTT). SEC comprises sexual abuse by adults and remuneration in cash or in kind to the child or a third person or persons.

Sexual exploitation of children in travel and tourism (SECTT): According to the 2016 Global Study on the Sexual exploitation of Children in Travel and Tourism, SECTT is refers to "acts of sexual exploitation of children in the context of travel, tourism or both".²

Trafficking: According to Art. 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Trafficking Protocol), trafficking "shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." Art. 3(c) states that "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth" above.

2. ECPAT International jointly with Defence for Children- ECPAT Netherlands (2016), "Offenders on the Move. Global study on sexual exploitation of children in travel and tourism", May 2016, Bangkok: ECPAT International, 20.

FOREWORD

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global crime of epidemic proportions. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress in order to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). Adopted in 2000 as a legally binding treaty of the United Nations, the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, convened in Yokohama for the Second World Congress to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven years later, the World Congress III in Rio de Janeiro provided the largest global platform to date for delegates from 137 governments to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing international human rights and child rights instruments. It also offers a framework for the accountability of all duty-bearers of children's rights, particularly governments, in the fight against sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

This report provides a comprehensive baseline of information on all manifestations of sexual exploitation of children in the country and an assessment of achievements and challenges in implementing counteractions (including the participation of children and young people themselves) to eliminate it. The report, which follows the framework of the Stockholm Agenda for Action, serves as an instrument for the sharing of information and experiences among various stakeholders and duty-bearers within the country as well as internationally. It also suggests concrete priority actions urgently needed to proactively advance the national fight against the sexual exploitation of children. Furthermore, this report enables the monitoring of the implementation of international instruments on child rights, related to sexual exploitation that have been ratified by the concerned state.

The production of this report is achieved through extensive collaboration within the ECPAT global network. ECPAT International would like to thank ECPAT member groups in the countries assessed, local and global experts and other organisations for their invaluable inputs to this report. ECPAT International would also like to express its profound appreciation of all the hard work of its dedicated team from within the Secretariat and for the generous support of its donors that helped make the finalisation of this report possible. The contributions of all involved have greatly strengthened the monitoring of the Agenda for Action and the heightened collaboration needed to fight the new and evolving complex manifestations of sexual exploitation of children.

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organisations and other relevant actors for combating sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for these reports involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of terms, explanatory literature on more difficult themes and concepts and a guide to relevant research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature updated information in relation to: (i) an overview of the main manifestations of sexual exploitation of children affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against sexual exploitation of children and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on relevant legislation; (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat sexual exploitation and (vii) priority actions required.

INTRODUCTION

Social/cultural/economic context of the country

Country Summary Statistics	
Region	Eastern Europe, bordering the Baltic Sea, between Estonia and Lithuania ³
Type of government	Parliamentary Republic ⁴
Population in 2015	1,978, 440 million ⁵
GDP (current USD, 2015)	27,003 billion ⁶
Unemployment (by age, 2014)	19.7% of female labour force, ages 15-24 ⁷ and 19% of male labour force, ages 15-24 ⁸
Tourist arrivals (2014)	1,843,000 ⁹
Internet users (2015)	79.2% ¹⁰
Population aged 0-18 (2016)	369,085 ¹¹
Education: Primary gross enrolment ratio, both sexes (2014)	100% ¹²
Education: Secondary gross enrolment ratio, both sexes (2014)	115% ¹³

- 3 United States of America, Central Intelligence Agency (CIA) (2017), "The World Factbook," accessed 23 February 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/lg.html>.
- 4 Republic of Latvia (1991), *The Constitution of the Republic of Latvia (Latvijas Republikas Satversme)*, adopted on 15 February 1922, entered into force on 7 November 1992, "Chapter I: General Provisions", accessed 23 February 2017, <http://www.wipo.int/wipolex/en/details.jsp?id=7363>.
- 5 World Bank (2015), "Country Data on Latvia," accessed 23 February 2017, <http://data.worldbank.org/country/latvia>.
- 6 *Ibid.* "GDP," accessed 23 February 2017, <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD>
- 7 *Ibid.* "Unemployment, youth female (% of female labour force ages 15-24)," accessed 23 February 2017, <http://data.worldbank.org/indicator/SL.UEM.1524.FE.ZS/countries>.
- 8 *Ibid.* "Unemployment, youth male (% of male labour force ages 15-24)," accessed 23 February 2017, <http://data.worldbank.org/indicator/SL.UEM.1524.MA.ZS/countries>.
- 9 *Ibid.* "International Tourism, Number of Arrivals," accessed 23 February 2017, <http://data.worldbank.org/indicator/ST.INT.ARVL>.
- 10 *Ibid.* "Internet Users (per 100 people)," accessed 23 February 2017, <http://data.worldbank.org/indicator/IT.NET.USER.P2>.
- 11 Central Statistical Bureau of the Republic of Latvia (*Centrālās Statistikas Parvaldes Datubāzes*) (CSBL), "Population at the Age Group 0–18 by Statistical Region," accessed 23 February 2017, http://data.csb.gov.lv/pxweb/en/Sociala/Sociala__ikgad__iedz__iedzskaitis/ISO181.px/table/tableViewLayout2/?rxid=a79839fe-11ba-4ecd-8cc3-
- 12 World Bank (2014), "School enrolment, primary (% gross)," accessed 23 February 2017, <http://data.worldbank.org/indicator/SE.PRM.ENRR>.
- 13 World Bank (2014), "School Enrolment, secondary (% gross)," accessed 23 February 2017, <http://data.worldbank.org/indicator/SE.SEC.ENRR>.

The Republic of Latvia is an Eastern European country situated in the Baltic Sea region.¹⁴ With an estimated population of approximately 2 million people, mainly comprised of Latvians (61.4%) and Russians (26%), it is one of the least densely populated countries in the European Union (EU).¹⁵ Like its Baltic neighbours, Estonia in the north and Lithuania in the south, the country regained its independence from the Soviet Union in 1991.¹⁶ Today, Latvia is a democratic, parliamentary republic with the Cabinet of Ministers accountable to the unicameral Parliament, the *Saeima*.¹⁷ Latvia's Head of State, the President, is elected by the Saeima for a period of four years.¹⁸

Latvia has a small and open economy. Production sectors are represented by information and communication technologies (ICTs), chemical and pharmaceutical industries, timber and construction, food processing, textiles, fishery and agriculture.¹⁹ The World Bank ranks Latvia as a 'high-income' country.²⁰ In 2015, Latvia's gross national income (GNI) per capita was US\$14,980.

Since its accession to the EU in 2004, Latvia has experienced both periods of rapid economic growth and deep recession.²¹ Latvia was critically hit by the global economic and financial crisis in 2008 and 2009: the country lost about 24% of its gross domestic product (GDP) between late 2007 and 2009²² and its loss in output was among the heaviest in the world.²³ In response to the economic crisis, the Latvian government developed a consolidation and stabilisation programme, supported by the EU and the International Monetary Fund (IMF), which required the implementation of restrictive fiscal policies and stringent austerity measures.²⁴ This anti-crisis programme led to positive developments. From 2011 to 2013, economic growth averaged 4.7% annually and Latvia was recognised as the EU's fastest growing economy in 2013.²⁵

14 European Union (EU), "Latvia: Overview," accessed 23 February 2017, http://europa.eu/about-eu/countries/member-countries/latvia/index_en.htm#goto_0.

15 CSBL (2014), "The number of population is decreasing-the mark has dropped below 2 million," accessed 28 February 2017, <http://www.csb.gov.lv/en/notikumi/number-population-decreasing-mark-has-dropped-below-2-million-39639.html>; Baltic Legal Immigration Services (BLIS), "The Republic of Latvia," accessed 28 February 2017, <http://www.immigration-residency.eu/faq/information-latvia/>.

16 Republic of Latvia (1991), Constitutional Law on the Statehood of the Republic of Latvia, adopted by the Supreme Council of the Republic of Latvia on 21 August 1991, accessed 28 February 2017, http://www.letton.ch/lvx_restore.htm.

17 Republic of Latvia (1922), The Constitution of the Republic of Latvia (Latvian Satversme), "Chapter II: the *Saeima*" and "Chapter IV: the Cabinet".

18 *Ibid.* Chapter III: "The President".

19 The Latvian Institute (2014), "Latvia in Brief, Republic of Latvia Latvijas Republika", accessed 28 February 2017, http://www.latvia.eu/sites/default/files/media/files/faktu_lapa_latvia_in_brief_2014_www.pdf.

20 World Bank (2015), "Latvia," accessed 28 February 2017, <http://data.worldbank.org/country/latvia>.

21 Irina Skribane and Sandra Jekabsone (2014), "Structural Weaknesses and Challenges of the Economic Growth of Latvia", ISSN 1392-3110 No. 1(34), 74-85, accessed 28 February 2017, http://sf.library.lt/marc/getobj.php?pid=LT-eLABa-0001:J.04~2014~ISSN_1392-3110.N_1_34.PG_74-85&lib=elb03.

22 Centre for Economic and Policy Research (CEPR), Mark Weisbrot and Rebecca Ray (2011), "Latvia's Internal Devaluation: A Success Story?", December 2011, 3, accessed 28 February 2017, <http://cepr.net/publications/reports/latvias-internal-devaluation-a-success-story>.

23 United Nations Office of the High Commissioner for Human Rights (OHCHR) (2013), "Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Mission to Latvia", A/HRC/23/37/Add.1, 27 May 2013, 1, accessed on 1 March 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/139/56/PDF/G1313956.pdf?OpenElement>.

24 Inna Dovladbekova (2012), "Austerity Policy in Latvia and its Consequences," Friedrich Ebert Stiftung, International Policy Analysis", September 2012, 2, accessed 28 February 2017, <http://library.fes.de/pdf-files/id-moe/09353.pdf>.

25 Ministry of Economics of the Republic of Latvia, CSBL (2015), "The National Economy of Latvia Macroeconomic Review" #63| 2015-2, ISSN 1407-5334, accessed on 1 March 2017, http://www.flandersinvestmentandtrade.com/export/sites/trade/files/news/875150730120940/875150730120940_1.pdf; The Economist (2013), "Extreme economics: Latvian lessons," 21 September 2013, accessed 1 March 2017, <http://www.economist.com/news/finance-and-economics/21586603-new-study-asks-whether-latvia-exception-or-exemplar-extreme-economics>; International Monetary Fund (IMF), Oliver Blanchard, Mark Griffiths and Bertrand Gruss (2013), "Boom, Bust, Recovery: Forensics of the Latvia Crisis," (2013), accessed 1 March 2017, https://www.brookings.edu/wp-content/uploads/2016/07/2013b_blanchard_latvia_crisis.pdf.

Deceleration in economic activity was seen in late 2014. However, Latvia's economic growth is expected to pick up again to 3.2% in 2017.²⁶

Although the stabilisation programme achieved its intended goals, the financial and economic downturn still had an adverse impact, causing social and economic losses for Latvia.²⁷ Official unemployment increased from 9.3% in late 2007 to 19.5% in early 2010 and then decreased to around 10.8% in 2014²⁸ amid some rebound in labour demand.

The financial crisis also caused an increase in poverty rate. In 2011, 40.1% of Latvia's population were at risk of poverty or social exclusion.²⁹ In 2015, this number dropped to 30.9% of the total population due to positive economic developments.³⁰ Income inequality still remained among the highest in the EU: Latvia's 0.35 Gini coefficient was the second highest in the EU in 2013.³¹ Poverty rates for children are of particular concern. In 2016, 25% of children in Latvia were at risk of poverty.³²

Despite these challenges, the United Nations Development Programme (UNDP) continues to position Latvia high on the Human Development Index (HDI). In 2015, Latvia was ranked 46 out of the 188 listed countries on the HDI.³³

Transparency International ranked Latvia 44th among 176 States on control of corruption in its 2016 Corruption Perceptions Index.³⁴ As reported by the UN Committee on Economic, Social and Cultural Rights (CESCR), the country continued to face serious corruption problems within government institutions, the police and judiciary.³⁵

The unfavourable economic and social situation may partly explain the fact that Latvia is considered primarily a source country for trafficked men, women and child victims of sexual exploitation. Latvian girls are, for example, subjected to sex trafficking within the country's borders, as well as in other parts of Europe.³⁶

26 European Commission (EC) (2016), "Country Report Latvia 2016" Commission Staff Working Document, SWD (2016) 82 final, 26 February 2016, 3, accessed 1 March 2017, http://ec.europa.eu/europe2020/pdf/csr2016/cr2016_latvia_en.pdf.

27 OHCHR (2013), "Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Mission to Latvia", 27 May 2013, 1-2.

28 EC (2016), "Country Report Latvia 2016", 26 February 2016, 15; IMF, Christian Ebeke and Greetje Everaert (2014), "Unemployment and Structural Unemployment in the Baltics", WP/14/153, August 2014, 3, accessed on 1 March 2017, <http://www.imf.org/external/ns/search.aspx?NewQuery=unemployment+Latvia&submit=>.

29 EC (2016), "Country Report Latvia 2016", 26 February 2016, 15.

30 *Ibid.*

31 Organisation for Economic Cooperation and Development (OECD) (2013), Data, "Income inequality", accessed on 1 March 2017, <https://data.oecd.org/inequality/income-inequality.htm>.

32 United Nations Children's Fund (UNICEF) (2016), "The State of World's Children (SOWC), Figure 3.4, "Percentage of population at risk of poverty in the EU, by age group, 2014", 77, accessed on 1 March 2017, https://www.unicef.org/publications/index_91711.html.

33 United Nations Development Programme (UNDP) (2015), "Human Development Report 2015, Work for Human Development", ISBN: 978-92-1-126398-5, 208, accessed on 2 March 2017, <http://hdr.undp.org/en/2015-report>.

34 Transparency International, the Global Coalition against Corruption (2016), "Corruption Perceptions Index 2016 – Latvia", accessed 16 March 2017, <http://www.transparency.org/country/LVA#>.

35 United Nations Committee on Economic, Social and Cultural Rights (CESCR) (2008), "Concluding Observations of CESCR: Latvia", E/C.12/LVA/CO/1, 7 January 2008, para 9, accessed 2 March 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=5.

36 US Department of State (2016), "Trafficking in Persons Report 2016", 239, accessed 2 March 2017, <https://www.state.gov/j/tip/rls/tiprpt/2016/index.htm>.

Furthermore, children in Latvia are exposed to abuse, violence, sexual exploitation and discrimination.³⁷ Ill-treatment and violence, especially domestic violence against women and children, is reported to be a widespread problem for various reasons; but primarily due to social norms, as it is a common belief in Latvian society that violence committed within a family should be a private matter.³⁸ The situation is further complicated due to the lack of systematically collected and disaggregated data on violence against children, as well as the absence of appropriate measures and mechanisms to address this problem.³⁹

Children are still exposed to corporal punishment in kindergartens and within families, although Latvian law officially prohibits this practice.⁴⁰ There is a phenomenon of racist violence against mainly Roma people, including children.⁴¹ Children are also confronted with sexual violence such as rape or abuse. Local non-governmental organisations (NGOs) have reported that 10% of children have already suffered from sexual abuse by the age of 15.⁴² The *Centrs Dardedze*, an NGO fighting violence against children, reported for example, that they provided direct help to 186 child victims of abuse in 2016⁴³

Sexual exploitation of children (SEC) has also been identified in Latvia. In 2009, the former UN Special Rapporteur on the sale of children, child prostitution and child pornography, Ms Najat M'jid Maalla, stated that despite a low number of reported cases of sexual exploitation of children in prostitution and trafficking, the number of child sexual abuse/exploitation material (CSAM/CSEM) was on the rise in Latvia, mainly via the Internet. In order to prevent this practice, the former Special Rapporteur suggested adopting a set of required policy and legislative measures paying particular attention to especially vulnerable children who are at risk of becoming potential victims of sale, prostitution, online child sexual exploitation (OCSE) and sexual exploitation of children in travel and tourism (SECTT).⁴⁴ As mentioned hereafter, this recommendation was partly implemented through the adoption of various national plans of action (NPAs) in Latvia.

While the government claims that all children in Latvia enjoy the same rights, the UN Committee on the Rights of the Child in its Concluding Observations (2006) stated that the principle of non-discrimination was not fully implemented in Latvia.⁴⁵ A large proportion of children belonging to

37 UN Committee on the Rights of the Child (2006), "Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding Observations: Latvia," 42nd session, CRC/C/LVA/CO/2, 28 June 2006, paras. 20, 36, 58, accessed 3 March 2017, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=45377ee96&skip=0&query=concluding%20observations&coi=LVA>; Humanium (2012), "Children of Latvia", accessed 3 March 2017, <http://www.humanium.org/en/latvia/>.

38 UN Committee on the Rights of the Child (2006), "Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding Observations: Latvia," 42nd session, CRC/C/LVA/CO/2, 28 June 2006, para. 36.

39 *Ibid.*, paras. 16 and 36.

40 Corporal punishment of children is prohibited at home (according to Republic of Latvia (1998), Law on Protection of the Rights of the Child of the Republic of Latvia (LPRC), adopted by the Saeima on 19 June 1998, Sections 9(2) and 24(4), accessed 3 March 2017, http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=56381&p_country=LVA&p_classification=04; Republic of Latvia (1998), Criminal Law of the Republic of Latvia (CL), adopted by the Saeima on 17 June 1998, Sections 125-130 and 174, accessed 3 March 2017, <https://likumi.lv/doc.php?id=88966> and <http://www.legislationline.org/documents/section/criminal-codes/country/19>); in alternative care and day care settings (according to Republic of Latvia (1998), LPRC, Sections 9(2) and 39,); at school and in penal institutions (according to Republic of Latvia (1998), LPRC, section 9(2)).

41 Humanium (2012), "Children of Latvia", accessed 3 March 2017.

42 *Ibid.*

43 Information provided by *Centrs Dardeze*.

44 The United Nations Human Rights Council (HRC) (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", A/HRC/12/23/Add.1, 13 July 2009, accessed 3 March 2017, <http://www.refworld.org/publisher,UNHRC,MISSION,LVA,50ffbce591,,0.html>.

45 UN Committee on the Rights of the Child (2006), "Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding Observations: Latvia," 42nd session, CRC/C/LVA/CO/2, 28 June 2006, para. 20, 5.

ethnic minorities, including Roma children, children with disabilities and children living in remote/distant geographical areas, lacked access to housing, adequate health, employment and education facilities.⁴⁶ According to the European Commission against Racism and Intolerance (ECRI), the Roma community is deemed to be the most discriminated group in present Latvian society. Roma children are still placed in separate classes from other students, which prevents them from receiving a quality education, limits their development and professional opportunities in the future and increases their vulnerability to SEC.⁴⁷

At the First World Congress Against the Commercial Sexual Exploitation of Children held in Stockholm in 1996,⁴⁸ the Republic of Latvia adopted the Stockholm Declaration and Agenda for Action⁴⁹ and reaffirmed its commitments at the Second World Congress in Yokohama in 2001.⁵⁰

Definition of a child

The United Nations Convention on the Rights of the Child (CRC), the most widely ratified UN Convention, defines a child as "every human being below the age of 18 years old unless, under the law applicable to the child, majority is attained earlier."⁵¹

The definition of a child under Latvian legislation is provided in Section 3(1) of the Law on the Protection of the Rights of the Child and is in line with the international definition. According to this provision, a child is "a person who has not attained 18 years of age, excepting such persons who have been declared to be of legal age in accordance with law or have entered into marriage before attaining 18 years of age".⁵² Latvian legislation also provides that a person between the ages of 14 and 18 is a 'minor', while a person below the age of 14 a 'juvenile' and cannot be held criminally liable.⁵³

Marriage age

The Latvian Constitution (*Latvian Satversme*) understands a marriage as a union between a man and a woman.⁵⁴ The Civil Law of the Republic of Latvia permits entering into marriage from the

46 UN Committee on the Rights of the Child (2014), "Concluding Observations: Latvia", CRC/C/LVA/CO/2, para. 20; HRC (2014), "Concluding observations on the Third Periodic Report of Latvia", CCPR/C/LVA/CO/3, 11 April 2014, para. 21, accessed 3 March 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fLVA%2fCO%2f3&Lang=en.

47 HRC (2014), "Concluding observations on Third Periodic Report", para. 21.

48 First World Congress Against the Commercial Sexual Exploitation of Children in Stockholm, Sweden, 27-31 August 1996, accessed 3 March 2017, <http://www.cfr.org/human-rights/first-world-congress-against-commercial-sexual-exploitation-children-declaration-agenda-action/p27940>.

49 First World Congress against Commercial Sexual Exploitation of Children (1996), "The Stockholm Declaration and Agenda for Action", 31 August 1996, accessed 3 March 2017, https://www.unicef.org/lac/spbarbados/Planning/Global/Child%20protection/The%20Stockholm%20Declaration%20and%20Agenda%20for%20Action_1996.doc.

50 Second World Congress Against Commercial Sexual Exploitation of Children, Yokohama, Japan, 17-20 December 2001, accessed 3 March 2017, <https://www.unicef.org/events/yokohama/>.

51 UN Convention on the Rights of the Child (CRC) (1989), adopted by UNGA Resolution 44/25 of 20 November 1989, entered into force 2 September 1990, Article 1, accessed 3 March 2017, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

52 Republic of Latvia (1998), LPRC, Section 3(1).

53 Republic of Latvia (1998), CL, Section 11.

54 Republic of Latvia (1922), The Constitution of the Republic of Latvia (*Latvian Satversme*), Article 110.

age of 18 years old without any gender distinction,⁵⁵ which is in line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which in turn provides for the prohibition of child marriage.⁵⁶

In exceptional cases, a person who has attained 16 years of age may enter into marriage under two cumulative conditions: (i) only with the consent of his/her parents or guardian, and when (ii) he/she marries a person who has already reached the age of majority, i.e. 18 years old.⁵⁷ As mentioned above, in this case a person is no longer considered to be a child.⁵⁸ In situations when parents or guardians, without good cause, refuse to give permission, then permission may be given by an orphan's court of the place where the parents or appointed guardians reside.⁵⁹ However, the UN Committee on the Rights of the Child recommends that States parties do not give validity to, or permit a marriage between, persons who have not attained the age of majority as it considers that the minimum age for marriage should be 18 years for both men and women.⁶⁰

Despite this recommendation, the Latvian government still argues that child marriage is not a reported problem in the country.⁶¹ This assumption is most likely based on the low incidence of child marriages in the country. Marriages of boys and girls under the age of 18 years have constituted 0.4% of all marriages in 2014.⁶²

In terms of the age of sexual consent, the Criminal Law of the Republic of Latvia (CL) clarifies that any sexual acts with a person who has not attained the age of 16 years are prohibited, and the perpetrator shall be criminally punished.⁶³ On the other hand, the Committee on the Rights of the Child in its concluding observations to some countries [e.g., the Netherlands] expressed concern for "(...) legislation making sexual exploitation of children only a criminal offence up to the age of

55 Republic of Latvia (1937), Civil Law, adopted 28 January 1937 with amendments as of 2014, Sub-Chapter 2: "Entering into Marriage and Termination of Marriage", Article 32, accessed 3 March 2017, <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN018388.pdf>.

56 UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), adopted in 1979 by the UNGA in Resolution 34/180, entered into force on 3 September 1981, Article 16(2): "the betrothal and the marriage of a child [under the age of 18] shall have no legal effect, and all necessary actions, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory", accessed 6 March 2017, <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

57 Republic of Latvia (1937), Civil Law, Republic of Latvia (1937), Civil Law, adopted 28 January 1937 with amendments as of 2014, Sub-Chapter 2: "Entering into Marriage and Termination of Marriage", Article 33: "By way of exception, a person who has attained sixteen years of age may marry with the consent of his or her parents or guardians if he or she marry a person of legal age."

58 Republic of Latvia (1998), LPRC, Section 3(1).

59 Republic of Latvia (1937), Civil Law, adopted 28 January 1937 with amendments as of 2014, Sub-Chapter 2: "Entering into Marriage and Termination of Marriage".

60 UN Committee on the Rights of the Child (2003), "General Comment No.4, Adolescent Health and Development in the Context of the Convention on the Rights of the Child", CRC/GC/2003/4, 1 July 2003, para. 20.

61 HRC (2013), "Report of the Office of the High Commissioner for Human Rights on Child, Early and Forced Marriage to the Human Rights Council pursuant to Resolution A/HRC/RES/24/23, Information on practice in the Republic of Latvia", December 2013, 1, accessed 6 March 2017, <http://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/Latvia.docx>.

62 US Department of State (2014), "Country Reports on Human Rights Practices 2014, Latvia", "Children - Early and Forced Marriage", accessed 6 March 2017, <https://www.state.gov/j/drl/rls/hrrpt/2014humanrightsreport/#wrapper>.

63 Republic of Latvia (1998), CL, Section 161: "Sexual Connection, Pederasty and Lesbianism with a Person who has not Attained the Age of Sixteen Years": "For a person who commits a sexual act, or pederastic, lesbian or other unnatural sexual acts of gratification, with a person who has not attained the age of sixteen years and who is in financial or other dependence on the offender, or if such offence has been committed by a person who has attained the age of majority, the applicable punishment is deprivation of liberty for a term not exceeding four years or temporary deprivation of liberty, or community service or a fine, with or without probationary supervision for a term not exceeding three years", adopted on 17 June 1998, as amended on 18 May 2000, accessed 6 March 2017, http://www.wipo.int/wipolex/en/text.jsp?file_id=198865#LinkTarget_2890.

16 and not 18".⁶⁴ In this regard, the Committee recommends to such countries to extend coverage of legislation to protect children from sexual exploitation up to the age of 18.⁶⁵

Regrettably, Latvian national statistics reveal a negative trend indicating the rise of officially recorded criminal offences involving sexual contacts with persons under the age of 16, from 10 cases in 2010 to 24 in 2013.⁶⁶ It has been suggested by local NGOs, in their Alternative Report to the UN on the Situation of the Protection of Children's Rights and the Implementation of the UNCRC Recommendations in Latvia (2015)⁶⁷ to the UNCRC, that the number of unrecorded cases is even higher.⁶⁸ In addition, the report brings attention to the cases of sexual abuse of young people (aged 5-18 years) with intellectual development disorders committed in social care centres.⁶⁹

Violence against children

Article 19 of the CRC requires children's protection from "all forms of physical or mental violence" while in the care of parents or others.⁷⁰ As affirmed by UNICEF, the awareness of the extent of violence against children in their homes, in institutions and in the community, is growing in all countries.⁷¹ Latvia is no exception. In 2006, the HRC expressed its concern about a high number of unreported cases of domestic violence and abuse of children in Latvia.⁷² The Committee on the Rights of the Child noted that while police are dealing with the most severe cases of physical and sexual abuse of children, the violence occurring in households is usually considered to be a private matter.⁷³ Many reports, including those from children, convinced the Committee to conclude that violence against children is a widespread problem in Latvia and one that the country has to urgently address.⁷⁴

To follow-up with the Committee's recommendation, the Latvian authorities have launched several initiatives, including strengthening the national legislation to legally protect children from

64 UN Committee on the Rights of the Child (2002), "Concluding observations of the Committee on the Rights of the Child: The Kingdom of the Netherlands (Netherlands Antilles)", CRC/C/15/Add.186, 13 June 2002, para. 60(c), accessed 6 March 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2F15%2FAdd.186&Lang=en.

65 Ibid., para. 61(b); UN Committee on the Rights of the Child (2003), "General Comment No.4", CRC/GC/2003/4; UNICEF, Rachel Hodgkin and Peter Newell (2007), "Implementation Handbook for the Convention on the Rights of the Child, 3rd ed.", accessed 6 March 2017, http://www.unicef.org/publications/files/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child.pdf.

66 CSBL (2014), "Children in Latvia 2014", Collection of Statistical Data, (Riga, 2014), 77, accessed 6 March 2017, <http://www.csb.gov.lv/en/dati/e-publikacijas/children-latvia-2014-38527.html>.

67 Latvian Protect the Children (2015), "Alternative Report to the UN on the Situation of the Protection of Children's Rights and the Implementation of the UNCRC Recommendations in Latvia", accessed on 6 March 2017, http://www.rnc-rtb.lv/publikacijas_lv.html.

68 The Republic of Latvia, State Police (2013), "Pārskats par nepilngadīgo noziedzības stāvokli, noziedzīgos nodarījumos cietušajiem bērniem un noziedzības novēršanas problēmām 2013. Gadā", accessed 6 March 2017, <http://www.vp.gov.lv/?id=305&said=305&docid=13018> in Latvian Protect the Children (2015), "Alternative Report to the UN on the Situation of the Protection of Children's Rights and the Implementation of the UNCRC Recommendations in Latvia".

69 Ibid. 33.

70 UN (1989), CRC, adopted by UNGA Resolution 44/25 of 20 November 1989, entered into force 2 September 1990, Article 19(1).

71 UNICEF, Rachel Hodgkin and Peter Newell (2007), "Implementation Handbook", September 2007, 249, accessed 6 March 2017, https://www.unicef.org/publications/index_43110.html.

72 HRC (2011), "Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council Resolution 5/1, Latvia," Working Group on the UPR, 11th session, Geneva, A/HRC/WG.6/11/LVA/2, 2-13 May 2011, paras. 32 and 36, accessed 6 March 2017, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/LVSession11.aspx>.

73 UN Committee on the Rights of the Child (2006), "Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding Observations: Latvia," 42nd session, CRC/C/LVA/CO/2, 28 June 2006, para. 36.

74 Ibid.

violence, establishing a hotline, educating children and their parents/legal guardians about the consequences of violence, and public awareness raising on the issue.⁷⁵ Despite the measures taken so far, Latvian children continue to be exposed to various forms of violence and abuse (e.g. sexual violence, corporal punishment, peer violence, sexual mobbing⁷⁶ and bullying) in families, schools, childcare facilities and other institutions.⁷⁷

However, available statistical data of registered cases of violence against children over the past 10-15 years makes it difficult to determine if the problem is, in fact, increasing or decreasing.⁷⁸ Indeed, Latvia still lacks a proper monitoring and reporting system that would register all the cases of child abuse and violence.⁷⁹ The only available official statistics on violence are based on crime data, court cases and information of the State Inspectorate for Protection of Children's Rights (SIPCR).⁸⁰ In order to understand the magnitude of the problem, the SIPCR organised four nationwide hotline campaigns in 2016. They received 27,086 calls, of which, 86 involved cases of sexual abuse of children and 549 dealt with physical violence against children. The SIPCR investigated 135 cases of alleged violations of children's rights during the first nine months of 2016.⁸¹

In 2014, the EU Agency for Fundamental Rights (FRA) found in the course of its survey on "Violence against women" that about 39% of Latvian women experienced physical and/or sexual violence since they were 15 years old.⁸²

While the national legislation makes it obligatory for everyone to inform police or any other competent body about cases of violence or illegal acts against children,⁸³ the reporting is still

75 In December 2005, the Latvian government created a State Inspectorate for Protection of Children's Rights (SIPCR) to deal with complaints and conduct investigations on cases of violence against children *ex officio*. A few months later, the government also introduced a free state-funded hotline through which children and adults could consult psychologists or report cases of abuse, see: The UN Special Representative of the Secretary-General on Violence against Children (SRSG) (2011), "Global Progress Survey on Violence against Children: Reply of the Republic of Latvia," 35-36, accessed 6 March 2017, http://srsg.violenceagainstchildren.org/sites/default/files/global_survey/responses/latvia/unvac_survey_Latvia.pdf.

76 Defined as the fact of "teasing about sexual experience or lack of sexual experience, distribution of risqué photos without the consent of people seen in these photos, rumours about a person's sexual orientation" in Latvian Protect the Children (2015), "Alternative Report to the UN on the Situation of the Protection of Children's Rights and the Implementation of the UNCRC Recommendations in Latvia", 49.

77 Latvian Protect the Children (2015), "Alternative Report to the UN on the Situation of the Protection of Children's Rights and the Implementation of the UNCRC Recommendations in Latvia", 48-49; Latvian NGO, Resource Centre for Women "Marta", "Annual Report 2015", accessed 7 March 2017, <http://marta.lv/about-marta/annual-reports>.

78 *Centrs Dardede*, Daphne (2009), "Research of the current situation in Latvia, concerning sexual abuse of children at residential institutions - Project "Sexual Violence against Children in Residential Institutions", DAPHNE III 2007-2013 Program of the EC, NR. JLS/2007/DAP-1/178/-30-CE- 0229207/00-68, 4-6, accessed 7 March 2017, <http://www.centrsdardede.lv/en/projects-2/daphne-programme-of-european-commission/sexual-abuse-against-children-at-residential-institutions-jls2007dap-1178-30-ce-022920700-6> and http://www.centrsdardede.lv/data/kampanas/S_01_Desk%20Review_LV_eng.pdf.

79 UN Committee on the Rights of the Child (2016), "Concluding observations on the third to fifth periodic reports of Latvia, CRC/C/LVA/CO/3-5, 14 March 2016, para. 36, 8, accessed 17 March 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLVA%2fCO%2f3-5&Lang=en.

80 *Centrs Dardede*, Daphne (2009), "Research of the current situation in Latvia, concerning sexual abuse of children at residential institutions - Project "Sexual Violence against Children in Residential Institutions", DAPHNE III 2007-2013 Program of the EC, NR. JLS/2007/DAP-1/178/-30-CE- 0229207/00-68, 4.

81 US Department of State, Bureau of Democracy, Human Rights and Labor (2016), "Country Reports on Human Rights Practices 2016, Latvia", "Children – Child Abuse", accessed on 7 March 2017, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

82 European Union Agency for Fundamental Rights (FRA) (2014), "Violence against women: an EU-wide survey, Main results", 28, accessed 7 March 2017, http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf.

83 Republic of Latvia (1998), LPRC, Section 51(3): "Protection of the Child from Illegal Activities": "Every person has the duty to inform the police or another competent authority regarding violence or any other criminal offence directed against a child. For failing to inform, the persons at fault shall be held to liability as prescribed by law", accessed 7 March 2018, <https://www.crin.org/en/library/legal-database/latvia-protection-rights-child-law>.

inadequate.⁸⁴ *Centrs Dardedze* concluded in this regard that "medical workers are either incapable of recognizing the signs of sexual violence or ignore them as there is no clear procedure of reporting".⁸⁵ Another NGO, Lawyers of the GB-LPC and GB Support Hotline, stated that medical doctors avoid reporting on such cases because they are scared of physical or judicial revenge by victims' parents as they lack both legal and health protection in case of possible attacks.⁸⁶ However, reportedly the central hospital for children in Riga has developed special guidelines – e.g. checklist for emergency doctors to recognise signs of sexual abuse and exploitation and set procedures to be followed in such cases (including reporting to the police).⁸⁷

As mentioned above, the absence of a clear procedure or protocol is another serious obstacle that prevents Latvians from reporting on suspected or confirmed cases of sexual violence against children. In this regard, launching an integrated monitoring and reporting system that would serve as a platform for reporting on any cases of sexual violence and abuse of children to law enforcement agencies has been recommended, notably by Latvian Protect the Children in 2015.⁸⁸

In this regard, since 2015 *Centrs Dardedze* has gathered a committee of experts from different ministries, law enforcement and social institutions to analyse the inter-institutional cooperation in cases of sexual abuse against children.⁸⁹ Moreover, the committee discusses and implements, mechanisms, based on best practice examples in other countries, where victims' best interests are taken into consideration and re-victimisation risks are eliminated.⁹⁰ As a result of the experts' work as well as the contribution of the Ministries of Welfare and Justice, in June 2016 the Crime Prevention Council implemented the BarnaHus model (Children's House) in Latvia.⁹¹ Barnahus are interdisciplinary and multiagency centres where professionals gather under one roof to investigate suspected child sexual abuse cases and provide services for child victims.⁹² The first pilot BarnaHus has been launched in Riga by the Ministries of Welfare and Justice and *Centrs Dardedze*.⁹³

Exploitation of children in prostitution

Article 34 of the CRC covers the rights of the child to be protected from all forms of sexual exploitation and sexual abuse, including the use of children in prostitution and pornography.⁹⁴ In 2002, the United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) entered into force.⁹⁵ Latvia signed the Protocol in 2002 and ratified it in 2006.⁹⁶

84 Latvian Protect the Children (2015), "Alternative Report to the UN on the Situation of the Protection of Children's Rights and the Implementation of the UNCRC Recommendations in Latvia", 50.

85 *Ibid.*

86 *Ibid.*, 50-51.

87 Information provided by *Centrs Dardeze*.

88 Latvian Protect the Children (2015), "Alternative Report to the UN on the Situation of the Protection of Children's Rights and the Implementation of the UNCRC Recommendations in Latvia", 51.

89 Information provided by *Centrs Dardeze*.

90 *Ibid.*

91 *Ibid.*

92 Barnaverndarstof (2015), "Barnahus-Children's house", Powerpoint presentation, accessed 19 May 2017, http://ec.europa.eu/justice/fundamental-rights/files/rights_child/9th_b_gudbrandsson.pdf.

93 Information provided by *Centrs Dardeze*.

94 UN, CRC (1989), adopted by UNGA Resolution 44/25 of 20 November 1989, entered into force 2 September 1990, Article 34.

95 OHCHR, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) (2000), adopted by the UNGA Resolution A/RES/54/263 of 25 May 2000, entered into force 18 January 2002, accessed 8 March 2017, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>.

96 OHCHR, "Status of ratification, interactive dashboard - Ratification of 18 International Human Rights Treaties, Latvia", accessed 8 March 2017, <http://indicators.ohchr.org>.

Prostitution, in terms of both using and offering sexual services, is not illegal in Latvia. However, the sexual exploitation of children and the engagement of minors in prostitution are prohibited.⁹⁷ The extent of sexual exploitation of children in prostitution in Latvia is unknown given the lack of comprehensive data, the absence of a definition of the issue in national laws and policies, and the overall denial or ignorance of the problem by the concerned stakeholders. Hence, the issue of sexual exploitation of children in prostitution has not yet been sufficiently studied and analysed.⁹⁸

In her 2009 mission report to Latvia, the former Special Rapporteur on the sale of children, child prostitution and child pornography noted "a low number of cases reported by child protection authorities and the media of child victims of prostitution." She believed that this low number "does not necessarily reflect the actual scope of the phenomenon".⁹⁹ Although the Ministry of Welfare (MoW) argued that, in 2013 for instance, there was only one officially identified case when a minor was engaged in prostitution,¹⁰⁰ local NGOs found this figure unrealistic¹⁰¹ and estimated that approximately 15% of all prostitutes in Latvia were exploited children. The 2013 Annual Report of the Latvian NGO "Marta" mentioned that the streets of Riga (the capital city) were populated by 15-16 year old young people involved in prostitution.¹⁰²

Latvian NGOs recognise that the government has taken formal planning measures to report to the UN about implementation of norms contained in the OPSC. However, these measures have failed to provide real avenues for detecting victims of prostitution. To date, neither police nor the MoW have adequate access to information about the situation.¹⁰³ At the same time, it has been reported that some police officers cover up the actions of criminal offenders in exchange for remuneration.¹⁰⁴ Among other explanations, the former Special Rapporteur has suggested that a low number of reported cases may also be a result of the small number of children who "address their cases to authorities, out of fear or shame".¹⁰⁵

97 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 22 January 2004, Section 164 "Compelling Engaging in Prostitution", paras. (3) and (4); Republic of Latvia (1998), LPRC, Section 51(1); Republic of Latvia (2001), "Regulations by Cabinet of Ministers on the Restriction of Prostitution", adopted on 2 April 2001, para 2, accessed 8 March 2017, <http://prostitution.procon.org/sourcefiles/LatviaRegsToLimitProstitution2001.pdf>; Republic of Latvia, Latvian Administrative Violations Code, Articles 12 and 174, accessed 8 March 2017, <http://www.dvi.gov.lv/en/legal-acts/latvian-administrative-violations-code/>.

98 Child Abuse and Neglect in Eastern Europe (2007), "Sexual Exploitation of Children in Latvia Research Report from Riga Christian Street Children Centre", accessed 8 March 2017, http://www.canee.net/latvia/sexual_exploitation_of_children_in_latvia_research_report_from_riga_christian_street_children_centre.

99 HRC (2009), "Promotion and protection of all human rights, civil, political, economic and cultural rights, including the right to development, Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Mission to Latvia, Najat M'jid Maalla", A/HRC/12/23/Add.1, 13 July 2009, 7-8, accessed 8 March 2017, http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-23-Add1_E.pdf.

100 Ministry of Welfare (MoW) (2014), "Pārskats par bērnu stāvokli Latvijā 2013 gadā", 113.

101 Latvian Protect the Children (2015), "Alternative Report to the UN on the Situation of the Protection of Children's Rights and the Implementation of the UNCRC Recommendations in Latvia", 47.

102 Latvian NGO, Resource Centre for Women "Marta", "Annual Report 2013", 11, accessed 8 March 2017, <http://marta.lv/about-marta/annual-reports>.

103 UN Committee on the Rights of the Child (2016), "Concluding observations on the report submitted by Latvia under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography" CRC/C/OPSC/LVA/CO/1, 7 March 2016, paras. 17(b) and 18(b) and (c), 5; paras. 27 and 28(a), 8, accessed 17 March 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fLVA%2fCO%2f1&Lang=en.

104 Latvian Protect the Children (2015), "Alternative Report to the UN on the Situation of the Protection of Children's Rights and the Implementation of the UNCRC Recommendations in Latvia", 47-48.

105 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 8.

Commonly, the most vulnerable and disadvantaged children, for example, those living in extreme poverty, addicted to drugs and children living in residential care institutions, are at high risk of becoming victims of sexual exploitation in prostitution.¹⁰⁶ The former Special Rapporteur insisted that child victims of the offences covered by the OPSC in Latvia should not be criminalised or penalised. Furthermore, she suggested that the government should take all possible measures to avoid stigmatisation and social marginalisation of such children.¹⁰⁷

In terms of other measures needed, Latvian civil society actors urge the government and law enforcement agencies to find access to the required information about exploitation of children in prostitution, even if that requires support from international experts.¹⁰⁸ In this respect, Ms Najat M'jid Maalla has also suggested strengthening the system of standardised information gathering and recording needs.¹⁰⁹ It is also recommended for Latvia to commission an in-depth study to understand and analyse the nature and scope of the problem in order to develop an effective programmatic framework to combat this manifestation of SEC and to support child victims of exploitation in prostitution.

Trafficking of children for sexual purposes

As previously stated, Latvia appears to be primarily a country of origin for victims of trafficking for sexual purposes. Latvian victims of trafficking were notably identified within the country's borders as well as in Ireland, United Kingdom, Germany, Belgium, Greece, Sweden and Russia.¹¹⁰

Yet, there is very little data on trafficking, including trafficking of children for sexual purposes available in Latvia. As reported by GRETA, almost all the victims of human trafficking identified by the Latvian authorities, as of 2013, were Latvian nationals. 9 out of 12 victims in 2008, all victims from 2009-2011 (13, 12 and 14, respectively) and all 17 victims of human trafficking identified from January to September 2012 were Latvians.¹¹¹ It is believed that these figures do not reflect the real scale of the problem as the access to the required data is rather limited, especially with respect to child trafficking.¹¹²

Most of the available, yet scarce, information and statistics refers to trafficking in persons in general with no disaggregation by age and sex. The FRA experts suggest that the scarcity of data on child trafficking may be explained by the sometimes-narrow interpretation of the term 'child trafficking' as only covering the trade in children from/to countries abroad against the children's will. It is therefore unclear to many what, in practice, is perceived as child trafficking. This could be one contributing factor as to why Latvia's official position is that 'child trafficking has been eliminated' in the country.¹¹³

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*, 11

¹⁰⁸ Latvian Protect the Children (2015), "Alternative Report to the UN on the Situation of the Protection of Children's Rights and the Implementation of the UNCRC Recommendations in Latvia", 47.

¹⁰⁹ HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 8.

¹¹⁰ EC, "Together against Trafficking in Human Beings: Latvia – General Information", accessed 9 March 2017, https://ec.europa.eu/anti-trafficking/content/nip/latvia_en.

¹¹¹ CoE, GRETA (2013), "Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia", GRETA(2012)15, 31 January 2013, 9, accessed 9 March 2017, <http://www.refworld.org/docid/510a50e02.html>.

¹¹² FRA (2008), "FRA Thematic Study on Child Trafficking - Latvia", 3, accessed 5 April 2017, http://ec.europa.eu/anti-trafficking/publications/thematic-study-child-trafficking-latvia_en.

¹¹³ *Ibid.*

The US Department of State issued recommendations to combat human trafficking for sexual purposes to the relevant Latvian authorities in its 2016 Trafficking in Persons Report.¹¹⁴ It requested, among others, that they increase efforts to identify victims, provide them with more compensation, investigate and prosecute trafficking cases, increase training of the police and judiciary on all forms of trafficking and the appropriate measures of protection and finally, that they implement the relevant National Action Plan (NAP) against human trafficking.¹¹⁵ The CoE's Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA) also urged Latvian authorities to ensure the registration of all Latvian children at birth as a preventive measure against trafficking.¹¹⁶

Indeed, statelessness does not only put children at risk of human trafficking,¹¹⁷ but also makes them extremely vulnerable to illegal adoption, child labour and sexual exploitation.¹¹⁸ Recognising the problem, Latvia developed a set of policy, legislative and institutional measures to combat trafficking in persons.¹¹⁹ For example, the 3rd Unit for the Fight against Human Trafficking and Pimping was established within the Organized Crime Board of the Main Criminal Police in 2003 and a separate unit on investigation of cases of sexual offences against children was created within the State Police in Riga in 2008. In 2010, an Inter-Institutional Working Group on combating trafficking in human beings was established and the first-ever National Coordinator for Combatting Trafficking in Human Beings under the Ministry of Interior (Mol) was appointed.¹²⁰ As mentioned hereafter, Latvia also established National Plans of Action (NPAs) to combat, among others, trafficking of children for sexual purposes.

Online child sexual exploitation (OCSE)

Given the growing attention that the problem of OCSE is receiving nowadays, some initial data, primarily unofficial, has started being collected in Latvia. In 2008, the Latvian NGO "Net-Safe Latvia" launched a hotline project "*Dross internets.lv*" (<http://drossinternets.lv>). That same year, 19 reports of OCSE were recorded, and this figure rose to 315 reports in 2014 and 305 reports as of December 2015. In 2008, 27 cases of erotic/pornographic content without age (18+) confirmation request were registered, while in 2014 there were 124 of such cases.¹²¹ This upsurge may be attributed to both the expansion of the Internet in Latvia (in 2015, 79,2% of Latvian residents were Internet users)¹²² or raised awareness about the hotline. While the increased number of Internet users in the country is a positive development in many ways, the expanded Internet penetration coupled with "easy accessibility of new methods of information and communication technology (ICT) by children"¹²³ can pose a risk of increased OCSE related crimes in Latvia.

114 US Department of State (2016), "Trafficking in Persons Report 2016", 239.

115 *Ibid.*

116 CoE, GRETA (2013), "Recommendation CP (2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia", 15 February 2013, accessed 2 March 2017, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631c8c>.

117 *Ibid.*

118 European Network on Statelessness (ENS), "Mr. Nils Muižnieks, the Council of Europe's Commissioner for Human Rights, speaks exclusively to ENS", accessed 15 March, 2017, <http://www.statelessness.eu/communications/mr-nils-muižnieks-council-europes-commissioner-human-rights-speaks-exclusively-ens>.

119 EC, "Together against Trafficking in Human Beings: Latvia – General Information".

120 CoE, GRETA (2013), "Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia", GRETA(2012)15, 31 January 2013, 11-12.

121 Net-Safe Latvia, *Dross Internets.lv*, "Statistics," accessed 14 March 2017, <http://www.drossinternets.lv/page/102>.

122 The World Bank (2015), "Internet users (per 100 people)", accessed 14 March 2017, <http://data.worldbank.org/indicator/IT.NET.USER.P2?end=2015&start=2014&view=chart>.

123 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 2.

In this regard, the former Special Rapporteur on the sale of children, child prostitution and child pornography has recommended that Latvia adopt a holistic approach for better protection of children's rights, paving the way for child-focused social policies.¹²⁴ Moreover, improved data collection and analysis of OCSE is required to get a better insight into the problem and to elaborate a comprehensive framework of effective child protection and prevention measures and actions in Latvia.

The sexual exploitation of children in travel and tourism (SECTT)

Sexual exploitation of children in travel and tourism (SECTT) refers to "acts of sexual exploitation of children in the context of travel, tourism or both".¹²⁵ SECTT can be committed by foreign or domestic tourists/travellers and longer-term visitors.¹²⁶ The exchange of cash, food, clothes or some other form of consideration to a child, or to a third party for sexual contact with a child, is also involved in SECTT.¹²⁷ As argued by the former Special Rapporteur on the sale of children, child prostitution and child pornography, SECTT is a specific form of SEC that overlaps with other forms of SEC, including trafficking of children for sexual purposes, exploitation of children in prostitution, or others, and can even foster them.¹²⁸

Latvia is becoming increasingly popular for 'sex tourism'.¹²⁹ However, the Mol affirmed that from 2009-2010, there was no single case recorded of a foreigner travelling to Latvia from other countries for the purpose of SEC. Similarly, there were no cases detected of persons from Latvia travelling to other countries to sexually exploit children.¹³⁰ In 2013, the Mol reported one case of SECTT with the engagement of foreign defendants.¹³¹ The lack of, or very few, reported cases of SECTT can probably be explained by the fact that there is no definition of SECTT in the national legislation, nor elements of such criminal offence provided for by the criminal law system,¹³² nor a clear understanding among professionals and wider public of this form of sexual exploitation.

124 *Ibid.*

125 ECPAT International jointly with Defence for Children- ECPAT Netherlands (2016), "Offenders on the Move. Global study on sexual exploitation of children in travel and tourism", May 2016, Bangkok: ECPAT International, 20.

126 Interagency Working Group (2016), "Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse", June 2016, 55, accessed 14 March 2017, <http://luxembourgguidelines.org/>.

127 ECPAT International, "Combating Child Sex Tourism: Questions and Answers" (2008), 6, accessed 14 March 2017, http://www.ecpat.net/sites/default/files/cst_faq_eng.pdf.

128 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 5.

129 ECPAT International, Defence for Children and ECPAT Netherlands (2016), "Global Study on Sexual Exploitation of Children in Travel and Tourism, Regional Report, Europe, 2016", May 2016, 24, accessed 14 March 2017, <http://globalstudysectt.org/regional-report-europe/>.

130 Mol, "Informative Report on the implementation of Programme for Prevention on Human Trafficking for years 2009-2013 in 2009 and 2010", para 43, accessed 14 March 2017, <http://www.iem.gov.lv/eng/sector/reports/>; UN Committee on the Rights of the Child (2014), "Consideration of reports submitted by States parties under article 44 of the Convention, Combined third to fifth periodic reports of States parties due in 2009, Latvia", 21 November 2014, CRC/C/LVA/3-5, para. 170, 39.

131 US Department of State (2013), "Trafficking in Persons Report 2013", 230, accessed on 15 March 2017, <https://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>.

132 UN Committee on the Rights of the Child (2016), "Concluding observations on the report submitted by Latvia under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", CRC/C/OPSC/LVA/CO/1, 7 March 2016, paras. 19 and 20, 6, accessed 17 March 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fLVA%2fCO%2f1&lang=en.

Despite these official statistics, it has nevertheless been contended that Latvia is a destination country with regards to SECTT.¹³³ The phenomenon started spreading in Latvia in 2004, when the country accessed the EU and welcomed the low-cost airlines to the Riga airport making access to the country easier than ever before.¹³⁴

The recommendations given by Ms Najat M'jid Maalla to Latvia in 2009 are therefore still relevant. These recommendations are twofold. They include paying particular attention to the protection of children vulnerable to SECTT, i.e. children living/working on the street, children from dysfunctional families, children belonging to minorities, migrant children, children living in remote areas and those living in poverty, as well as continuing to strengthen regional and international cooperation to effectively combat and prevent SECTT.¹³⁵

Other Issues/Factors Leading to SEC

Stateless children

Non-citizens in Latvia are divided in two major categories: (a) non-citizens, who may apply for citizenship in accordance with the Citizenship Law,¹³⁶ i.e., former Soviet citizens who were registered as living on the territory of Latvia on 1 July 1992 and their stateless children, and (b) non-citizens who have undergone the statelessness determination procedure.¹³⁷

Article 7 of the CRC stipulates the right of a child to birth registration, to a name and to acquire a nationality.¹³⁸ Despite UNICEF's birth registration estimates for Latvia at 100% (2010-2015),¹³⁹ there are still many children in the country who are stateless.¹⁴⁰ However, in recent years, Latvia has made several efforts to simplify the process of children's registration as citizens. It is to be noted that the total number of non-citizen children decreased by 10% compared to 2015. In July 2016, there were 6,301 non-citizen children, including 4,816 children younger than age 15.¹⁴¹

133 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla. Addendum: Mission to Latvia", para. 9 in ECPAT International, Defence for Children, ECPAT Netherlands (2016), "Global Study on Sexual Exploitation of Children in Travel and Tourism, Regional Report, Europe 2016", May 2016, 14; The Advocates for Human Rights (2011), "Stop Violence against Women", 27 May 2011, accessed 17 March 2017, <http://www.stopvaw.org/latvia>; CoE, Group of Specialists on the Impact of the Use of New Information Technologies on Trafficking in Human Beings for the Purpose of Sexual Exploitation (EG-S-NT) (2003), "Final Report", 16 September 2003, 27, accessed 17 March 2017, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/group_of_specialists_on_the_impact_of_the_use_of_new_information_technologies_1.pdf.

134 Dean, Laura A. (2011), "Advocacy Coalitions in East European Sex Tourism: The Case of Latvia" (Master thesis, University of Kansas), 36, accessed 15 May 2015, https://kuscholarworks.ku.edu/bitstream/handle/1808/9775/Dean_ku_0099M_11796_DATA_1.pdf?sequence=1 in ECPAT International, Defence for Children, ECPAT Netherlands (2016), "Global Study on Sexual Exploitation of Children in Travel and Tourism, Regional Report, Europe 2016", May 2016, 14, accessed 17 March 2017, http://www.ecpat.org/wp-content/uploads/2016/10/SECTT_Region-EUROPE.pdf.

135 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 5 and 21.

136 Republic of Latvia (1919), "Citizenship Law", accessed 17 March 2017, <http://www.coe.int/t/dghl/standardsetting/nationality/National%20legislation/Latvia-Law%20on%20citizenship.pdf>.

137 Latvian Centre for Human Rights, Svetlana Djackova (2014), "Statelessness among children in Latvia: current situation, challenges and possible solutions", 29 September 2014.

138 UN, CRC (1989), adopted by UNGA Resolution 44/25 of 20 November 1989, entered into force 2 September 1990, Article 7.

139 UNICEF, Global Databases (2016), "Birth registration (%) (2010-2015)", May 2016, accessed on 3 March 2017, <http://data.unicef.org/topic/child-protection/birth-registration/>.

140 Latvian Centre for Human Rights, Svetlana Djackova (2014), "Statelessness among children in Latvia: current situation, challenges and possible solutions", 29 September 2014; ENS, "Mr. Nils Muižnieks, the Council of Europe's Commissioner for Human Rights, speaks exclusively to ENS".

141 US Department of State, Bureau of Democracy, Human Rights and Labor (2016), "Country Reports on Human Rights Practices 2016, Latvia, Children- Birth Registration", accessed on 6 March 2017, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

Stateless children run a higher risk of seeing their human rights and fundamental freedoms violated¹⁴² (e.g., denial of equal opportunities to access adequate health and social services, quality education, adequate housing, care and justice to seek redress and protection). They are therefore, often disproportionately affected by poverty and social exclusion. They can also be vulnerable to harassment, physical violence, early marriages, stigmatisation,¹⁴³ and as argued by Mr. Nils Muižnieks, the CoE's Commissioner for Human Rights, to human trafficking, illegal adoption, child labour, and other forms of abuse and exploitation.¹⁴⁴

Mr. Muižnieks recommended that CoE Member States, including Latvia, reach out to all vulnerable groups and ensure that all children are registered at birth. He also advised them to grant citizenship "automatically at birth to children born in their territory". He additionally recommended that States adopt effective policies and programmes, ensure access to reliable and comprehensive data, and "establish effective and accessible administrative procedures for all persons to acquire nationality, prioritising access for children and their guardians".¹⁴⁵ In short, the Latvian government should take initiatives to address statelessness and prioritise the best interests of the child.

NATIONAL PLANS OF ACTION: SUCCESSES AND CHALLENGES

In 2009, the former UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Ms Najat M'jid Maalla, recommended that Latvia develop a longer-term SEC prevention programme targeting not only children, but also parents and the general public "in order to promote behaviour and attitudes that are based on respect for dignity, and physical and moral integrity".¹⁴⁶ This programme should be prepared in consultation with all relevant stakeholders, including children and young people, and cover five key areas: coordination and cooperation, prevention, protection, recovery and reintegration, and child participation.

Presently, there is no specific and comprehensive strategy tackling SEC crimes in Latvia. However, in addition to the relevant criminal legislation, several NPAs address different forms of sexual abuse and exploitation of children in Latvia: the National Programme for the Prevention of Sexual Abuse against Children for 2000-2004, the Principle Positions "Latvia Fit for Children" for 2004-2015, NPAs to combat trafficking in persons, the National Strategy for Development of Social Services for 2014-2020, and the National Strategy for the Children Crime Prevention and the Children Protection for Criminal Offences for 2013-2019, which was endorsed in August 2013. While these policy documents contribute to the protection of children from abuse and violence, they still do not provide specific measures to address SEC's manifestations.

142 ENS, Nils Muižnieks (2014), "Protecting children's rights: Europe should do more", 18 November 2014, accessed 15 March 2017, <http://www.coe.int/bg/web/commissioner/-/protecting-children-s-rights-europe-should-do-more!>

143 Refugees International (2008), "Futures denied: statelessness among infants, children, and youth", October 2008, accessed 15 March 2017, <http://www.refworld.org/docid/48fef8632.html>.

144 ENS, Nils Muižnieks (2014), "Protecting children's rights: Europe should do more", 18 November 2014; ENS, "Mr. Nils Muižnieks, the Council of Europe's Commissioner for Human Rights, speaks exclusively to ENS".

145 ENS, Nils Muižnieks (2013), "Governments should act in the best interest of stateless children", 15 January 2013, accessed 15 March 2017, <http://www.statelessness.eu/blog/governments-should-act-best-interest-stateless-children>.

146 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 20.

In December 1999, the Latvian Cabinet of Ministers approved the National Programme on the Prevention of Sexual Abuse against Children for 2000-2004.¹⁴⁷ This NPA was developed in response to the commitments made by the Latvian delegation at the First World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Sweden, in 1999.¹⁴⁸ The NPA aimed at promoting an integrated policy approach on the protection of children from sexual violence and achieving the objectives of: (i) harmonisation of the national legislation with international standards to ensure maximum protection of children from SEC, (ii) awareness raising of the general public, and children in particular, on the issues of sexuality and on the protection of their rights, and (iii) creation of an integrated system for the work with children exposed to violence and with their families through the provision of medical and social recovery services.¹⁴⁹

While recognising the National Programme for the Prevention of Sexual Abuse of Children, in 2001, the Committee on the Rights of the Child expressed its concern about the lack of data and appropriate measures and mechanisms, as well as adequate resources to prevent and combat child sexual violence.¹⁵⁰ Some of the activities, especially those related to national legislation, were implemented, but the downside of the Programme was that it was initially developed without civil society/NGO participation.¹⁵¹ It is to be noted that the Latvian Ministry of Justice should develop, in collaboration with other ministries, a Strategic planning document on the "Prevention of sexual offenses against minors for the period 2017-2020". This document is currently being revised by a working group made up by NGOs' representatives in consultation with an external expert.¹⁵²

NPAs to Combat Trafficking in Persons

The national anti-trafficking policy and programme documents are being adopted in Latvia every four to five years and monitored on an annual basis. The first National Programme for the Prevention of Human Trafficking for 2004-2008 was endorsed in 2004. This programme was aimed at improving legislation, enhancing research and analysis on trafficking, building capacity of law enforcement officers, teachers of schools, other educational institutions and social workers, as well as providing support services to victims of human trafficking. The programme was financed from the national budget and the European Commission's funds.¹⁵³

¹⁴⁷ ECPAT International (2000), "Looking Back Thinking Forward: the fourth report on the implementation of the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Sweden, August 1996" 109.

¹⁴⁸ *Ibid.*

¹⁴⁹ OHCHR, "United Nations Study on Violence against Children: Response to Questionnaire Received from the Government of the Republic of Latvia" 27, accessed 15 March 2017, <http://www.ohchr.org/EN/HRBodies/CRC/Study/Pages/StudyViolenceChildren.aspx>.

¹⁵⁰ UN Committee on the Rights of the Child (2001), "Concluding Observations of the Committee on the Rights of the Child, Latvia", U.N. Doc. CRC/C/15/Add.142, para. 31, accessed 15 March 2017, <http://www1.umn.edu/humanrts/crc/latvia2001.html>.

¹⁵¹ ECPAT International (2000), "Looking Back Thinking Forward: the fourth report on the implementation of the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Sweden, August 1996", 109.

¹⁵² Information provided by *Centrs Dardeze*.

¹⁵³ Republic of Latvia, Cabinet of Ministers of Latvia (2004), "National Programme for the Prevention of Human Trafficking 2004-2008", approved by the Cabinet's Decree No. 132, 3 March 2004, 3.

The second programme document, the National Strategy for the Prevention of Trafficking in Human Beings for 2009-2013, was adopted in 2009. The new Programme, like the previous one, still covered the issues of improved national legislation, research, data collection and enhanced support services for the victims of human trafficking. However, the novelty of the Programme was, among other things, that it envisaged preventive actions and measures and strengthened cooperation (e.g. between law enforcement/judiciary bodies and NGOs). The distinctive feature of the National Strategy for the Prevention of Trafficking in Human Beings for 2009-2013 was that it addressed four of the five key areas mentioned above and covered a set of measures to prevent child trafficking for sexual exploitation. However, the document still did not specify any strategies promoting sustained and meaningful participation of children and youth in the fight against trafficking.¹⁵⁴

Created in 2010, the Inter-Institutional Working Group was tasked to coordinate the implementation of National Strategy for the Prevention of Trafficking in Human Beings for 2009-2013.¹⁵⁵ The Group's members represented a wide range of relevant government ministries and agencies, law enforcement bodies, municipal institutions, NGOs and other stakeholders.¹⁵⁶ The MoI, in its Informative Report on the Implementation of the National Strategy for the Prevention of Trafficking in Human Beings for 2009-2013, argued that the implementation of the programme during that period was "successful", as 23 out of 26 activities had been implemented.¹⁵⁷

However, GRETA, in its 2013 report on Latvia, recommended that the Government enhance the implementation of the programme through more improved coordination, more effective participation of all public bodies involved in the implementation of anti-trafficking measures, granting sufficient authority to the Inter-Institutional Working Group, and paying increased attention to prevention and protection measures addressing the particular vulnerability of children to trafficking.¹⁵⁸ It is difficult to assess the effectiveness of the National Strategy for the Prevention of Trafficking in Human Beings for 2009-2013 due to the lack of data. Indeed, there was no independent evaluation of the programme for 2013 and 2014 and the government report on the implementation of the programme for the entire period is available only in the Latvian language.¹⁵⁹

In January 2014, the Cabinet of Ministers approved the National Strategy for the Prevention of Trafficking in Human Beings for 2014-2020, developed by the MoI and taking into account EU's, UN's and US Department of State's recommendations. The new policy document sets the following goals: "(1) to promote awareness of society and understanding about trafficking in human beings, and to provide assistance and support for the victims of human trafficking", and (2) to achieve

154 Republic of Latvia, Cabinet of Ministers of Latvia (2009), "Programme for Prevention of Trafficking in Human Beings for 2009-2013", approved by the Cabinet's Decree No. 590 of 27 August 2009.

155 CoE, Secretariat of the CoE Convention on Action against Trafficking in Human Beings (2015), "Report submitted by Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings", received on 13 February 2015, 5.

156 *Ibid.*, 6

157 MoI (2011), "Informative Report on the implementation of Programme for Prevention on Human Trafficking for years 2009-2013 in 2009 and 2010", 4 April 2011, 4, accessed 17 March 2017, <http://www.iem.gov.lv/eng/sector/reports/4>.

158 CoE, GRETA (2013), "Recommendation CP (2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia", 15 February 2013, 17.

159 *Ibid.*, 11.

reduction of latency of trafficking in human beings, to develop capacity of law enforcement agencies and relevant stakeholders to combat trafficking in human beings".¹⁶⁰ According to the government's briefing note, this document is not just a working document, but also a programme that helps raise awareness and understanding of the general public about human trafficking, the current situation in the country, potential risks and threats of becoming a human trafficking victim, and the kind of social support and protection to which trafficking victims have access.¹⁶¹

There is no evidence whether children and young people participated in the development of the National Strategy for the Prevention of Trafficking in Human Beings for 2014-2020, as required by the Rio Declaration and Call for Action.¹⁶² It is recommended that children and youth are invited and provided with meaningful opportunities to participate in the development of important SEC related policies and programmes, including future Anti-Trafficking NPAs.

In line with the National Strategy for Development of Social Services for 2014-2020, the Government is also funding social recovery, legal aid, education, medical and special protection services for trafficking victims offered by non-governmental organisations. The public expenditure for anti-trafficking programmes has been steadily increasing from around 39,000 EUR in 2009 to 159,000 EUR in 2014,¹⁶³ which indicates the scale and importance of this problem for Latvia.

COORDINATION AND COOPERATION

The UN Committee on the Rights of the Child, in its 2006 Concluding Observations, expressed its concern about the lack of coordination of government institutional mechanisms and entities to monitor effectively the implementation of the CRC in Latvia, including between national and local levels.¹⁶⁴ In 2009, the former UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography echoed the Committee's observations and recommended that the national government strengthens coordination and cooperation to implement more effectively children's rights at all levels in the country.¹⁶⁵

At the local and national levels

At the national level, the MoW and its subordinate body, the SIPCR, are responsible for effective promotion and protection of children's rights in Latvia.¹⁶⁶ While the MoW is responsible for the recovery of child victims of abuse, the SIPCR monitors the observance of the national law and

¹⁶⁰ CoE (2014), "National Strategy for the Prevention of Trafficking in Human Beings for 2014-2020", adopted by the Cabinet of Ministries on 14 January 2014, accessed 17 March 2017, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/national_strategy_for_the_prevention_of_trafficking_inhuman_beings_2014-2020_summary_en_1.pdf.

¹⁶¹ *Ibid.*

¹⁶² Third World Congress Against Sexual Exploitation of Children and Adolescents (2008), "The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents", IV: Integrated Cross-Sectoral Policies and National Plans of Action, 28 November 2008, para. 37, accessed 17 March 2017, http://srsg.violenceagainstchildren.org/document/_908.

¹⁶³ EC, "Together against Trafficking in Human Beings: Latvia – General Information".

¹⁶⁴ UN Committee on the Rights of the Child (2006), "Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding Observations: Latvia," 42nd session, CRC/C/LVA/CO/2, 28 June 2006, para. 10.

¹⁶⁵ HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, para. 84(r).

¹⁶⁶ CoE (2014), "Lanzarote Convention - Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse: Replies to the General Overview Questionnaire – Latvia", 4 March 2014, 7-8, accessed 22 March 2017, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680470921>.

regulations on child rights protection, analyses the situation of children in the country, holds consultations with young people and other concerned stakeholders, organises awareness-raising campaigns on children's rights, supports foster families and performs other duties as required.¹⁶⁷ The SIPCR reportedly has offices in largest regional cities of the country.¹⁶⁸ When acting on their own initiative or responding to a complaint, the SIPCR may carry out planned or *ad hoc* monitoring visits to various institutions, including orphanages, schools, swimming pools, Internet cafés, nightclubs, summer camps, psychiatric hospitals, etc., and provide recommendations when or where children's rights violations are detected and also reports to police in any cases of possible crime against children¹⁶⁹ In 2006, SIPCR established a free hotline for children and teenagers to help them in difficult life situations.¹⁷⁰

The Ombudsman's Office also plays a vital role in the promotion and protection of children's rights in Latvia. The Ombudsman (*Latvijas Republikas Tiesībsargs*) is an official elected by the Saeima (Parliament) with the task of encouraging the protection of human rights and promoting a legal and expedient state authority.¹⁷¹ There is no specific Ombudsman for Children in Latvia, but there is a Children's Rights Department at the Office of the Ombudsman. By analogy with SIPCR, the Ombudsman Office runs a free telephone hotline that is accessible to children. The Ombudsman Office works closely with SIPCR on elaborating legal provisions concerning child protection. It refers indeed certain complaints on violation of children's rights to the SIPCR as the latter has the authority to issue required sanctions.¹⁷²

The other actor specifically engaged in the prevention of demand for SEC is the State Police, which cooperates with the Latvian National Bureau of Interpol, the Latvian National Unit of Europol and NGOs to combat criminal offences related to the distribution of criminalised pornography (e.g. CSAM/CSEM, zoerastia, necrophilia) in the "electronic environment".¹⁷³ The State Police also regularly participate in various international meetings, as well as cooperate with law enforcement institutions of other countries to exchange information and experiences on preventing and combating SEC, including on the Internet.¹⁷⁴

As mentioned, the country has enhanced efforts to strengthen cooperation on human trafficking for forced labour and sexual exploitation. The Mol's IIWG was created in 2010 to coordinate the implementation of national programmes on the prevention of trafficking in human beings in

167 Republic of Latvia, Cabinet of Ministers (2005), "Cabinet Regulations No. 898 - By-law of the SIPCR", adopted 29 November 2005, accessed 22 March 2017, http://www.bti.gov.lv/eng/vbta_inspekcija/links/.

168 SRSG on Violence Against Children (2011), "Global Progress Survey on Violence against Children: Reply of the Republic of Latvia", 9.

169 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, para. 53.

170 MoW, SIPCR (2006), "Children Hotline," established 1 February 2006, accessed 22 March 2017, http://www.bti.gov.lv/eng/vbta_inspekcija/uzticibas_talrunis/.

171 The Ombudsman of the Republic of Latvia (*Latvijas Republikas Tiesībsargs*), accessed 22 March 2017, <http://www.tiesibsargs.lv/en/pages/about-us/tiesibsarga-institucija>.

172 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 1.

173 The electronic environment is interpreted as referring to the "trade of pornographic materials produced in electronic environment, transmission of the material itself or information prepared regarding it, including downloading, publishing, as well as uploading by using electronic communication networks or automated data processing systems or by making the material available in another way at any stage of handling the information" in Republic of Latvia Government (1999), "Republic of Latvia Government Report on Convention No. 182 "Worst Forms of Child Labour Convention"(1999) in the period of time from 1 June 2009 to 1 June 2011", 12.

174 *Ibid.*

Latvia, exchange information and facilitate the anti-trafficking projects, measures and actions of all government institutions and NGOs.¹⁷⁵ The IIWG consists of 18 members represented by various government ministries, civil society and international development agencies, such as IOM Latvia.¹⁷⁶ The work of the IIWG is chaired by the Mol's National Coordinator, which is currently considered as an alternative mechanism to the National Rapporteur. The National Coordinator provides, in cooperation with the IIWG, coordination and monitoring of the implementation of anti-trafficking policy and programmes, data collection and analysis, monitoring and evaluation, training and awareness-raising, as well as identification of the present and potential challenges in the area. The National Coordinator prepares, in collaboration with all concerned government ministries and NGOs, regular monitoring reports on trafficking in persons in Latvia.¹⁷⁷

The civil society, primarily the National Coalition of NGOs,¹⁷⁸ is another active player in the work against trafficking in persons in Latvia. The National Coalition of NGOs implements a number of projects aimed at raising awareness of human trafficking and child abuse and exploitation, commissions thematic research and analysis on the situation of children and young people, identifies victims of child abuse and violence and provides them with social and recovery support and assistance, and contributes to the capacity-building of public officials involved in child protection issues. The National Coalition's leading NGOs in this area are the Shelter "Safe House" and the Resource Centre for Women "Marta". On 21 May 2008, these two NGOs joined the Mol's Cooperation Initiative (2007) and signed a Memorandum of Understanding (MoU) with the Mol, the Latvian Red Cross, and the Missing Child Search Society, to formalise their cooperation on trafficking in persons. An Advisory Council of Public Security of the Mol was established to implement the MoU.¹⁷⁹

The NGO "Shelter "Safe House" obtained the right to provide state-funded rehabilitation services to victims of human trafficking and continues its work to date.¹⁸⁰ The support provided by the Shelter includes the delivery of medical and psychological support and assistance, legal advice and safe accommodation to victims of trafficking. In 2012, the Shelter formalised its cooperation with law enforcement agencies through the signature of a MoU with the State Police and the State Border Guard. The MoU envisages a set of joint measures and actions to support victims of human trafficking.¹⁸¹

175 Republic of Latvia (2010), "Prime Minister's Order No.77 from 3 March 2010, published in the Government's Official Magazine "Latvijas Vēstnesis", No.37", 5 March 2010.

176 LATVIJAS UNIVERSITĀTE SOCIĀLO ZINĀTŅU FAKULTĀTE SOCIOLOĢIJAS NODAĻA, Promocijas darbs doktora grāda iegūšanai socioloģijā Lietišķās socioloģijas apakšnozarē, Dr.sc.soc., prof. Aija Zobena, Dina Bite (2012), Doctoral thesis on "The Cooperation of Local Governments in Latvia" (*PAŠVALDĪBU SADARBĪBA LATVIJĀ*), RĪGA 2012, 169, accessed 22 March 2017, http://www.szf.lu.lv/fileadmin/user_upload/szf_faili/Petnieciba/promocijas_darbi/Dina%20Bite%202012.pdf.

177 CoE, Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (2015), "Report submitted by the Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings" CP(2015)7, received 13 February 2015, 6.

178 *Ibid.*

179 CoE, "Human Trafficking Prevention and Combating in Latvia", 29, accessed 5 April 2017, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/human_trafficking_prevention_and_combating_in_latvia_1.pdf.

180 Society "Shelter "Safe House"", "About us", accessed 5 April 2017, <http://www.patverums-dm.lv/en/about-us>.

181 The Council of the Baltic Sea States (CBSS), "Human Trafficking 2013 – Baltic Sea Region Round-up", 62, accessed 23 March 2017, http://www.cbss.org/wp-content/uploads/2016/11/TFTFB-raport_PRINT_all_crop_web.pdf.

The Resource Centre for Women "Marta" is primarily a centre that provides social and recovery services, including psychological services, to victims of human trafficking and domestic violence to ensure their further reintegration into society.¹⁸² "Marta" became the provider of state-funded social rehabilitation services to victims of human trafficking in 2015. The NGO identified 21 potential victims of human trafficking and provided social rehabilitation services in the framework of the state programme to eight victims.¹⁸³ The Resource Centre for Women "Marta" is also running a free telephone hotline to report trafficking cases.¹⁸⁴

At the regional and international levels

Latvia continues to be a member of the Council of the Baltic Sea States (CBSS) and its Working Group for Cooperation on Children at Risk (EGCC).¹⁸⁵ The EGCC is comprised of senior officials from ministries responsible for children's issues in the CBSS member countries and the European Commission.¹⁸⁶ The Working Group identifies, implements and promotes joint projects and measures aimed at protecting the rights of children at risk, including those at risk or affected by violence, abuse and exploitation. The EGCC experts also analyse the existing challenges and opportunities as well as the regional and international good practices in order to improve the child protection systems in their member countries.¹⁸⁷ All projects are implemented by the EGCC in close cooperation with national authorities, government agencies and organisations as well as regional and international development partners.¹⁸⁸

In 2008, a Task Force against Trafficking in Human Beings was created to properly address the issue of civil security and enhance cooperation between member states, government institutions and civil society organisations. The Task Force organised a seminar on trafficking in persons to promote a victim-centred approach to trafficking and ensure victims' reintegration into society. Additionally, research was undertaken on violence and abuse of children through the use of new technologies.¹⁸⁹ In April 2015, the Latvian Ministry of Foreign Affairs and CBSS hosted a seminar on the prevention and fight against human trafficking for representatives of foreign diplomatic missions and consular offices based in Riga. The meeting was focused on different forms of human trafficking, including forced labour, sexual exploitation, forced child begging and other criminal activities associated with the exploitation of children and women.¹⁹⁰

182 Resource Centre for Women "Marta", "Background information", <http://marta.lv/about-marta/the-background>.

183 Resource Centre for Women "Marta" (2015), "Events & Changes Marta 2015 – Annual Report 2015", 4, accessed 24 March 2017, <http://marta.lv/about-marta/annual-reports>.

184 *Ibid.*, 1.

185 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 6.

186 Child Centre, "About Expert Group for Cooperation on Children at Risk (EGCC)," accessed 22 March 2017, <http://www.childcentre.info/expert-group-for-cooperation-on-children-at-risk/>.

187 *Ibid.*

188 *Ibid.*

189 CBSS (2008), "Work accomplished during the 1st half-year of Latvia's Presidency in Council of the Baltic Sea States (CBSS), and intended activities for the 2nd half of term, Riga", 5 February 2008, accessed 23 March 2017, https://www.google.co.th/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwi-y47WkezSAhXFwI8KHfzTAdEQFggaMAA&url=http%3A%2F%2Fwww.mfa.gov.lv%2Fdata%2FCBSS%25202007-2008%2Fcbsspresidencywork-060608-eng-new.doc&usg=AFQjCNGZt9Y0kuEyauyVNkMq9MkVoW_O3g.

190 Ministry of Foreign Affairs of the Republic of Latvia (2015), "A seminar at the Latvian Foreign Ministry Addresses Prevention and Combat of Human Trafficking", 14 April 2015, accessed 23 March 2017, <http://www.mfa.gov.lv/en/news/latest-news/45851-a-seminar-at-the-latvian-foreign-ministry-addresses-prevention-and-combat-of-human-trafficking>.

The Latvian State Policy and the State Border Guard have strengthened partnerships with law enforcement agencies and specialised units of the EU member states, especially with the countries of destination for trafficking victims from Latvia, as well as Armenia, Azerbaijan, Belarus, Moldova, Russia, Ukraine and Uzbekistan. The cooperation is based on the exchange of information, operational data and support in investigation of trafficking in persons cases.¹⁹¹

The Latvian Police are also members of the European Financial Coalition against Commercial Sexual Exploitation of Children Online (EFC), which was established in March 2009, and brings together key actors from law enforcement, the private sector and civil society in Europe with the goal of fighting OCSE. Latvia regularly attends the training workshops on OCSE organised by the EFC.¹⁹²

Latvia has reached cooperation agreements with Austria, Azerbaijan, Belarus, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Georgia, Hungary, Israel, Kazakhstan, Lithuania, Malta, Moldova, Russia, Slovakia, Slovenia, Spain, Turkey, Ukraine, the United Kingdom and Uzbekistan to effectively combat trafficking in persons. These agreements provide for the exchange of information, data and of experience, including in the area of legislation and personnel capacity-building, as well as joint operational activities.¹⁹³

PREVENTION: EDUCATION, INTERVENTION AND RESEARCH

The effective prevention of SEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target vulnerable children and perpetrators of SEC, while also addressing the root causes of SEC, such as poverty and lack of education.

Long-term prevention strategies include improving the status of children who are most vulnerable to SEC by implementing policies to reduce poverty and social inequality, as well as improving access to education, health and social services. Effective short to medium-term strategies include awareness-raising campaigns, education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise and influence of the private sector, especially that of the tourism and IT industries, should also be engaged in prevention measures, in particular awareness-raising activities.

Furthermore, information, education and outreach programmes should be directed at those engaging in SEC to promote changes in social norms and behaviour and reduce the demand for child victims of sexual exploitation.

191 EC, "Together against Trafficking in Human Beings: Latvia – General Information".

192 E.g. European Financial Coalition against Commercial Sexual Exploitation of Children Online (EFC) (2014), "Combating Commercial Sexual Exploitation of Children Online", residential course, 24-26 March 2017, Paris, France, accessed on 23 March 2017, <https://www.cepol.europa.eu/media/blog/combating-commercial-sexual-exploitation-children-online>.

193 CoE, GRETA (2012), "Reply to the Questionnaire from Latvia", GRETA(2012)1, 27, accessed 23 March 2017, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631cbb>.

In its 2013 report, the CoE praised the measures primarily taken by Latvian NGOs in partnership with central and local government, as well as law enforcement agencies to combat trafficking in persons, including their efforts to prevent trafficking through awareness-raising campaigns, education in schools and training of professionals involved in action against human trafficking.¹⁹⁴ Despite this positive comment, CoE also recommended the authorities of Latvia to "step up their efforts to inform the general public about the problem of trafficking in human beings in its various forms".¹⁹⁵ The CoE GRETA experts have specifically emphasised that awareness-raising efforts should be developed on the basis of the impact assessment of previous measures and be focused on reaching the most vulnerable groups, such as children and young people.¹⁹⁶

In response to CoE GRETA's recommendations, the newly adopted National Strategy for the Prevention of Trafficking in Human Beings for 2014-2020 specifies a set of awareness-raising campaigns, as well as educational events for school children and youth to raise public awareness about all forms of trafficking in human beings. These campaigns and events, aimed at reducing the supply for human trafficking, are scheduled to begin in 2015 and to continue until the application end date of the National Strategy for the Prevention of Trafficking in Human Beings for 2014-2020.¹⁹⁷

Additionally, the Latvian government included the issue of children's rights, including the right of the child to be protected from violence and abuse, as well as anti-trafficking issues in the curricular of primary and secondary educational institutions.¹⁹⁸ These issues are discussed with school children from grades 1-9 during their social sciences classes, while the issues of child trafficking, OCSE and sexual exploitation of children in prostitution are discussed with upper-secondary school children during their politics, rights and health study lessons. Apart from acquiring general knowledge about the issue of trafficking in persons, children and young people are also informed about the possible actions and counter-actions when dealing with human trafficking or any situation that might place them at greater risk, including when using the Internet and other means of communication (e.g., to be cautious when sharing personal information online).¹⁹⁹

Having recognised the key role of education in combating child abuse and violence, the Latvian Government not only works with school children and youth, but also with their teachers. The National Centre for Education (NCE) of the Ministry of Education and Science (MoES) has developed methodological and support materials for school teachers, which are available on the

194 CoE, GRETA (2013), "Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia", GRETA(2012)15, 31 January 2013, 21, 7.

195 CoE, GRETA (2013) "Recommendation CP(2013)2 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia" adopted at the 10th meeting of the Committee of the Parties, 15 February 2013, 4.

196 *Ibid.*

197 Council of Ministers, "National Strategy for the Prevention of Trafficking in Human Beings for 2014-2020", Briefing Note, 3, accessed 27 March 2017, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/national_strategy_for_the_prevention_of_trafficking_inhuman_beings_2014-2020_summary_en_1.pdf.

198 Republic of Latvia, Cabinet of Ministers (2006), "Cabinet Regulation No. 1027 of 19 December 2006 on Regulations Regarding the State Basic Education Standard and Basic Education Subject Standards", adopted 19 December 2006, accessed 27 March 2017, http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=90448.

199 CoE, Secretariat of the CoE Convention on Action against Trafficking in Human Beings (2015), "Report submitted by Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings", received on 13 February 2015, 22-23.

Centre's website.²⁰⁰ Additionally, the NCE has also prepared booklets, brochures and other learning materials for school children of different age groups, learning abilities and individual needs on the issues of health and human security. These materials are aimed at informing children about risky/dangerous situations, teaching them how to recognise these situations, make safe and appropriate decisions and act in their own best interests.²⁰¹ Despite the abundance of support materials, there are no set and objective measurements to evaluate their use and implementation by teachers in their work with children.²⁰²

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) noted that State Police were trained on children's rights in the course of various seminars and workshops, "The Police Academy of Latvia conducted five seminars for 73 officials; 7 seminars for the professional development of the police; and the Regional Department of the State Police College conducted a seminar for 15 officials".²⁰³ However, data on provided trainings does not show the actual situation as the turnover number in State Police is very high.²⁰⁴ Furthermore, the quality of investigation is affected by the lack of specialization among police officers.²⁰⁵

Apart from police officers, judges have also been trained on issues of children's rights, human trafficking prevention and the implementation of the OPSC; "In December 2006, the Prosecutor General's Office organised a two-day seminar on issues related to child rights protection for 25 prosecutors".²⁰⁶ The Latvian Judicial Training Centre, in particular its Study Programme Working Group, has developed an annual study programme for judges and court officials on human trafficking and violence against children. 28 justices and judge assistants were trained in 2013 and 16 judge candidates were trained on trafficking in human beings in 2014.²⁰⁷

Local authorities, such as the Riga municipality, also implement projects dedicated to preventing trafficking in human beings. Since 2010, the municipality of Riga has been implementing the "Preventing measures for the elimination of human trafficking" project and published a "Prevention of human trafficking" booklet in Latvian and Russian languages, which is updated on an annual basis. The booklet is being implemented locally, i.e., among the social protection institutions in Riga, and internationally in cooperation with Latvian Embassies.²⁰⁸

200 Ministry of Education and Science (MoES), "National Centre for Education (NCE)", accessed 27 March 2017, <http://visc.gov.lv/vispizglitiba/saturs/metmat.shtml>.

201 CoE, Secretariat of the CoE Convention on Action against Trafficking in Human Beings (2015), "Report submitted by Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings", received on 13 February 2015, 23.

202 Information provided by *Centrs Dardeze*.

203 ILO, ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) (2009), "Direct Request (CEACR), adopted in 2008, published during the 98th ILO session (2009), Worst Forms of Child Labour Convention, 1999 (No. 182) - Latvia (Ratification: 2006)", accessed 28 March 2017, http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2296961.

204 Information provided by *Centrs Dardeze*.

205 *Ibid.*

206 ILO, ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) (2009), "Direct Request (CEACR), adopted in 2008, published during the 98th ILO session (2009), Worst Forms of Child Labour Convention, 1999 (No. 182) - Latvia (Ratification: 2006)".

207 CoE, Secretariat of the CoE Convention on Action against Trafficking in Human Beings (2015), "Report submitted by Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings", received on 13 February 2015, 14.

208 CoE, Secretariat of the CoE Convention on Action against Trafficking in Human Beings (2015), "Report submitted by Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings", received on 13 February 2015, 15.

It is obvious that the Latvian Government is active in promoting children's rights and preventing trafficking in children. Yet, local non-governmental actors still play a leading role in raising awareness on the different forms of trafficking in human beings. The civil society organisations have launched and implemented a number of projects and information campaigns on trafficking in human beings with financial, technical and administrative support from donor agencies, including the EU, the private sector and the national government.²⁰⁹

The Latvian NGOs are the strongest advocates for the elimination of SEC. In 2011, the NGO "Marta" collected almost 15,500 signatures calling for criminalisation of buyers of sexual services provided by children, women and men as part of the campaign "Stop Sex Trafficking".²¹⁰

This campaign has contributed to the setting-up of an Inter-Institutional Working Group (IIWG) at the central government level to address sexual services demand. The IIWG, which is comprised of government ministries' members, the State Police and civil society, was created in March 2012. Although the IIWG decided not to support the criminalisation of sexual services buyers, it still proposed that the Ministry of Justice (MoJ) should consider the necessity of amending the criminal legislation with a view to adding a new provision criminalising the use of sexual services from victims of human trafficking.

In 2012, the Latvian-Irish Association and the Shelter "Safe House" organised an awareness-raising campaign against human trafficking in Dublin airport. Passengers arriving from Latvia to Ireland were informed about two forms of human trafficking, fictitious marriage and forced labour. The representatives of these two civil society organisations also met with the Ambassador of Latvia in Ireland and heads of diplomatic missions based in Ireland to exchange experiences and discuss potential cooperation.²¹¹

The Ministry of Foreign Affairs of Latvia (MoFA) developed a mobile application Ceļo droši (Travel Safe) in 2014. This application is available for smart-phone users and provides fast and relevant information about availability of consular support during a person's travel to a foreign country. Apart from the contact details of Latvian consular offices, the mobile application also warns travellers about possible risks when abroad, including false employment offers, human trafficking, drug transportation, etc. The launch of this application was supported by an information campaign which advertised it from April to September 2014.²¹²

In 2013, the association Shelter "Safe House", jointly with the MoI and MoJ, organised a training course on recognition, investigation and prevention of human trafficking. The course was targeted at more than 150 practitioners dealing with trafficking in human beings, including judges, prosecutors, investigators, and defence lawyers, representatives from line ministries, subordinate institutions and NGOs. The course participants were able to acquire new knowledge and do some

209 CoE, Secretariat of the CoE Convention on Action against Trafficking in Human Beings (2015), "Report submitted by Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings", received on 13 February 2015, 23.

210 Fondation SCÉLLES, Under the Direction of Yves Charpenel Deputy General Prosecutor of the Supreme Court of France and President of the Fondation Scelles (2012), "Sexual Exploitation, Prostitution and Organised Crime", Economica, 184.

211 CoE, Secretariat of the CoE Convention on Action against Trafficking in Human Beings (2015), "Report submitted by Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings", received on 13 February 2015, 25.

212 *Ibid.*, 27

mock exercises to effectively recognise, investigate and prevent human trafficking cases.²¹³ The same year, Shelter "Safe House", again in partnership with the Mol, has started one of its most effective awareness-raising project on trafficking in persons, the mobile 'info-trailer'; a small caravan that was turned into a symbolic setting depicting living conditions and horrors of persons trafficked for various forms of exploitation. In 2013, the 'info-trailer' arrived to more than 80 schools across Latvia and was visited by 2,000 schoolchildren.

In addition to the specifically organised awareness-raising campaigns, the government and NGOs also work via hotlines to prevent children and youth from being recruited to SEC. In 2013, the Hotline for Children and Adolescents of the SIPCR launched a project "Violence is not a little secret. Talk about it!". The project's statistics included the 3098 cases served, 149 cases of violence when psychological counselling was provided, 19 cases of sexual abuse and 26 cases of physical abuse. In 7 cases, the information received from callers about domestic violence and abuse at school was forwarded to child protection inspectors, social services and orphan's court.²¹⁴

Taking into consideration the fact that many children and young people are nowadays active Internet users, the Latvian Internet Association "Net-Safe Latvia Safer Internet Centre", established in 2006, also tries to educate youth about human safety online. The association publishes information about Internet safety and potential online threats ranging from hate and racism crimes to bullying and CSAM/CSEM. Internet-users can also report about online crimes through the association's hotline and website. At the same time, the association's staff is being trained and methodologically supported by the MoE. In 2012, the MoES organised for example, a workshop on the issues of malicious abuse, including sexual abuse of children on the Internet, and how to avoid it.²¹⁵

The cooperation between the Latvian Government and the civil society sector on raising awareness about SEC is generally fruitful, though, as recommended by the CoE, Latvia still has to enhance its information efforts on trafficking in human beings to reach the most vulnerable population groups, children and women.

Private Sector involvement

The private sector, including businesses, private for profit and non-profit organisations, plays an instrumental role in the promotion and protection of children's rights. In 2002, the UN Committee on the Rights of the Child even devoted its Day of General Discussion to the theme "The private sector as service provider and its role in implementing child rights".²¹⁶ The private sector organisations may technically and financially contribute to specific SEC-related projects, awareness-raising campaigns and capacity-building efforts. The following are some examples of the private sector engagement in child protection in general and child abuse and violence issues in particular in Latvia.

The national airliner, Air Baltic, and the Latvian State Tourism Agency also launched a project to inform Latvians travelling abroad about the Agency's hotline and contact details in case of suspected human trafficking. The project covered approximately 700 schools across the country.

²¹³ *Ibid.*, 15

²¹⁴ CoE (2014), "Lanzarote Convention - Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse: Replies to the General Overview Questionnaire – Latvia", 4 March 2014, 21.

²¹⁵ *Ibid.*, 16

²¹⁶ UNICEF, Rachel Hodgkin and Peter Newell (2007), "Implementation Handbook for the Convention on the Rights of the Child, 3rd ed.", 60.

The Resource Centre for Women "Marta" is also providing a toll-free helpline that people can call to obtain comprehensive information about safe work opportunities abroad, general information about human trafficking, as well as potential assistance to victims of trafficking in persons. However, the line was closed due to insufficient funding. Nevertheless, the organisation continues addressing the issues of trafficking in human beings, violence against women and women's rights.²¹⁷

From August 2012 until February 2013, Phillip Morris, EuroAWK and the Shelter "Safe House" organised and implemented "Sold Freedom", a preventive, outdoor awareness-raising campaign aimed at reducing cases of trafficking in human beings, in the largest Latvian cities. Assistance to identified victims of human trafficking was provided to more than 100 people in the course of the campaign.²¹⁸

While welcoming these initiatives of the private sector and other stakeholders, it is critical for Latvia to enhance the involvement of businesses in the protection of children's rights.

Vulnerability reduction

A child's vulnerability to violence and abuse increases with age and maturity and strongly interacts with poverty. However, as argued by UNICEF, poverty alone is a less significant correlate of violence than a combination of high-income inequality, inequity and poverty. Social and economic deprivations, multi-dimensional poverty, social exclusion and their accompanying manifestations are among the critical factors in SEC.²¹⁹

Latvia has experienced major challenges and opportunities while transiting from a planned to a market economy. From 1995 up until recently, the economic growth of Latvia was among the highest in the new EU member states (with the exception of 1998 and 1999). Rapid economic growth however, did not translate it into a rapid increase in overall welfare of people, especially in rural areas.²²⁰

In 2014, 22.5% of the total Latvian population were at risk of poverty or social exclusion, of which 23.2% were children 0-17 years of age. In 2014, the risk of poverty reached 37.0 % for single parent households with dependent children and 34.5 % in two adult households with three or more dependent children. The share of children at risk of poverty, as compared to 2013, has dropped by 1.1 percentage point, reaching 23.2 % in 2014.²²¹

217 Advocates for Human Rights, "Stop Violence against Women in Latvia", accessed 27 March 2017, <http://www.stopvaw.org/latvia>.

218 CoE, Secretariat of the CoE Convention on Action against Trafficking in Human Beings (2015), "Report submitted by Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings", received on 13 February 2015, 25.

219 UNICEF, Paulo Sérgio Pinheiro, Independent Expert for the United Nations Secretary General's Study on Violence Against Children (2006), "World Report on Violence against Children", 310, accessed 27 March 2017, [https://www.unicef.org/lac/full_text\(3\).pdf](https://www.unicef.org/lac/full_text(3).pdf).

220 UNDP (2005), "Life in 2015: the Latvia MDG Report", 10, accessed 27 March 2017, <http://www.undp.org/content/undp/en/home/librarypage/mdg/mdg-reports/ecis.html>.

221 Agency for Statistics of the Republic of Latvia (2016), "3 out of 10 people in Latvia are at risk of poverty or social exclusion", 3 February 2016, accessed 5 April 2017, <http://www.csb.gov.lv/en/notikumi/3-out-10-people-latvia-are-risk-poverty-or-social-exclusion-44109.html>.

In 2000, the World Bank commissioned a poverty assessment and recommended as a result the Government of Latvia to develop a national poverty reduction programme.²²² In 2003, the Joint Inclusion Memorandum (JIM) was concluded and in 2004, the first ever Action Plan for Poverty Reduction and Social Exclusion for 2004-2006 was adopted. This NPA included measures to promote employability and social inclusion and was coordinated by the MoW with financial support from the European Social Fund (ESF). The document was in line with the JIM, Single National Economic Strategy, Single Programming Document for 2004-2006, the 2004 National Employment Plan, and other national social policy development strategies and programmes.²²³

In 2006, the second National Strategy for Poverty Reduction and Social Inclusion for 2006-2008 was adopted. The third National Strategy for Social Protection and Social Inclusion for 2008-2010 was endorsed in 2008. These three NPAs all focused on social assistance/protection measures, including in cash and in kind, such as cash transfers, school meals, social (rehabilitation, psychological) services and other types of support, aimed at supporting vulnerable people, including children and young people.²²⁴

In 2013, a new multi-fund "Growth and Employment" Operational Programme (OP) was developed to achieve key national development priorities. This OP sought co-funding from the European Regional Development Fund (ERDF), the Cohesion Fund (CF), the ESF and the specific allocation from the Youth Employment Initiative (YEI). OP prioritises, among other things, the promotion of employment and workforce mobility of young people who are not in education, training and employment (NEET), including outreach measures for non-registered NEET (3.72% of the OP resources).

11.68% of OP resources are supposed to be allocated to investments in education, skills and lifelong learning, for example, reforms in the higher education sector, vocational education and training, support to comprehensive career guidance, etc. The social inclusion and fight against poverty is supposed to equal 9.49% of OP funds and focus on the targeted measures for integration of disadvantaged in the labour market and society. The OP has a strong deinstitutionalisation component, which targets transfer to community-based care of children and adults with psycho-intellectual disabilities. The OP also promotes better access to healthcare for socially and geographically excluded children and other people.²²⁵

In October 2014, the EC approved the other OP to use the new Fund for European Aid to the Most Deprived (FEAD), established in January 2014. In the period of 2014-2020, Latvia will receive EUR 41 million, which is to be complemented by EUR 7,2 million from the national budget, to support the provision of food and other basic hygiene and household items to those most vulnerable and in need in the country. 19.5% of the total budget is aimed at supporting households with children suffering from material deprivation, providing them with basic hygiene, household items and

222 WorldBank(2000), "TheRepublicofLatviaPovertyAssessment", Vol. I and II, 14 June 2000, accessed 27 March 2017, <http://agris.fao.org/agris-search/search.do?recordID=US2014605940> and <https://openknowledge.worldbank.org/handle/10986/15258>.

223 Feliciana Rajevska, Zane Loža, Linda Ziverte, Aadne Aasland; Fafo (Norway), Tartu University, Latvian University (2006), "Poverty, social assistance and social inclusion – developments in Estonia and Latvia in a comparative perspective", 38.

224 "Action Plan of Latvia - European Year For Combating Poverty and Social Exclusion (2010)", 3, accessed 28 March 2017, http://www.lm.gov.lv/upload/sociala_aizsardziba/sociala_ieklausana/eg/plan_final_eng.pdf.

225 EC, Regional Policy, InfoRegio, "Growth and Employment Programme – Latvia – Programme Description", accessed 27 March 2017, http://ec.europa.eu/regional_policy/en/atlas/programmes/2014-2020/latvia/2014lv16maop001.

educational materials for schools. The budget will also support other accompanying measures to promote social inclusion.²²⁶ It is hoped that this programme, in addition to other government social policy programmes, will contribute to the reduction of poverty and social exclusion in Latvia and hence, will indirectly contribute to decreasing the supply side of the SEC phenomenon in the country.

Deterrence measures

The US State Department argues in its 2016 Trafficking in Persons Report that the Government of Latvia "does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so".²²⁷ Relevant Latvian authorities raised, for example, awareness of the dangers of sham marriages that may lead to cases of human trafficking. Latvian courts rely on anti-trafficking national legislation to prevent trafficking in human beings, various Latvian ministries organised and implemented awareness-raising campaigns, and the Latvian government maintained information and emergency hotlines that received calls on potential trafficking situations.²²⁸

In Latvia, several data sets relating to SEC are available. The Mol's Information Centre operates a database that collects information on persons who committed offences on Latvia's territory, as well as offences committed by Latvians, including permanent and temporary residents, abroad. In 2010, the Centre set up the "Criminal Proceedings Information System" that provides data concerning all victims of criminal offences in Latvia, including SEC in general and trafficking in human beings in particular. This system includes personal data, such as name, identification number, date of birth, nationality, gender, place of residence, as well as the information about the offence and legal qualification, the relationship between the victim and the offender, the type of support/assistance provided to the victim, the results of any expertise performed, etc.²²⁹

The Office of the Prosecutor General collects data on prosecuted cases and makes this information available to the Mol. The Mol's Court Information System provides data on court cases, including criminal, civil and administrative cases. The MoW collects information on the number of victims who received social rehabilitation services during the 30-day reflection period or while holding a temporary residence permit. MoW forwards this information to the Mol and ensures that these data are being regulated under the Personal Data Protection Law.

Research on SEC

Combatting SEC at both policy and programme levels requires adequate access to comprehensive statistical data, good research and analysis, as well as effective monitoring and evaluation, with special attention to the rights of victims.

²²⁶ EC (2014), "Poverty: Commission adopts Latvian programme to spend €41 from Fund for European Aid to the Most Deprived", Press-release, Brussels, 30 October 2014, accessed 27 March 2017, http://europa.eu/rapid/press-release_IP-14-1234_en.htm.

²²⁷ NEED CITATION

²²⁸ US Department of State (2016), "Trafficking in Persons Report 2016", 239-240.

²²⁹ CoE, GRETA (2015), "Reply from Latvia to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties Second evaluation round (Reply submitted on 11 November 2015)", GRETA(2015)29, Strasbourg, 25 November 2015, 20, accessed 27 March 2017, <http://www.coe.int/en/web/anti-human-trafficking/latvia> and <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806dbddc>.

In 2009, *Centrs Dardedze* completed the research project on "Sexual abuse against children in residential institutions". The EU Commission's Daphne III Programme for 2007-2013 funded this research study. In the course of the project, *Centrs Dardedze* compiled good practices on combating SEC worldwide, analysed the situation of child sex abuse and violence in Latvian institutions and proposed a set of recommendations on preventing sexual exploitation and violence in residential institutions. These analysis and recommendations have been shared with responsible national decision-makers and the EC.²³⁰

From October 2010 through March 2011, the Centre for Disease Prevention and Control, Latvian Ministry of Health (MoH), Office of Nordic Council of Ministers, with the financial support from the World Health Organization (WHO) Regional Office for Europe and technical support from TNS Latvia Market and Social and Media Survey Agency, completed a survey to identify the prevalence of adverse childhood experiences among the young adults of Latvia. The survey was targeted at students of secondary and professional schools and young adults. Respondents (almost equal number of men and women) from five Latvian cities, including Riga, Kurzeme, Zemgale, Vidzeme and Latgale, completed 1223 questionnaires, which were later used for data analysis. The average age of respondents was 18.56 years old.²³¹

The survey found that 74.2% of respondents had already had sexual relationships. The average age when respondents had had their first sexual relationship was 16 years, with the minimum age being 11 years for male respondents and 12 years for females. In total, 110 (74 females and 36 males), or 10.3% of respondents, confirmed that they had experienced sexual violence before. The group of researchers working on the survey recommended in their 2011 survey report that policy-makers should, among other things, monitor the prevalence and causes of violence against children and young people. The monitoring results are supposed to be regularly assessed for policy adjustment and development purposes, as well as publicly shared to promote the awareness and participation of people in the efforts to reduce child abuse and violence, including in the family.²³²

As argued by GRETA in 2013, there was no research on trafficking in persons commissioned by the Latvian authorities since 2007. GRETA also noticed that in 2010, the State Police together with the NGO Shelter "Safe House" applied for funding from the EC programme with the project, "Assessment of free movement of individuals and update of national policies according to observed trends in the field of human trafficking". The project had a research component to analyse the problem of marriages of convenience involving Latvian nationals and non-EU country nationals in Ireland and Cyprus. The EC refused to fund the project.²³³

230 *Centrs Dardedze*, Daphne (2009), "Research of the current situation in Latvia, concerning sexual abuse of children at residential institutions - Project "Sexual Violence against Children in Residential Institutions", DAPHNE III 2007-2013 Program of the EC, NR. JLS/2007/DAP-1/178/-30-CE- 0229207/00-68.

231 Centre for Disease Prevention and Control of Latvia, Biruta Velika, MSc, researcher and author Iveta Pudule, MSc, researcher and author Daiga Grinberga, MSc, researcher and author Lauma Springe, MSc, author, Inese Gobina, PhD, logistic regression analysis (2012), "Adverse Childhood Experiences of Young Adults in Latvia: Study Report from the 2011 Survey", Riga, 2012, 9, 11, 17, 28, accessed 27 March 2017, <https://www.spkc.gov.lv/en/research-and-publications> and https://www.spkc.gov.lv/upload/Petijumi%20un%20zinojumi/Jauniesu%20vardarbibas%20pieredze/jauniesu_berniba_guta_vardarbibas_pieredze_pilns_teksts_eng_2012.pdf.

232 *Ibid.*

233 CoE, GRETA (2013), "Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia", GRETA(2012)15, 31 January 2013, 21.

Unfortunately, there is no particular research on SEC commissioned in Latvia. In this regard, it is recommended that the Latvian authorities conduct and support research on SEC as its findings could inform respective policy and programme development to prevent and combat this phenomenon.

PROTECTION: LEGISLATION AND ACCESS TO JUSTICE FOR CHILDREN

Comprehensive and effective legislation is essential to protect children from SEC. Specific laws must be developed, implemented or strengthened to combat the various manifestations of SEC. These laws must be reviewed and updated regularly to incorporate evolving forms of SEC, such as grooming or viewing and accessing CSAM and CSEM online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

The Republic of Latvia has ratified and implemented the key international legal documents related to the protection of children from sexual exploitation. The country ratified, without reservations, the CRC in 1992 and the OPSC in 2006.²³⁴ In 2004, Latvia ratified the UN Convention against Transnational Organized Crime²³⁵ and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol).²³⁶ Since 2006, Latvia is also a party to the ILO (No. 182) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.²³⁷

Other international instruments ratified by Latvia are: the Convention on the Exercise of Children's Rights CETS No. 160 in 2001,²³⁸ the Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography,²³⁹ the CoE's Convention on Cybercrime (Budapest Convention) in 2007,²⁴⁰ the CoE Convention on Action Against Trafficking

234 UN Treaty Collection (UNTC), "CRC: Status of Ratification," accessed 4 April 2017, https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-11&chapter=4&lang=en&title=UNTC-publisher=; UNTC, "OPSC: Status of Ratification," accessed 4 April 2017, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-11-c&chapter=4&lang=en.

235 United Nations Office on Drugs and Crime (UNODC) (2000), UN Convention against Transnational Organized Crime, adopted by UNGA Resolution 55/25 of 15 November 2000 and entered into force 29 September 2003, 5, accessed 4 April 2017, https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf.

236 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000), supplementing the United Nations Convention against Transnational Organized Crime, adopted and opened for signature, ratification and accession by UNGA Resolution 55/25 of 15 November 2000, entered into force on 25 December 2003, accessed 4 April 2017, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

237 International Labour Organisation (n.d.), "Ratifications for Latvia", *Ratifications of ILO Conventions*, accessed 4 April 2017, http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102738.

238 CoE (1996), European Treaty Series No. 160 European Convention on the Exercise of Children's Rights, Strasbourg, 25 January 1996, accessed 4 April 2017, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007cdaf>.

239 CoE (2003), Council of Europe framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography, CoE Official Journal L013, 20 January 2003, accessed 4 April 2017, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A133138>.

240 CoE (2001), CONVENTION ON CYBERCRIME, European Treaty Series - No. 185, Budapest, 23 November 2001, accessed 4 April 2017, http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/7_conv_budapest_7_conv_budapest_en.pdf.

in Human Beings in 2008²⁴¹ and the CoE's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) in 2014.²⁴² Latvia is also bound by two SEC-related directives adopted by the EU in 2011, the Directive 2011/92/EU on combating sexual abuse and sexual exploitation of children and child pornography²⁴³ and the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.²⁴⁴

International Instruments	
Human Rights Bodies Related to Child Rights	Comments
Charter-based Bodies	
Working Group on the Universal Periodic Review (UPR) – HRC	<p>Working group on the UPR review – 26 January 2016²⁴⁵</p> <p>Key recommendations formulated during the interactive dialogue, which have been examined by Latvia and received its support:²⁴⁶</p> <ul style="list-style-type: none"> • Strengthen existing law and practice to counteract trafficking in human beings among others for sexual exploitation. • Improve national mechanisms for the implementation of its international human rights obligations. • Maintain efforts to enforce anti-trafficking legislation, identify, protect and rehabilitate victims of trafficking in persons, investigate and prosecute traffickers. • Further improve the national judiciary system and strengthen human rights education of its citizens, especially that of the judiciary. <p>Next UPR scheduled for January 2021.</p>

241 CoE (2005), Council of Europe Convention on Action Against Trafficking in Human Beings, CETS No. 197, opened for signature 16 May 2005, entered into force 1 February 2008, accessed 4 April 2017, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197>.

242 CoE (2007), Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201 (Lanzarote Convention), opened for signature 25 October 2007, entered into force 1 July 2010, accessed 4 April 2017, <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/201>.

243 EU (2011), DIRECTIVE 2011/92/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, accessed 4 April 2017, http://srs.violenceagainstchildren.org/document/2011-92-eu_917.

244 EU (2011), DIRECTIVE 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, accessed 4 April 2017, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>.

245 *Universal Periodic Review (UPR) Info, "Timeline for UPR engagement in the current cycle"*, accessed 4 April 2017, <https://www.upr-info.org/en/review/Latvia>.

246 UPR Info, "2RP: Responses to Recommendations & Voluntary Pledges", 2, accessed 4 April 2017, https://www.upr-info.org/sites/default/files/document/latvia/session_24_-_january_2016/recommendations_and_pledges_latvia_2016_0.pdf.

Special Rapporteur on the sale of children, child prostitution and child pornography	Mission Visit from 25 to 31 October 2008.
Special Rapporteur on Trafficking in Persons, especially in Women and Children	No visit to date
Special Representative of the Secretary General on Violence against Children	No visit to date
Treaty-based Bodies	
UN Committee on the Rights of the Child	<p>Committee on the Rights of the Child's Concluding observations on the third to fifth periodic reports of Latvia (CRC/C/LVA/3-5), adopted at its 2104th meeting (CRC/C/SR.2104), held on 29 January 2016.²⁴⁷</p> <p>Key concluding observations related to SEC:</p> <ul style="list-style-type: none"> • Establish mechanisms, procedures and guidelines to ensure mandatory reporting of all cases of sexual abuse of children.²⁴⁸ • Investigate all cases of sexual abuse in institutions for children with mental health disorders and prosecute and sanction offenders.²⁴⁹ • Ensure that the SIPCR's Helpline personnel receive regular training on the CRC and its Optional Protocols to provide child-sensitive and child-friendly assistance and procedures for following up on SEC-related complaints.²⁵⁰ • Collect regular and systematic data on the number and types of complaints received and the support provided to victims.²⁵¹ • Conduct awareness-raising programmes for society and professionals working with and for children on their responsibility to report cases of violence against children.²⁵² • Increase efforts to identify child victims.²⁵³

247 UN Committee on the Rights of the Child (2016), "Concluding Observations on the third to fifth periodic reports of Latvia", CRC/C/LVA/CO/3-5, 14 March 2016, accessed 5 April 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LVA/CO/3-5&Lang=En and <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/049/25/PDF/G1604925.pdf?OpenElement>

248 *Ibid.*, para. 39(a), 9.

249 *Ibid.*, para. 39(b), 9.

250 *Ibid.*, para. 41(a), 9.

251 *Ibid.*, para. 41(c), 9.

252 *Ibid.*, para. 43(a), 10.

253 *Ibid.*, para. 65(b), 15.

Treaty-based Bodies		
UN Committee on the Rights of the Child	<ul style="list-style-type: none"> Increase compensation of child victims, including through the State agency for judicial assistance.²⁵⁴ 	
Children's Rights Instrument	Date of Ratification	Date of Submitted Reports
UN Convention on the Rights of the Child (1989)	14 April 1992	Initial reports of States parties due in 1994 ²⁵⁵ Second periodic reports of States parties due in 1999 ²⁵⁶ State Party Report Latvia ²⁵⁷
UN Convention against Transnational Organized Crime (2000)	7 December 2001	N/A
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000), supplementing the United Nations Convention against Transnational Organized Crime	25 May 2004	N/A
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	22 February 2006	Initial Report submitted to the UN Committee on the Rights of the Child on 1 March 2013. ²⁵⁸
ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour - No. 182- (1999)	02 June 2006	N/A

²⁵⁴ *Ibid.*, para. 65(c), 15.

²⁵⁵ UN Committee on the Rights of the Child (2000), "Initial reports of States parties due in 1994", CRC/C/11/Add.22, 22 March 2000, accessed 5 April 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&TreatyID=10&TreatyID=11&DocTypeID=29&DocTypeCategoryID=4.

²⁵⁶ UN Committee on the Rights of the Child (2005), "Second periodic reports of States parties due in 1999", CRC/C/83/Add.16, 24 September 2005, accessed 5 April 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&TreatyID=10&TreatyID=11&DocTypeID=29&DocTypeCategoryID=4.

²⁵⁷ UN Committee on the Rights of the Child (2014), "State Party Report Latvia", CRC/C/LVA/3-5, 20 November 2014, accessed 5 April 2017, CRC/C/OPSC/LVA/1 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&TreatyID=10&TreatyID=11&DocTypeID=29&DocTypeCategoryID=4.

²⁵⁸ UN Committee on the Rights of the Child (2014), "Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Reports of States parties due in 2008 Latvia", CRC/C/OPSC/LVA/1, 24 November 2014, accessed 5 April 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fOPSC%2fLVA%2f1&Lang=en and <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/230/04/PDF/G1423004.pdf?OpenElement>.

Regional Instruments		
CoE European Treaty Series No. 160 European Convention on the Exercise of Children's Rights (1996)	30 May 2001	N/A
CoE Convention on Cybercrum European Treaty Series - No. 185 (Budapest Convention) (2001)	14 February 2007	N/A
CoE Council of Europe Convention on Action Against Trafficking in Human Beings, CETS No. 197 (2005)	6 March 2008	N/A
CoE Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007)	18 August 2014	N/A

NATIONAL LEGISLATION

Latvia has undertaken significant efforts to harmonise its legal framework with international and regional legal norms and standards to effectively protect children's rights.

The most important laws and regulations that define standards for protection of children from sexual abuse and exploitation are stipulated in the Constitution,²⁵⁹ the 1998 LPRC, especially sections 15, 51-52²⁶⁰ and the CL.²⁶¹ Some other aspects of children's rights protection against sexual abuse and exploitation are regulated by the Code of Criminal Procedure,²⁶² the Law on Orphan's Courts,²⁶³ the 2008 Cabinet of Ministers' Regulations No. 719 on "Procedures for the provision of emergency assistance to a child who has suffered from illegal activities"²⁶⁴ and the Law on Pornography Restrictions.²⁶⁵

The national legal framework specifies the right of the child to be protected from any form of abuse and exploitation, including SEC. Section 15 of the LPRC provides for the right of the child to be protected from economic, labour, physical, mental, and sexual or any other form of exploitation,

²⁵⁹ Republic of Latvia (1922), The Constitution of the Republic of Latvia (Latvian Satversme).

²⁶⁰ Republic of Latvia (1998), LPRC, Sections 15, 51-52.

²⁶¹ Republic of Latvia (1998), CL.

²⁶² Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, accessed 4 April 2017, <https://likumi.lv/doc.php?id=107820> and https://ec.europa.eu/anti-trafficking/member-states/latvia-61-legislation_en.

²⁶³ Republic of Latvia (2006), Law on Orphan's Courts, adopted in June 2006.

²⁶⁴ Republic of Latvia, Cabinet of Ministers of Latvia (2008), Cabinet Regulation No. 719 "Procedures for the Provision of Emergency Assistance to a Child Who Has Suffered from Illegal Activities", Issued pursuant to Section 51, Paragraph two of the Protection of the Rights of the Child Law, adopted 8 September 2008

²⁶⁵ Republic of Latvia, the *Saeima* (2007), Law on Pornography Restrictions, adopted 3 May 2007, Section 3: "Application of this Law" and Section 4(1): "General Restrictions".

which may in any way harm the child.²⁶⁶ In accordance with Section 1(10) of the LPRC, 'sexual abuse' consists of the engagement of a child in sexual activities that the child does not understand or to which the child cannot knowingly give consent.²⁶⁷ Chapter XVI of the CL, "Criminal offences against morals and sexual inviolability" provides that offences with character of sexual abuse, including among others rape, forcible sexual assault, sexual intercourse, pederasty, and lesbianism with a person who has not reached the age of 16 years; immoral acts" and compelling engagement in prostitution, are criminal acts.²⁶⁸ Similarly, Section 51(1) of the LPRC, as amended in February 2014, provides that persons responsible for "violence against a child, encouraging or forcing a child to take part in sexual activities, exploitation or involvement of a child in prostitution", shall be held liable in accordance with the law.²⁶⁹ Criminalisation of such offences are in conformity with the CoE framework Decision 2004/68/JHA of December 2003 on combating sexual exploitation of children and child pornography and with CoE Convention on the protection of children against sexual exploitation and sexual abuse of October 2007.

Sections 51(2) and 52 of the LPRC also envisage that the required emergency assistance (medical and other), treatment and support shall be provided to a victim of abuse or other illegal acts free of charge.²⁷⁰ Article 110 of the Constitution of the Republic of Latvia which refers to marriage and children's rights, also mentions the provision of special support to child victims of violence.²⁷¹

Section 51(3) of the LPRC prescribes that every person has the duty to inform police or another competent institution regarding violence or any other criminal offence directed against a child. In case a person does not inform about such an offence, he/she shall be also held liable in accordance with the law.²⁷² Similarly, Section 315 of the CL envisages criminal liability for a person who fails to inform, where it is known with certainty about the preparation for or commission of a serious or especially serious crime. The CL specifies that most of the crime cases involving child sexual abuse and violence are considered as serious or especially serious crimes.²⁷³

As argued by NGO *Centrs Dardedze*, although the national legislation, in particular the CL, covers most kinds of sexual abuse and violence against children and provides for corresponding punishments, there are still important problems with the implementation of such legal norms in practice. One of the biggest problems is that when deciding on the severity of a criminal offence, the court considers only children's physical injuries and does not take into consideration the psycho-emotional effects of such crimes on the victims. It should also be noted that the age of a child is not properly considered and children are therefore lacking specific protection when testifying against offenders.²⁷⁴ Some other gaps in the legal framework will be analysed below when considering the various manifestations of SEC as provided for in the national legislation of Latvia.

266 Republic of Latvia (1998), LPRC, Section 15.

267 Republic of Latvia (1998), LPRC, Section 1 (10).

268 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Chapter XVI: "Criminal offences against morals and sexual inviolability" ; *Centrs Dardedze*, Daphne (2009), "Research of the current situation in Latvia, concerning sexual abuse of children at residential institutions - Project "Sexual Violence against Children in Residential Institutions", DAPHNE III 2007-2013 Program of the EC, NR. JLS/2007/DAP-1/178/-30-CE- 0229207/00-68, 8-9.

269 Republic of Latvia (1998), LPRC, Section 51(1).

270 Republic of Latvia (1998), LPRC, Section 51(1) and 52.

271 Republic of Latvia (1922), The Constitution of the Republic of Latvia (Latvian Satversme), Article 110.

272 Republic of Latvia (1998), LPRC, Sections 15, 51 and 52.

273 *Centrs Dardedze*, Daphne (2009), "Research of the current situation in Latvia, concerning sexual abuse of children at residential institutions - Project "Sexual Violence against Children in Residential Institutions", DAPHNE III 2007-2013 Program of the EC, NR. JLS/2007/DAP-1/178/-30-CE- 0229207/00-68", 7; Republic of Latvia (1998), CL, Section 315.

274 *Centrs Dardedze*, Daphne (2009), "Research of the current situation in Latvia, concerning sexual abuse of children at residential institutions - Project "Sexual Violence against Children in Residential Institutions", DAPHNE III 2007-2013 Program of the EC, NR. JLS/2007/DAP-1/178/-30-CE- 0229207/00-68", 10.

'Child prostitution' is defined in Article 2(b) of the OPSC as the "use of a child in sexual activities for remuneration or any other form of consideration". The consideration could be financial and payment in-kind, including accommodation and drugs. The payment may be given to either the child or the "controlling adult".²⁷⁵ Article 3(1) of the OPSC requires all State Parties to ensure the criminalisation of offences engaging the child in forced labour, including "offering, obtaining, procuring or providing a child for child prostitution", regardless of whether such an offence is committed domestically, internationally or transnationally.

Prostitution, in terms of both of using and offering sexual services is legal and regulated in Latvia.²⁷⁶ However, certain conduct associations with prostitution are prohibited, including the engagement of minors under the age of 18 in prostitution.²⁷⁷ Section 164(4) of Latvia's CL provides for up to 6 years of imprisonment for the crime of coercing a minor, a person under the age of 18, to engage in prostitution. A five to 12-year imprisonment penalty is applied in case of compelling a juvenile, a child under the age of 14, to engage in prostitution.²⁷⁸

Yet, the crime of offering a child for prostitution is not explicitly mentioned and prohibited in Latvian legislation.²⁷⁹ Section 165 of the CL prohibits trafficking a person for the purpose of sexual exploitation. In 2014, the amendments to the CL entered into force providing for the criminal liability of consumers for conscious sex exploitation (prostitution) of minor or adult victims of human trafficking.²⁸⁰ In this regard, Latvian legislation could be said to be generally compliant with the provisions of Article 3(1) and (b) of the OPSC.

While welcoming the criminalisation of the conduct associated with the exploitation of children in prostitution, it has to be noted that there is no definition of it in the CL²⁸¹ or in any other Latvian laws. However, the Cabinet of Ministers' Regulation No. 32, as of 22 January 2008, provides

275 HRC (2014), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography", Maud de Boer-Buquicchio, A/HRC/28/56, 22 December 2014, accessed, http://www.ohchr.org/Documents/Issues/Children/SR/A.HRC.28.56_en.pdf

276 Republic of Latvia, Department of Justice and Equity, "Discussion Document on Future Direction of Prostitution Legislation", 17

277 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 22 January 2004, Section 164 (4): "Involvement of a Person in Prostitution and Compelling Engaging in Prostitution"; Republic of Latvia, LPRC, Article 51; Republic of Latvia (2008), Cabinet of Ministers of the Republic of Latvia, Regulation on the Restriction of Prostitution No. 32, 22 January 2008, issued in line with para. 3, sub-paragraph 2 of the Transitional Provisions of the Criminal Law; Republic of Latvia, Latvian Administrative Violations Code, Articles 12 and 174.

278 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 22 January 2004, Section 164(4); HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, para. 32, 9.

279 The element "offering" within Article 3 of the OPSC could be interpreted as "asking someone if they would like a child for sex; to advertise the availability of children as sexual partners. An offer may occur in a range of ways, including verbally or via newspapers, Internet, mobile phones or any other form of communication" according to ECPAT International (2012), "Protection and the OPSC: Justifying Good Practice Laws to Protect Children from Sexual Exploitation," Journal Series No.2, ECPAT International, 29, accessed 12 June 2015.

280 UN Women (2014), "Latvia National Report on the implementation of the Beijing Declaration and Platform of Action (1995) and the results of the 23rd Special Session of the General Assembly (2000)", 8, accessed 5 April 2017, http://eige.europa.eu/rdc/library/resource/aleph_eige000006652.

281 There are however a few sections referring to prostitution in Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 22 January 2004, Section 162(1): "Encouragement to Involve in Sexual Acts"; Section 163: "Violation of Provisions Restrictive of Prostitution"; Section 164: "Involvement of a Person in Prostitution and Compelling Engaging in Prostitution"; Section 165: "Living on the Avails of Prostitution".

that "a minor or a person who does not have a health card is prohibited from being engaged in prostitution".²⁸² Due to the lack of a clear definition of the exploitation of children in prostitution in Latvian CL, it is unclear which acts are falling under the scope of application of the penalised conduct. This also precludes the effective protection of children against such crime. Latvia should therefore prioritise the introduction of a definition in order to strengthen the legal framework and protection of children against exploitation in prostitution.

As noted by the former Special Rapporteur on the sale of children, child prostitution and child pornography Latvia applies a punitive approach to children who have violated the regulations on prostitution.²⁸³

Article 12 of the AVC and Section 66 of the CL provide for the application of compulsory corrective measures on minors aged 14-18 and juveniles of 11-14, who committed a violation regarding which administrative responsibility has been provided for in the law.²⁸⁴ In this regard, Latvia should enact legislative provisions that explicitly prohibit the prosecution of child victims of exploitation in prostitution within the national legislative framework.

Thereby, although the Latvian legislation provides for the protection of children from violence and other illegal acts,²⁸⁵ it is still not in full compliance with the international norms on protection of children from being engaged in prostitution. It is recommended for Latvia to clarify and introduce the definition of "exploitation of children in prostitution" in its criminal legislation. Child victims of prostitution should not be criminalised or penalised for such acts, as it was strongly recommended by the former Special Rapporteur on the sale of children, child prostitution and child pornography.²⁸⁶

Trafficking in Children for Sexual Purposes

The CRC, the UN Convention against Transnational Organized Crime²⁸⁷ and its two related protocols, the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol),²⁸⁸ and the UN Protocol against the Smuggling of Migrants by Land, Sea, and Air,²⁸⁹ which entered into force in 2003-2004, are the most reputable and recent instruments of international law that have set the course for defining, preventing and prosecuting trafficking in human beings.

282 Republic of Latvia (2008), Cabinet of Ministers of the Republic of Latvia, Regulation on the Restriction of Prostitution No. 32, 22 January 2008, issued in line with para. 3, sub-paragraph 2 of the Transitional Provisions of the Criminal Law.

283 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 11, para. 44.

284 Latvian Administrative Violations Code, Section 12.1: "Application of Compulsory Measures of a Correctional Nature to Minors"; HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 11, para. 44.

285 Republic of Latvia (1998), LPRC, Section 51 "Protection of the Child from Illegal Activities", paras. (1) and (2).

286 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 11, para. 45.

287 UN Convention against Transnational Organized Crime (2000), adopted by UNGA Resolution 55/25 of 15 November 2000 and entered into force 29 September 2003, 5-40.

288 *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000), supplementing the United Nations Convention against Transnational Organized Crime, adopted and opened for signature, ratification and accession by UNGA Resolution 55/25 of 15 November 2000, entered into force 25 December 2003, 41-51.*

289 UNODC (2000), Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the UN Convention against Transnational Organized Crime, adopted by UNGA Resolution 55/25 of 15 November 2000, 52-67, accessed 5 April 2017, https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf.

Article 35 of the CRC provides that "States Parties shall take all appropriate national, bilateral, and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form".²⁹⁰ The Palermo Protocol, which was ratified by Latvia in 2004, criminalises trafficking in human beings as a separate area of international crime and defines trafficking in Article 3(a) as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation".²⁹¹ The same Article specifies that exploitation includes, at a minimum, "the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to the slavery, servitude or the removal of organs".²⁹²

Latvia prohibits all forms of trafficking in human beings. In 2002, Latvian CL was amended to comply with international norms requiring the criminalisation of human trafficking. Section 154(2) of the CL echoed the Palermo Protocol in defining trafficking in persons.²⁹³ Section 154(2) of the CL also specified that "the recruitment, conveyance, transfer, concealment or reception of minor persons for the purpose of exploitation shall be recognized as human trafficking".²⁹⁴ The specific offence of human trafficking was initially focused on acts committed abroad. However, two years later, the constitutive element 'abroad' was removed, thus making the provision also applicable for trafficking in persons within the country.²⁹⁵

Currently, Latvian CL provides for penalties of not less than three years and up to eight years of imprisonment with regards to offences of human trafficking.²⁹⁶ Section 154(2) of the CL provides that "for the same acts if commission thereof in with respect to a minor", irrespective of the minor's consent, the applicable sentence is deprivation of liberty for a term of minimum five years and 12 years maximum with confiscation of property.

In case of commissioning the same acts with respect to a juvenile, the sentence is the imprisonment of an offender for "not less than ten years and not exceeding fifteen years, with confiscation of property, and with or without police supervision for a term not exceeding three years".²⁹⁷ Hence, the Latvian legislation considers the cases when a minor or a juvenile is involved in trafficking as especially serious crime.²⁹⁸ The US Department of State argues in its 2014 Trafficking in Persons Report that the penalties are deemed "sufficiently stringent and commensurate with those prescribed for other serious crimes".²⁹⁹

290 UN, CRC (1989), adopted by UNGA Resolution 44/25 of 20 November 1989, entered into force 2 September 1990, Article 35.

291 *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000), supplementing the United Nations Convention against Transnational Organized Crime, adopted and opened for signature, ratification and accession by UNGA Resolution 55/25 of 15 November 2000, entered into force on 25 December 2003, Article 3(a).*

292 *Ibid.*

293 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 25 April 2002, Section 154(1) "Meaning of Human Trafficking".

294 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 25 April 2002, Section 154(2) "Meaning of Human Trafficking".

295 FRA (2008), "FRA Thematic Study on Child Trafficking - Latvia", 9.

296 Republic of Latvia (1998), CL, adopted on 17 June 1998, Section 154(1).

297 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 25 April 2002, Section 154(1) and (2) "Meaning of Human Trafficking".

298 UN Committee on the Rights of the Child (2013), "Initial Report Submitted to the Committee on the Rights of the Child on Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography", CRC/C/OPSC/LVA/1, 1 March 2013, para. 107, 31, accessed 5 April 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fLVA%2f1&Lang=en.

299 US Department of State (2014), "Trafficking in Persons Report 2014", 242.

Section 165 of the CL sets punishment of 15 years maximum for sending the person for sexual exploitation, meaning an action that encourages legal or illegal departure from or entry into Latvia, transit or residence in a foreign State. This crime is not classified separately if committed against juveniles or minors, but this can be considered as an aggravating factor.³⁰⁰ In spite of this, the criminal offence under Section 165 of the CL is not considered as the crime of human trafficking according to the definition provided for in Section 154(2) of the CL. Yet, the criminal act provided for by Section 165 is recognised as a kind of trafficking in human beings in accordance with the international standards and norms.

In October 2014, Section 154(2) of the CL was amended to include a detailed description of what constitutes vulnerability to human trafficking. In practice, judges and prosecutors could re-classify cases from Section 154 to lesser crimes. For instance, cases of human trafficking could be charged under Section 164 of the CL, which criminalises the exploitation of individuals' vulnerability or use of deceit to involve people in prostitution; the act very similar to sex trafficking, but provides for less severe punishments, such as community services or a fine.³⁰¹

The US Department of State argued that charging traffickers with lesser crimes, particularly those that result in suspended sentences, "permits traffickers to commit serious crime with impunity, endangers victims they exploited, diminishes the deterrence effect, and prevents policymakers from effectively evaluating the trafficking situation and calibrating policies and resources to fight this crime".³⁰² In 2015, the Latvian government investigated nine trafficking for sexual purposes suspects and initiated prosecutions of eight sex trafficking suspects under Section 154-1 of the CL, which was more than the combined total of prosecutions in the five preceding years. It should however be noted that the Latvian courts did not secure any convictions under the relevant section in 2015.³⁰³

Social Services and Social Assistance Law, Regulation No. 889 on "Procedures by which victims of human trafficking receive social rehabilitation services and the criteria for recognizing a person as a victim of human trafficking", offers social rehabilitation services to formally identified victims of human trafficking. The specific support includes psycho-social assistance, including consultations of individual lawyer, social worker and psychotherapist, interpretation services and assistance in processing legal documents and, if required, representation in court.³⁰⁴

Latvia generally complies with international legislation on human trafficking. However, the US Department of State still places Latvia in Tier 2 List, which means that the country does not fully comply with the minimum standards for the elimination of human trafficking, even if it is making significant efforts to do so.³⁰⁵

300 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 18 May 2000, Section 165 "Living on the Avails of Prostitution"; FRA (2008), "FRA Thematic Study on Child Trafficking - Latvia", para. 30, 10-11.

301 US Department of State (2015), "Trafficking in Persons Report 2015", 217.

302 *Ibid.*, 218.

303 US Department of State (2016), "Trafficking in Persons Report 2016", 239.

304 EC, "Together against Trafficking in Human Beings: Latvia – General Information".

305 US Department of State (2016), "Tier Placements", accessed 5 April 2017, <https://www.state.gov/j/tip/rls/tiprpt/2016/258696.htm>.

Although both the sale of children and trafficking of children may lead to their sexual exploitation, it is important to consider that they are different concepts and have different definitions under international law. Article 35 of the CRC obliges States Parties to take measures to prevent both trafficking and sale of children.

Article 2(a) of the OPSC defines the sale of children as "any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration".³⁰⁶ Article 3(a) of the OPSC expands this definition by adding that "offering, delivering or accepting, by whatever means, a child for the purpose of: a. sexual exploitation of the child; b. transfer of organs of the child for profit; and c. engagement of the child in forced labour" can also constitute the crime of sale of children.³⁰⁷ In this regard, the latter article requires that all States Parties shall ensure, at minimum, that the acts associated with the sale of children, in this case, are fully covered under the State Party's criminal law.

Although, there is no explicit or specific definition of 'sale of children' in Latvian legislation, the actual offence, in conformity with the OPSC, is covered and regulated by several legal acts. Latvian CL provides for the definition and prohibition of sale of children under Section 154 on "Human Trafficking", Section 154 on "Meaning of Human Trafficking", Section 169 on "Illegal Acts in Handling of Adoptions", Section 139 on "Unlawful Removal of Tissue and Organs from a Human Being"; while Sections 15 and 51(1) of the LPRC cover the protection of children from exploitation and other illegal activities.³⁰⁸

Child Sexual Abuse/Exploitation Material (CSAM/CSEM)/ 'Child Pornography'³⁰⁹

Although, 'child pornography' is addressed in a number of international instruments, including Article 34(c) of the CRC and Article 3(b) of the ILO convention No. 182 on the Worst Forms of Child Labour,³¹⁰ the most comprehensive definition is provided by the OPSC. According to Article 2(c) of the OPSC, 'child pornography' is defined as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes".³¹¹ Article 3(1)(c) of the OPSC provides that offences of "producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography" shall be criminalised or penalised in accordance with "their grave nature".³¹²

306 OHCHR (2000), OPSC, adopted and opened for signature, ratification and accession by UNGA Resolution A/RES/54/263 of 25 May 2000 entered into force 18 January 2002, Article 2.

307 OHCHR (2000), OPSC, adopted and opened for signature, ratification and accession by UNGA Resolution A/RES/54/263 of 25 May 2000 entered into force 18 January 2002, Article 3(a).

308 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 10.

309 ECPAT International prefers the term '*child sexual exploitation material*' or '*child sexual abuse material*', in line with the recently widely adopted Terminology Guidelines, but in a legal context still uses 'child pornography' as provided by the relevant legal instruments.

310 ILO (1999), C182 - Worst Forms of Child Labour Convention, 1999 (No. 182), Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted 17 June 1999 at the Geneva, 87th ILC session, entered into force 19 November 2000, Article 3 (b); UN, CRC (1989), adopted by UNGA Resolution 44/25 of 20 November 1989, entered into force 2 September 1990, Article 34(c).

311 OHCHR (2000), OPSC, adopted and opened for signature, ratification and accession by UNGA Resolution A/RES/54/263 of 25 May 2000 entered into force 18 January 2002, Article 2 (c).

312 OHCHR (2000), OPSC, adopted and opened for signature, ratification and accession by UNGA Resolution A/RES/54/263 of 25 May 2000 entered into force 18 January 2002, Articles 3.1, 3.1(c), 3.3.

In 2007, the *Saeima* (Parliament) adopted the Law on Pornographic Restrictions, which provides for the general definition of 'child pornography' and 'materials of a pornographic nature'. According to Section 1(2) of the Law on Pornographic Restrictions, 'child pornography' is "a material of a pornographic nature, in which a child is depicted or described, or any other material" in which a child or a person having the appearance of a child, completely or partially without clothing in a sexual pose or in a clothing of an obscene nature is involved in sexual activities and/or in case of realistic images "with an actually non-existent child" who is involved in sexual activities.³¹³ Thus, this definition is not only consistent with the one provided by the OPSC, but is also in line with Article 20(2) of the Lanzarote Convention which defines 'child pornography' as the material that "visually depicts a child engaged in real or simulated sexual conduct or any depiction of child's sexual organs for primarily sexual purposes".³¹⁴

According to Section 1(1) of the Law on Pornographic Restrictions, "material of a pornographic nature" is a "composition, printed matter, image, computer programme, film, video or sound recording, television programme, or radio programme, other material in any form or type, that does not have publicly educational or informative, scientific or artistic value and in which directly, specifically or openly naturalistically" parts of the body and sexual acts, including their imitation, are depicted.³¹⁵

Article 50 of the LPRC prohibits the involvement of a child in the manufacture, distribution or showing of materials of an erotic or pornographic nature.³¹⁶ Section 166(3) of the CL specifies that the procurement or use of minors in the production of pornographic or erotic materials is punishable by a term of up to six years of imprisonment, with or without confiscation of property, or a fine not exceeding 80 times the minimum monthly wage, with or without confiscation of property.³¹⁷

Section 166(2) of the CL provides for punishment for committing crimes such as "downloading, acquisition, importation, production, public demonstration, advertising or other distribution of such pornographic or erotic materials as relate or portray the sexual abuse of children".³¹⁸ The sentence in this case is the deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding 50 times the minimum monthly wage, with or without of confiscation of property.³¹⁹

313 Republic of Latvia, the *Saeima* (2007), Law on Pornography Restrictions, adopted 3 May 2007, Section 1(2).

314 CoE (2007), Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201 (Lanzarote Convention), opened for signature 25 October 2007, entered into force 1 July 2010, Article 20(2).

315 Republic of Latvia, the *Saeima* (2007), Law on Pornography Restrictions, adopted 3 May 2007, Section 1(1): "Terms used in the Law", according to which a material of a pornographic nature is "composition, printed matter, image, computer programme, film, video or sound recording, television programme, or radio programme, other material in any form or type, that does not have publicly education or informative, scientific or artistic value and in which directly, specifically and openly naturalistically: (a) genitals are completely or partially depicted, sexual acts of gratification by masturbation are depicted or described, as well as sexual acts or sexual acts of gratification in unnatural way are described, including imitation of the specific activities, (b) sexual acts or sexual acts of gratification in an unnatural way are depicted, as well as imitation of the specific activities; or, (c) sexual acts of gratification in a violent matter, brutality in sexual activities (sadistic and masochistic activities), sexual acts of gratification with animals or necrophilia are depicted or described".

316 Republic of Latvia (1998), LPRC, Section 50.

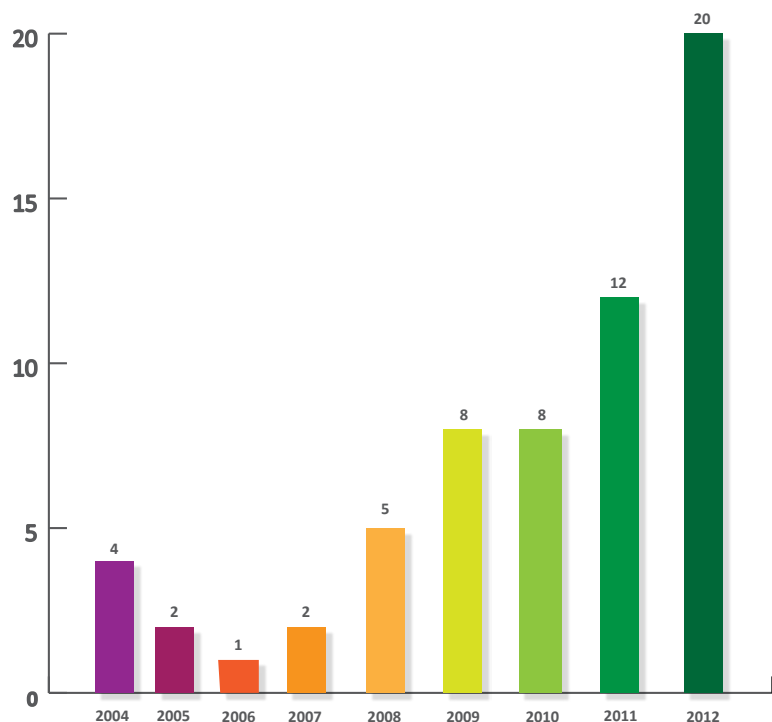
317 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 18 May 2000, Section 166(3) "Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials".

318 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 18 May 2000, Section 166(2) "Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials", accessed on 13 March 2017, http://www.wipo.int/wipolex/en/text.jsp?file_id=198865.

319 *Ibid.*

Punishments for mere possession of child sexual abuse material are provided for in Article 20(1) (e) of the Lanzarote Convention³²⁰ and Article 5(2) of the EU Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, which requires at least one year of imprisonment.³²¹ The involvement or utilisation of an underage child in the production of CSAM/CSEM, which is considered to be an especially serious crime, is punishable by a term of at least five and not more than 12 years of imprisonment according to Section 166(4) of the CL.³²² Where the relevant crimes are commissioned by an organised group, Section 166(3) and (4) of the CL provides for not less than five years and not exceeding 15 years of imprisonment with confiscation of property and police supervision for a period of three years maximum.³²³

Besides, if and when a person fails to inform "where it is known with certainty that preparation for or commission of a serious or especially serious crime is taking place", said person is to be deprived of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine of at least 60 times the minimum monthly wage.³²⁴ Internet Service Providers (ISPs), NGOs, legal or natural persons may also submit information about the commission of possible criminal offences, even in case of absence of direct suffering, to an investigation institution, Prosecutor's office, or court as provided for by Section 369(1) of the Code of Criminal Procedure.³²⁵ According to the available statistics for period of 2004-2012, decided cases on CSAM/CSEM in the court of criminal offences provided for by Section 166 of the CL, "Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials", are:



320 CoE (2007), Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201 (Lanzarote Convention), opened for signature 25 October 2007, entered into force 1 July 2010, Article 20(1).

321 EU (2011), DIRECTIVE 2011/92/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, Article 5(2).

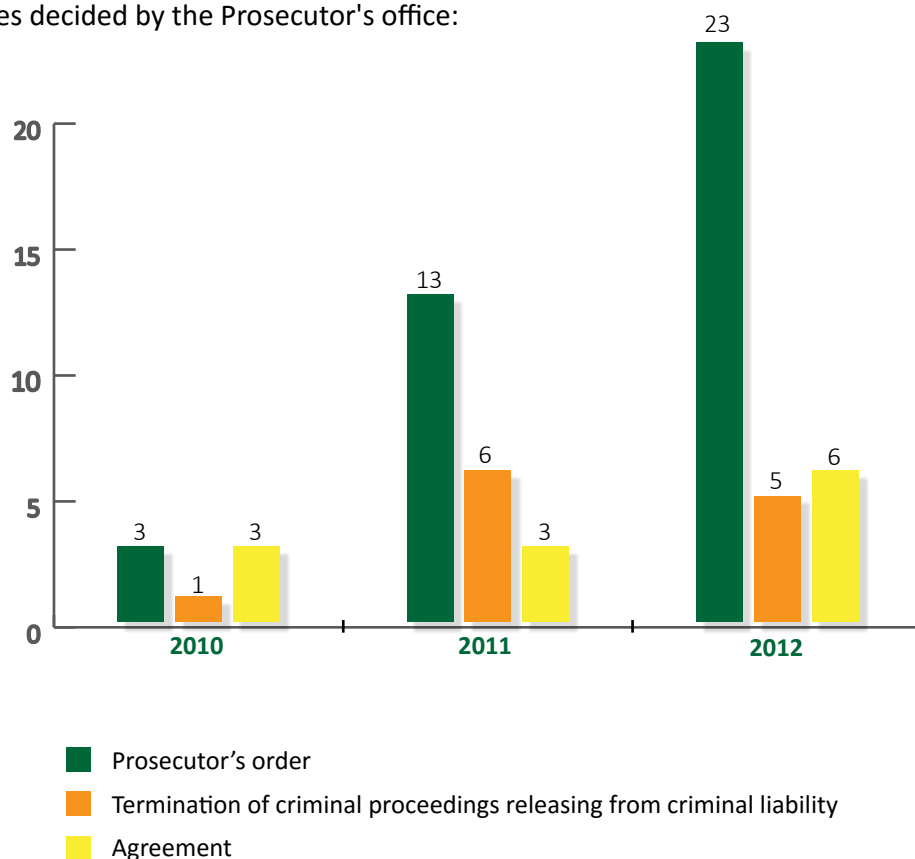
322 Republic of Latvia (1998), CL, Section 166 (4).

323 Republic of Latvia (1998), CL, adopted 17 June 1998, as amended 18 May 2000, Section 166(5) "Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials", accessed on 13 March 2017, http://www.wipo.int/wipolex/en/text.jsp?file_id=198865.

324 Republic of Latvia (1998), CL, adopted 17 June 1998, as amended 18 May 2000 and in 22 January 2004, Section 315 "Failing to Inform of Crimes", accessed on 13 March 2017, http://www.wipo.int/wipolex/en/text.jsp?file_id=198865.

325 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 369: "Reasons for the Initiation of Criminal Proceedings".

At the same time, cases decided by the Prosecutor's office:



Imprisonment from 1 to 3 years or from 3 to 5 years have been imposed during these years, as well as community services and fine applied.³²⁶

Latvian legislation on CSAM/CSEM is largely consistent with the OPSC norms. However, the phenomenon seems to be on the rise in Latvia, as reported by the former Special Rapporteur on the sale of children, child prostitution and child pornography.³²⁷ In this regard, the former Special Rapporteur has recommended the relevant Latvian authorities to specify in the national law that a child under the age of 18 years old, irrespectively of the legal age of consent to sexual activity, cannot consent to any form of sexual exploitation, including CSAM/CSEM. Apart from improving the national legislation, the former Special Rapporteur has also recommended to focus on preventive measures to solve the problem in Latvia.³²⁸

326 EC (2014), "Study on Criminal Sanction Legislation and Practice in Representative Member States", Final report, 30, accessed 5 March 2017, http://ec.europa.eu/justice/criminal/document/files/sanctions_delivery_en.pdf.

327 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, para. 81, 19.

328 *Ibid.*

Solicitation of children for sexual purposes through the use of ICTs or online grooming is a form of exploitation. This is not expressly provided for by the OPSC, but features in Article 23 of the Lanzarote Convention, which requires State Parties to criminalise such acts.³²⁹

In light of the rapid development of ICTs, a tendency to induce children into sexual activities with electronic means of communication, including social networks on the Internet, has been observed in Latvia. Latvia's CL was amended in 2008 to penalise the inducement of a child in sexual acts or to meet with the aim of committing sexual acts or engaging in sexual conduct, irrespective of the way the proposal was made.³³⁰ According to the relevant provision, Section 162(1) of the CL, the applicable sentence in such case is deprivation of liberty for a term not exceeding two years, or custodial arrest or community service.³³¹ For the same crime committed with a juvenile, the term of imprisonment is five years maximum.³³²

As reported by the Global Alliance against Child Sexual Abuse Online and Net-Safe Latvia project, out of 190 calls received in 2014 on the organised telephone hotline, 30 young people confirmed that they received sexual offers online (grooming) from other people, 36 had unwanted communication and 7 reported about text messages (SMS) with sexual content ('sexting').³³³

Sexual Exploitation of Children in Travel and Tourism (SECTT)

The Latvian legislation does not define or specifically criminalise SECTT related offences.³³⁴ A few articles that could nevertheless be applied with regards to SECTT: Section 4 (1) and (4) of the CL that provide for the criminal liability of non-citizens and foreigners who committed offences, including serious and especially serious ones, in the territory of Latvia. It is to be noted however that if the perpetrator of SECTT is a diplomatic representative and/or there is an existing a bilateral agreement with Latvia, the offender may not be subjected to Latvian jurisdiction.³³⁵

It is recommended that Latvia strengthens its national legislation and criminalises SECTT offences. Besides, Latvia is encouraged, as per paragraph 33 of the CoE's Directive 2011/92/EU, to establish and strengthen policies to prevent SECTT. These preventative measures could include drawing up a code of conduct and self-regulatory mechanisms in the tourist industry, the setting-up of a code of ethics or 'quality-labels' for tourist organisations combatting SECTT, or establishing an explicit

329 CoE (2007), Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201 (Lanzarote Convention), opened for signature 25 October 2007, entered into force 1 July 2010, Article 23.

330 HRC (2011), "National Report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council Resolution 5/1", Working Group on the Universal Periodic Review, 11th session, Geneva, 2-13 May 2011, A/HRC/WG.6/11/LVA/1, para. 112, accessed 5 April 2017, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/LVSession11.aspx>; Republic of Latvia (1998), CL Section 162¹.

331 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 18 May 2000, Section 162(1) "Immoral Acts With a Minor".

332 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 18 May 2000, Section 162(1) "Immoral Acts With a Minor".

333 Global Alliance against child sexual abuse online, "2014 Reporting form – Latvia", accessed 17 August 2015, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/reports-2014/ga_report_2014_-_latvia_en.pdf

334 It should be noted that Latvian national legislation does not provide a definition of SECTT, nor does the Latvia's CL provide the relevant elements of this criminal offence.

335 Republic of Latvia (1998), CL, Section 2 (2).

policy to tackle SECTT. The former Special Rapporteur also recommended State Parties to focus on addressing the challenges existing in relation to SECTT, among others, the legal gaps persisting in many countries and legal disparities between countries, the lack of available data, the weakness of child-sensitive complaint mechanisms, the lack of prosecution of offenders and extraterritorial jurisdiction.³³⁶

Extraterritorial and Extradition Laws in Relation to SEC-related Crimes

Extraterritorial law

In recognition of the global nature of SECTT and acknowledgement that their own nationals do engage in SEC, some countries have agreed to strengthen their legal frameworks through the enactment of extraterritorial legislation or the application of an existing jurisdiction to criminal offences against children. Through application of extraterritorial jurisdiction, countries can apply their jurisdiction to criminal offences committed abroad, as they would for criminal offences committed within their borders. In other words, it is possible to prosecute a country's national at home under national laws, even for offences committed abroad. The exercise of extraterritorial jurisdiction, (i) provides a basis for arresting and prosecuting offenders who escape from the destination country and return to their countries of origin in an attempt to escape prosecution; and (ii) sends a clear message that countries will not let their citizens take 'holidays' from their own legal system.³³⁷

Article 4(1) of the OPSC requires each State Party to establish its jurisdiction over all offences related to SEC (territorial principle).³³⁸ This means that SEC cases should be investigated and prosecuted in the country where these crimes are committed, irrespective of the nationality of the child victim and that of the perpetrator.³³⁹

Section 2(1) and (2) of the CL, in accordance with the provisions of OPSC, establishes territorial jurisdiction by allowing the prosecution in Latvian courts of any criminal offences committed in the territory of Latvia, irrespective of the offender's nationality, unless existing bilateral and international agreements state otherwise.³⁴⁰ Section 4(1) of the CL provides for the Latvian authorities to exercise extraterritorial jurisdiction in respect to criminal offences committed by

336 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009.

337 ECPAT International, "Strengthening Laws Addressing Child Sexual Exploitation: a Practical Guide", 103-104, accessed 13 June 2015, http://www.ecpat.net/sites/default/files/Legal_Instrument_En_Final.pdf

338 OHCHR (2000), OPSC, adopted and opened for signature, ratification and accession by UNGA Resolution A/RES/54/263 of 25 May 2000 entered into force 18 January 2002, Article 4(1).

339 ECPAT International (2008), "Extraterritorial Laws: Why They are not Working and How They Can be Strengthened", September 2008, 5.

340 Republic of Latvia (1998), CL, adopted on 17 June 1998, as amended on 22 January 2004, Section 2 "Application of The Criminal Law in the Territory of Latvia", paras. (1) and (2): "(1) The liability of a person who has committed a criminal offence in the territory of Latvia shall be determined in accordance with this Law. (2) If a foreign diplomatic representative, or other person, who, in accordance with the laws in force or international agreements binding upon the Republic of Latvia, is not subject to the jurisdiction of the Republic of Latvia, has committed a criminal offence in the territory of Latvia, the issue of this person being held criminally liable shall be decided by diplomatic procedures or in accordance with bilateral agreements of the states.", accessed 13 March 2017, http://www.wipo.int/wipolex/en/text.jsp?file_id=198865.

citizens, non-citizens and foreigners with permanent resident permit "in the territory of another State or outside the territory of any State regardless of whether it has been recognized as criminal and punishable in the territory of commitment".³⁴¹

Section 4(3) provides for Latvian courts' jurisdiction with regard to serious and especially serious crimes committed against the Republic of Latvia or its inhabitants in the territory of another State by individuals who do not have a Latvian residence permit, even if they are not criminally liable for such criminal offences in accordance with the laws of the State where the crime was committed.³⁴² However, this provision is only applicable where serious and especially serious crimes are committed abroad. It is therefore recommended that the Latvian Government enacts a provision that ensures that all SEC-related offences are encompassed within the offences covered by such passive personality jurisdiction.

Extradition law

Article 4(3) of the OPSC requires State Parties to take measures to establish their jurisdiction over all offences related to SEC "when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals".³⁴³

There is no specific legislation in Latvia providing for the extradition of offenders charged with committing SEC-related crimes. In such cases, legal provisions associated with general extradition are applied. The Government of Latvia accepts requests for extradition of criminal offenders based on the bilateral agreements it reached and international treaties it ratified. Latvia has indeed ratified the European Convention on Extradition and its three Additional Protocols. It also reached bilateral extradition agreements with the following countries: Australia, Russian Federation, Canada and the US.³⁴⁴

In cases when there are no existing bilateral agreements, the requests for extradition are considered according to the provisions of the Code of Criminal Procedure. Section 701 (3) provides for a maximum term of 40 days for temporary arrest from the day of detention (i.e. maximum of 72 hours police custody plus 37 days) within which the formal request for extradition is to be received.³⁴⁵ According to Section 702 (5), the maximum term under arrest from the day of

341 Republic of Latvia (1998), CL, Section 4 "Applicability of The Criminal Law Outside the Territory of Latvia", para. (1): "(1) Latvian citizens and non-citizens, and aliens or stateless persons who have a permanent residence permit for the Republic of Latvia, shall be held liable in accordance with this Law for a criminal offence committed in the territory of another state.", adopted on 17 June 1998, as amended on 17 October 2002, accessed on 13 March 2017, http://www.wipo.int/wipolex/en/text.jsp?file_id=198865.

342 Republic of Latvia (1998), CL, Section 4 "Applicability of The Criminal Law Outside the Territory of Latvia", para. (3): "(3) Aliens and stateless persons who do not have permanent residence permits for the Republic of Latvia and who have committed especially serious crimes in the territory of another state which have been directed against the Republic of Latvia or against the interests of its inhabitants, shall be held criminally liable in accordance with this Law irrespective of the laws of the state in which the crime has been committed, if they have not been held criminally liable or committed to stand trial in accordance with the laws of the state where the crime was committed.", adopted on 17 June 1998, as amended on 17 October 2002, accessed on 13 March 2017, http://www.wipo.int/wipolex/en/text.jsp?file_id=198865.

343 OHCHR (2000), OPSC, adopted and opened for signature, ratification and accession by UNGA Resolution A/RES/54/263 of 25 May 2000 entered into force 18 January 2002, Article 4(3).

344 UN Conference of the State Parties to the United Nations Convention against Corruption, Implementation Review Group (2014), Executive Summary, Note by the Secretariat on Latvia, 25 February 2014, 10.

345 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Sections 699 (1) and 701 (3).

detention until the surrender of the person cannot exceed one year. Section 713 provides for the possibility and requirements for simplified extradition, however, a formal extradition request must still be issued.³⁴⁶

Section 696 establishes the double criminality requirement. Specifically, Section 696(1) provides that a person who is physically located in the territory of Latvia "may be extradited for criminal prosecution, for standing trial, or for the carrying out of a sentence", if the offence, for which the a request for extradition was presented by another State, and is penalised also in Latvian legislation. Section 696(2) of the Code of Criminal Procedure continues specifying that a person may be extradited in respect of an offence punishable by a term of imprisonment for at least one year or by more severe penalties.³⁴⁷ Besides, a person may be extradited for carrying out a sentence to the state that "rendered the judgment and convicted the person to deprivation of liberty for a period of at least four months".³⁴⁸

It is believed that double criminality, as precondition for granting extradition, may pose a significant obstacle when it comes to prosecuting perpetrators of SEC. For instance, if a Latvian national commits a SEC-related crime in the territory of another state and that illegal act is not recognised as a criminal offence by the Latvian law, upon return to Latvia, the offender may avoid prosecution and hence, punishment, as there would be no legal way to extradite this person. Moreover, according to Article 697(2)(i) of CPL, the extradition of a person shall not be admissible if the person who committed a crime is a citizen of Latvia. This provision is in line with Article 98 of the Constitution of the Republic of Latvia that prohibits the extradition of Latvian citizens, except for cases provided for in international agreements ratified by the Saeima, and if such extradition does not violate the basic human rights.³⁴⁹

This problematic legal loophole can be avoided by ensuring that Latvia brings its legislation in full conformity with SEC-related international norms and standards and by recognising that SEC offences form a basis for extradition without a double criminality requirement. Latvia should also ensure that SEC offences are included in all existing extradition agreements and that the Latvian national legislation supports such extraditions to the extent possible.

Access to Justice

Access to justice for SEC victims means ensuring that they have the right to an effective remedy for the harms caused to them by their abuse, in the same way as any victim of violent crime. The right to an effective remedy for SEC victims is provided for in Article 9(3) and (4), as well as in Article 10(2) of the OPSC and includes the right to effective access to criminal justice, the right to recovery and reintegration and the right to compensation.

³⁴⁶ Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 713.

³⁴⁷ Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 696 (1) and (2).

³⁴⁸ Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 696 (3).

³⁴⁹ Republic of Latvia (1922), The Constitution of the Republic of Latvia (*Latvian Satversme*), Article 98.

There is a three-level court system in Latvia comprised of district courts, regional courts and the Supreme Court. All the criminal cases relating to SEC-offenders who violated the rights of children aged 14-18 are heard by a single judge in accordance with the general procedure in any of the district courts. There is no special prosecutor's office for children or juvenile court. In general, the same law enforcement professionals, including judges, who are dealing with adults, also deal with matters involving children.³⁵⁰ However, the Latvian legislation requires that anyone dealing with the protection of children on behalf of the State has to have specialist knowledge of child-related issues.³⁵¹

At the same time, there is no specific law in Latvia that provides for all the substantive and procedural provisions relating to children in criminal proceedings. The protection of the rights of children is contained in different provisions of various national laws and regulations. The basic rights of children are guaranteed by the Constitution of Latvia and established in the 1998 LPRC. Specific rules and regulations relating to children in criminal and civil matters are provided for in the CL, Code of Criminal Procedure, Civil Law and Civil Procedure Law. At the same time, the legal framework for judicial proceedings when a child is involved is also established through the LPRC.³⁵²

The two main pillars of the criminal procedure in Latvia, the CL and the Code of Criminal Procedure, do not contain a specific section detailing provisions on criminal proceedings involving children. However, both of them pay particular attention to children with consideration to the children's age and maturity, providing additional guarantees during criminal proceedings and mitigating their responsibility. The Code of Criminal Procedure provides for the investigation and adjudication of cases involving children as victims, witnesses, suspects or defendants, but these rules and regulations are spread throughout the Code of Criminal Procedure. With regards to child victims, the Code of Criminal Procedure provides for their representation,³⁵³ the exercise of their rights,³⁵⁴ questioning,³⁵⁵ procedural protection,³⁵⁶ prohibition of coercive procedural measures³⁵⁷ and the child's testimony in the court.³⁵⁸

There are no special procedures regarding children reporting a crime. Children or anyone who is affected by, or otherwise learnt about, a crime may report it to the police or the public prosecution service. When a child reports on possible violence or other illegal activities against him/her, this information is forwarded to the SIPRC, which performs all required activities in cooperation

350 EC (2013), "Study on Children's Involvement in Judicial Proceedings: Contextual Overview for the Criminal Justice Phase – Latvia", June 2013, 7.

351 Republic of Latvia (1998), LPRC, Section 20.

352 EC (2013), "Study on Children's Involvement in Judicial Proceedings: Contextual Overview for the Criminal Justice Phase – Latvia", June 2013, 5.

353 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 104(2).

354 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Sections 104(3) and 107(2).

355 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Sections 107(2), 148(2), 152 and 153.

356 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 299.

357 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 244(3).

358 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 501(5).

with the police, the orphan's court or other relevant services. Criminal proceedings are initiated where there is a sufficient information to decide that a criminal offence has been committed.³⁵⁹ Information from anonymous sources is not accepted.³⁶⁰

Section 7 of the Code of Criminal Procedure provides that criminal proceedings may be initiated in Latvia upon the receipt of a request from a person to whom harm has been inflicted, including a child. According to Section 7(2) of the Code of Criminal Procedure, criminal proceedings can also be initiated by a public prosecutor as provided for in Section 7(1) of the Code of Criminal Procedure, without the written consent of the victimised person or his/her representative(s), if such person is not able to implement his/her rights himself/herself due to a physical or mental disability.³⁶¹

According to Section 26(3) of the Code of Criminal Procedure, the judges, public prosecutors, courts, prosecutorial, and investigating institutions and the heads of the relevant divisions are authorised to decide organisational matters of proceedings, complaints, and recusals.³⁶² Section 14(4) of the CPL specifies that the hearing of cases involving children must be given priority, i.e. such cases must be dealt with first and within a reasonable time.³⁶³ This also required by the LPRC, where Section 20 provides that criminal proceedings involving children are heard in a court pursuant to special procedures.³⁶⁴

Section 89 of the Code of Criminal Procedure provides for the process to ensure the rights and interests of minors, who have the right to defence and to participate in criminal proceedings. In accordance with Sections 89 and Section 104(2) of the Code of Criminal Procedure, a minor to whom harm has been caused can be represented by his/her lawful representative(s), i.e. parent(s), guardian(s), trustee(s), grandparent(s), or sibling(s) of legal age.³⁶⁵ A minor person can also be represented by an authority, institution or an NGO that protects children's rights.³⁶⁶ Section 107(2) of the Code of Criminal Procedure provides for the minor of 15 years old acting as a representative to implement his or her rights together with the person to be represented.³⁶⁷

Child victims or witnesses of serious crimes are supposed to be granted special procedural protection before and after the opening of the investigation if their life, health or other lawful interests are threatened.³⁶⁸ Sections 162, 162 and 174 of the CL specify when children may be provided with such protection, i.e. when they testify in relation to crimes such as acts encouraging

359 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Sections 369 and 371.

360 EC (2013), "Study on Children's Involvement in Judicial Proceedings: Contextual Overview for the Criminal Justice Phase – Latvia", June 2013, 9.

361 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 7(1) and (2).

362 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 26(3).

363 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 14(4).

364 Republic of Latvia (1998), LPRC, Section 20.

365 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Sections 89 and Section 104(2).

366 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Sections 89 and 104(2).

367 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Article 107(2).

368 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 299.

sexual relationships with a person younger than 16, cruelty and violence against a child and acts leading to depravity.³⁶⁹ The decision to grant such protection can be made based on a written request submitted to the policy officer or the prosecutor in charge of the case.³⁷⁰ Under the same procedure, the minor may request anonymity when testifying.³⁷¹

There are also special provisions stating that all materials in criminal cases involving child victims are confidential, i.e. that only officials who are engaged in the relevant criminal proceedings (investigators, prosecutors or judges) have access to case materials.³⁷² To ensure the privacy of child victims, the court may also decide to hold judicial proceedings in closed session, for instance, where the case is related to a crime against morals or sexual inviolability.³⁷³

On civil matters, as provided for in Section 72(2) of the Civil Procedure Law, minors aged 15-18 shall also be represented by another lawful person or institution and be present during judicial proceedings.³⁷⁴ In case of a child younger than 15 years old, a lawful representative shall represent him/her during civil proceedings.³⁷⁵ Section 72(4) of the Civil Procedure Law provides for children's right, in cases provided for by the law, to exercise his/her civil procedural rights and to perform duties.

Where children or their representatives believe that the child's rights have been violated, and aside from the judicial remedies available to them, they can also file a complaint to the Children's Rights Department of the Office of the Ombudsman.³⁷⁶ The Ombudsman is an official elected by the *Saeima* with a task to ensure the protection of human rights, the prevention of discrimination and the promotion of equal treatment as a legal and expedient state authority. The Ombudsman is independent from all three branches of power and is directed by the law in his/her actions.³⁷⁷

If and when the Ombudsman decides to initiate an investigation based on the submitted complaint, he/she hears explanations on the case from all parties involved, can request expert opinions and conclusions and initiate any other legal activities required for his/her investigation. The Ombudsman can hear the opinion of a child without the presence of his/her parent(s) or guardian(s), as well the staff of educational, or child care, or instructional institutions, if the child wishes.³⁷⁸ Upon completion of the investigation, the Ombudsman issues a statement, unless the case is terminated by the mutual settlement of the parties involved.

369 Republic of Latvia (1998), CL, Sections 162 and 174.

370 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 299.

371 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 303(3).

372 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 27.

373 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, amended in 2013, Section 450.

374 Republic of Latvia (1998), Civil Procedure Law, adopted 14 October 1998, entered into force 1 March 1999, Section 72(2), accessed 4 April 2017, <https://likumi.lv/doc.php?id=50500> and http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Citi/Civil_Procedure_Law.pdf.

375 Republic of Latvia (1998), Civil Procedure Law, adopted 14 October 1998, entered into force 1 March 1999, Section 72(3).

376 Republic of Latvia, Ombudsman, "Add Application", accessed 4 April 2017, <http://www.tiesibsargs.lv/en>.

377 Ombudsman of the Republic of Latvia, accessed 4 April 2017, <http://www.tiesibsargs.lv/en>.

378 Republic of Latvia (2006), Law on the Ombudsman, adopted 6 April 2006, entered into force 1 January 2007, Article 13(4), accessed 4 April 2017, <https://likumi.lv/doc.php?id=133535>.

The Office of the Ombudsman can also refer a complaint on the violation of children's rights to the SPCR as the latter has the authority to issue required sanctions.³⁷⁹ It is important to note, however, that (i) the Ombudsman's statement is not legally binding, i.e. considered an advisory opinion, (ii) filing a complaint with the Office of the Ombudsman does not stop any other concurrent legal action by the court, government agency, or any other individual legal act, and (iii) the Ombudsman does not investigate disputes between private individuals unless their dispute relates to human rights violations.³⁸⁰

Apart from the national human rights complaint mechanisms, Latvian nationals, including children, can also turn to the international and regional complaint mechanisms, when they feel their rights have been violated. In relevance to SEC, such complaint mechanisms include at the regional level, (i) the European Parliament's Committee on Petitions, (ii) the Ombudsman of the European Parliament and (iii) the EC. In all cases, EU citizens and those people resident in an EU Member State can file a complaint.

At the same time, nationals of Latvia may also either submit an individual complaint or receive some required human rights related information and advice by approaching the following European human rights organisations, (i) the European Court on Human Rights, (ii) the European Social Charter and the Committee of Social Rights, (iii) the Commissioner for Human Rights, and (iv) the European Committee for the Prevention of Torture. Alternatively, they can also approach the UN HRC, that operates special procedures allowing an individual to make a complaint to an independent expert holding a mandate either in relation to a particular theme, including, on the sale of children, child prostitution and child pornography, or to a particular State.³⁸¹

Criminal Justice: child-sensitive procedures

As detailed in the section above, the Latvian legal framework is compliant with international standards and norms when it comes to criminal justice involving children. Latvian criminal and civil legislation takes into account the child's age and maturity, providing him/her with additional procedural guarantees and limiting his/her responsibility. Special provisions are also provided with regard to all children's procedural statuses as victims, witnesses, suspects or defendants. Every child involved in criminal proceedings has the right to be heard and to have a legal representative. In addition, the law provides that in all child-related activities, the rights and interests of children should be given first priority.

The questioning of children is given special attention in criminal procedure legislation. Specifically, the law provides that children under the age of 14 and those who have suffered from violence or sexual abuse must be questioned in the presence of a teacher or psychologist. At the same time, child victims have the right to receive legal and psychological support free of charge. Child victims are also provided with procedural protection during criminal proceedings and coercive procedural measures and testimonies in the court are prohibited in their respect.³⁸²

379 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 14.

380 Republic of Latvia (2006), Law on the Ombudsman, adopted 6 April 2006, entered into force 1 January 2007, 12(5).

381 FRA, "Where to turn for help – Latvia", "Annex – Further Information on Fundamental Rights and Protection Mechanisms", accessed 4 April 2017, <http://fra.europa.eu/en/about-fundamental-rights/where-to-turn>.

382 EC (2013), "Study on Children's Involvement in Judicial Proceedings: Contextual Overview for the Criminal Justice Phase – Latvia", June 2013, 27.

Overall, the Latvian criminal justice system complies with international norms and standards for treatment of children in judicial and administrative proceedings. Children are provided with access to medical, legal, psychological, emotional and other types of practical support.

However, as the EC experts note, children in conflict with the law in Latvia are first and foremost regarded as offenders.³⁸³ This can be explained by the absence of a special juvenile justice in the country and hence, the lack of professionals with comprehensive knowledge of children's rights issues. Although, it needs to be noted that professionals dealing with children-related cases are trained on children's issues. More than 100 staff members of the Riga Municipality Police have for instance been trained on the protection of children's rights, including the issues of systemic approach to the protection of the rights of the child, rights and duties of parents and children and violence against children. The staff of Riga Municipality Police has also improved their knowledge through attending various courses organised by national NGOs on children's rights, including on the issues of violence against children.³⁸⁴

In addition, the Latvian Judicial Training Centre regularly organises education seminars on the issues related to the protection of children's rights. However, there are no specific courses developed on issues such as CSAM/CSEM, SEC and trafficking in children since these issues are covered in general lectures on sex crimes and trafficking in human beings.³⁸⁵

Access to recovery and reintegration: support services for children

International law provides for the right of every child victim to receive care and reintegration services to ensure their full recovery from physical and psychological harm resulting from SEC.³⁸⁶ According to Article 9 of the OPSC: "State Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offenses, including their full social reintegration and their full physical and psychological recovery".³⁸⁷

Social rehabilitation for child victims who suffered from violence has been provided in Latvia since 2000.³⁸⁸ Section 51(2) of the LPRC provides that child victims of criminal offence, including sexual abuse and exploitation, violence or other unlawful, cruel or demeaning acts, shall be provided with emergency assistance free of charge.³⁸⁹ This assistance is meant to help child victims regaining physical and mental health and facilitating his/her reintegration into society. It shall be provided in an environment favourable to the health, self-esteem and honour of a child, carefully guarding his/her best interests and intimate secrets.³⁹⁰

383 *Ibid.*, 27

384 CoE, "UN Study on Violence against Children, Response to the Questionnaire" 21.

385 CoE, Secretariat of the CoE Convention on Action against Trafficking in Human Beings (2015), "Report submitted by Latvian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2013)2 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings", received on 13 February 2015, 14.

386 ECPAT International, "ECPAT Submission to the UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Maud de Boer Buquicchio on Care and Recovery of Child Victims".

387 OHCHR (2000), OPSC, adopted and opened for signature, ratification and accession by UNGA Resolution A/RES/54/263 of 25 May 2000 entered into force 18 January 2002, Article 9.

388 European's Women's Lobby (2013), "National Analysis on Latvia", accessed 5 April 2017, <http://www.womenlobby.org/Latvia-5727>.

389 Republic of Latvia (1998), LPRC, Section 51(2).

390 *Ibid.*

The Law on Social Services and Social Assistance of 31 October 2002 provides that the State shall provide social rehabilitation services to child victims of violence from the funds allocated by the national budget.³⁹¹ The form, scope, content and conditions of delivering social rehabilitation services are specified by the Cabinet Regulation No. 1633 of 22 December 2009, "Order of provision of the necessary assistance to a child who is a victim of wrongful acts".³⁹²

Access to compensation

Article 9(4) of the OPSC provides that States Parties shall ensure that all child victims of the offences described in the OPSC "have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible". Compensation generally includes some sort of financial support, or another type of support, for example, medical care or social support or other benefits that can help a victim heal and recover from the harm suffered.³⁹³

In accordance with the Latvian Constitution, any citizen whose rights have been violated without legal justification has a right to claim compensation.³⁹⁴ Section 22 of the Code of Criminal Procedure and Article 1 of the Law on State Compensation to Crime Victims provides for the right of victims of any criminal offences to request compensation for injuries, which include moral injury, physical suffering or financial loss.³⁹⁵ Section 350(3) of the Criminal Procedure Law specifies that where a victim believes that the entire harm caused has not been compensated, he/she has the right to request compensation in accordance with the provisions specified in the Civil Procedure Law.³⁹⁶ The compensation claim can be submitted at any phase of the criminal proceedings, but prior to the commencement of a court investigation in a court of first instance.³⁹⁷ However, in reality often victims do not receive information about their right to compensation before going to the court.³⁹⁸

According to Article 3 of the Law on State Compensation to Crime Victims, when the perpetrator(s) of a crime cannot be identified or held criminally liable, the victim who suffered from severe or moderate offences, including sexual ones, may be entitled to state compensation.³⁹⁹ In such cases, the compensation is to be determined by the Legal Aid Administration and paid from state budgetary funds.⁴⁰⁰ The maximum state compensation that can be paid to a single victim is equivalent to ten minimum monthly wages and is rated as 70% of the said maximum if the person has suffered severe physical injury or sexual offence.⁴⁰¹

391 Republic of Latvia (2002), Law On Social Services and Social Assistance, 31 October 2002.

392 CoE (2007), Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201 (Lanzarote Convention), opened for signature 25 October 2007, entered into force 1 July 2010, Article 39.

393 Office of the UN Special Representative of the Secretary-General on Violence against Children, (2013), "Raising Understanding Among Children and Young People on the OPSC", November 2013, accessed 15 August 2015, https://srsg.violenceagainstchildren.org/sites/default/files/children_corner/RaisingUnderstanding_OPSC.pdf

394 Republic of Latvia (1922), The Constitution of the Republic of Latvia (Latvian Satversme), Article 92.

395 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 22: "Rights to Compensation for Inflicted Harm": "A person upon whom harm has been inflicted by a criminal offence shall, taking into account the moral injury, physical suffering, and financial loss thereof, be guaranteed procedural opportunities for the requesting and receipt of moral and financial compensation"; Republic of Latvia (2006), Law on State Compensation to Crime Victims, 6 June 2006, Article 1.

396 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 350(3).

397 Republic of Latvia (2005), Code of Criminal Procedure of Latvia, enacted 21 April 2005, entered into force 1 October 2005, amended in 2013, Section 351(1).

398 Information provided by Centrs Dardeze.

399 Republic of Latvia (2006), Law on State Compensation to Crime Victims, 6 June 2006, Article 3.

400 *Ibid.*, Article 5.

401 *Ibid.*, Article 7.

Latvian authorities do not provide any data on the number of victims who have received compensation from perpetrators.⁴⁰² According to the GRETA Report on trafficking in human beings in Latvia, five victims of trafficking in human beings applied for state compensation and only two of them were granted it in 2009. In 2010, two more victims applied, but none of them received compensation.⁴⁰³

CHILD AND YOUTH PARTICIPATION

Article 12(1) of the CRC provides that children have the right to participate in any decision-making process that may be relevant to them and to influence decisions taken in their regard, within their family, school and community. Article 12 of the CRC therefore affirms that children are full-fledged rights-holders who have the right to express their views in all matters affecting them and requires that those views are heard and given due weight in accordance with the child's age and maturity.

Children and youth's right to participation is not only a fundamental right, but also one of the guiding principles of the CRC.⁴⁰⁴ The UN Committee on the Rights of the Child's General Comment No. 12 provides that the right of children to be heard imposes an obligation on States Parties to review or amend their national legislation in order to introduce mechanisms providing children with "access to appropriate information, adequate support, if necessary, feedback on the weight given to their views, and procedures for complaints, remedies or redress".⁴⁰⁵

Article 8(1)(c) of the OPSC states that the views, needs and concerns of a child victim should be "presented and considered in proceedings where their personal interests are affected".⁴⁰⁶ Article 9(2) of the OPSC requires States Parties to encourage participation of children in awareness raising, including in SEC-related information, education and training programmes.⁴⁰⁷ Both of these provisions require States Parties to consider the principles of child participation and children's best interests. State Parties are also required to take measures to recognise both the special vulnerability of children who have been exposed to criminal offences under the OPSC and their special needs as victims or witnesses.⁴⁰⁸

Article 13(1) of the LPRC provides the right of children to freely express their opinion, to receive and impart any kind of information, as well as the right to be heard and to enjoy freedom of conscience and belief.⁴⁰⁹ In addition, Article 17 provides for the children's right to participate in decision-making process through taking part in the drafting and implementation of child's rights protection programmes.⁴¹⁰

402 CoE, GRETA (2013), "Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia", GRETA(2012)15, 31 January 2013, 35.

403 *Ibid.*

404 UN Committee on the Rights of the Child (2009), "General comment No. 12 (2009): The right of the child to be heard", 20 July 2009, CRC/C/GC/12, 11, accessed 5 April 2017, <http://www.refworld.org/docid/4ae562c52.html>.

405 *Ibid.*

406 OHCHR, OPSC (2000), adopted by the UNGA Resolution A/RES/54/263 of 25 May 2000, entered into force 18 January 2002, Article 8(1)(c).

407 OHCHR, OPSC (2000), adopted by the UNGA Resolution A/RES/54/263 of 25 May 2000, entered into force 18 January 2002, Article 9(2).

408 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 14.

409 Republic of Latvia (1998), LPRC, Section 13(1).

410 Republic of Latvia (1998), LPRC, Section 17.

The Latvian Youth Law was adopted in 2008 with a view to improve the quality of life of young people, promoting their priorities and encouraging patriotism and participation. The Law also aims at supporting those who work with the youth in the country. The basic youth principles outlined in the law include participation, equal opportunity, addressing youth issues, integration, mobility, and international cooperation.⁴¹¹

The National Youth Policy Programme for 2009-2013 was adopted by the Cabinet of Ministers in 2009 to achieve the aims set forth in the Youth Law.⁴¹² In 2009, the Government of Latvia also adopted the Youth Policy Guidelines for 2009-2018, the first-ever long-term policy-planning document related to children and youth in Latvia.⁴¹³ These Guidelines aim to "facilitate the implementation and coordination of the youth policy by identifying areas of action and creating a vision for the improvement of young peoples' quality of life". They also help determining the key challenges that Latvian youth is likely to face in the future and defining targets and objectives accordingly.⁴¹⁴

It needs to be noted that the Youth Policy Guidelines for 2009-2018 were only partially linked to the EU youth policy planning documents (e.g., the objectives and thematic blocks provided for in the EU Youth Strategy⁴¹⁵ were broader than those in the Youth Policy Guidelines). In April 2016, the Youth Policy Implementation Plan 2016-2020 was approved and adopted.⁴¹⁶

In 1992, the Latvian Youth Council was founded by 15 non-governmental, non-profit youth and children's organisations. Its mission consists of representing the interests of young people and improving the quality of their life. The objectives pursued by the Latvian Youth Council are as follows: to represent young people, voice their opinions and views, encourage their participation in decision-making processes, strengthen cooperation within the Council and with external actors and develop and implement youth-related programmes and projects. Currently, the Youth Council unites 27 full and two associate members, who contribute to the youth policy-making in Latvia.⁴¹⁷

There are a number of other youth groups and organisations that promote the participation of young people in decision-making, notably, the Multi-functional Youth Initiative Centre, Youth Initiative Centre "Friends Centre", Youth Centre Baze, Club House – Youth for United Europe, Foundation "Mission Possible", Latvian Red Cross Youth, Association APEIRONS, Creative group for young people "*Trepes*", etc.⁴¹⁸ Each organization either directly or indirectly works on children and youth's related issues, including sexual exploitation and abuse of children. One of the organisations, *Papardes zieds* (Fern Flowers), a Latvian Family Planning and Sexual Health Association, is the youth

411 Republic of Latvia, Parliament of the Republic of Latvia (*Saeima*) (2008), Youth Law of the Republic of Latvia, adopted 8 May 2008, entered into force 1 January 2009, accessed 5 April 2017, http://pjp-eu.coe.int/documents/1017981/1668141/Country_sheet_Latvia_2013.pdf/f88bc01c-a6ad-458a-a19d-64eedd5aa0c.

412 Republic of Latvia, Cabinet of Ministers of the Republic of Latvia (2009), "National Youth Policy Programme for 2009-2013", 27 August 2009, accessed 5 April 2017, <http://www.youthpolicy.org/factsheets/country/latvia/>.

413 Republic of Latvia, Cabinet of Ministers of the Republic of Latvia (2009), Youth Policy Guidelines for 2009-2018, accessed 5 April 2017, http://www.youthpolicy.org/national/Latvia_2009_Youth_Policy_Guidelines.pdf.

414 Youthpolicy.org (2014), "National Youth Policy Overview – Latvia", last updated 10 April 2014, accessed 5 April 2017, <http://www.youthpolicy.org/factsheets/country/latvia/>.

415 EC, "EU Youth Strategy", accessed 5 April 2017, http://ec.europa.eu/youth/policy/youth_strategy/index_en.htm.

416 Republic of Latvia, Cabinet of Ministers (2016), "Youth Policy Implementation Plan 2016-2020", No. 256, 14 April 2016, accessed 22 May 2017, <https://likumi.lv/ta/id/281546-par-jaunatnes-politikas-istenosanas-planu-2016-2020-gadam>.

417 National Youth Council of Latvia, accessed 5 April 2017, <http://orgs.tigweb.org/national-youth-council-of-latvia-ljp>.

418 Latvian Red Cross (2015), "Educational Material – Activities of Non-governmental Organisations in Latvia and Participation in Them.", accessed 5 April 2017, <http://www.redcross.lv/wp-content/uploads/2015/07/LatRC-NGOs-in-Latvia-ENG.pdf>.

organisation that specifically focuses and contributes to enhancing young people's understanding of sexual and reproductive health issues. *Papardes zieds* offers peer education programmes, consultation and information sharing service for young people.⁴¹⁹

The former Special Rapporteur on the sale of children, child prostitution and child pornography has however expressed her concern with regards to the lack of participation of children and young people in awareness-raising initiatives pertaining to children's rights in Latvia. She also noted that these programmes are not often targeted at children themselves, hence, potentially decreasing their impact. In this regard, the former Special Rapporteur recommended Latvian authorities to strengthen participation of children and young people on all issues concerning them and to give due weight to their views and opinions.⁴²⁰

419 *Ibid.*, 14.

420 HRC (2009), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla, Addendum, Mission to Latvia", 13 July 2009, 18-19, para. 71.

RECOMMENDATIONS FOR ACTION



National Plan of Action

- The Government should make all possible efforts to improve data collection and analysis of the situation of children, as well as enhance monitoring and reporting systems in Latvia;
- The Government should adopt a holistic approach for a better protection of children's rights, paving the way for child-focused social policies, and ensure that financing of child protection policies and programmes is prioritised;
- The Government should adopt a policy document/NPA addressing the problem of SECTT in Latvia;
- Children and youth should be provided with meaningful opportunities to participate in the development of SEC-related policies and programmes.

Coordination and Cooperation

- Detailed partnership agreements should be elaborated between the government and non-governmental organisations;
- Control and supervision of concerned structures and programmes should be strengthened to ensure the quality of services provided to children and young people, as well as the sustainability of projects implemented;
- Strengthen the effectiveness and cooperation of the various institutional mechanisms at both the national and local levels;
- International and regional cooperation should be continued and strengthened, where necessary, in order to effectively combat and prevent SECTT, OCSE and CSAM/CSEM;

Prevention

- Latvia should undertake a study on SEC in order to understand its scope and causes, to inform policy and programme development and monitoring of the problem, and to prevent and combat it;
- Latvia should enhance proper identification, referral mechanisms and training of law enforcement officials and other professionals to strengthen their capacity to further support victims of human trafficking;
- Promptly, effectively and impartially investigate, prosecute and punish acts of trafficking in human beings and other related offences;
- Adequate training should be provided to the relevant authorities to combat cybercrime, particularly OCSE and CSAM/CSEM, in order to effectively detect respective violations;

- Awareness-raising and prevention programmes should be continued in the longer term. They should target not only children, but also parents and the general public, especially the most vulnerable population groups, in order to promote behaviour and attitudes that are based on respect for dignity, and physical and moral integrity.

Protection

- Latvian law should clearly provide that a child under 18 years of age, irrespective of the legal age of consent to sexual activity, is unable to consent to any form of sexual exploitation, including CSAM/CSEM, OCSE and exploitation of children in prostitution;
- Latvia should introduce the definition of exploitation of children in prostitution to strengthen the legal framework for protecting children from sexual exploitation;
- Latvia should enact legislative provisions, which explicitly prohibit the prosecution of child victims of exploitation in prostitution within the national legislative framework;
- Apart from improving the national legislation, Latvian authorities should also focus on preventive measures to solve the problem of CSAM/CSEM and OCSE;
- Latvia should strengthen its national legislation and criminalise SECTT offences;
- It is critical to bring the Latvian legislation in full conformity with international law on SEC and to recognise that SEC offences form a basis for extradition without a double criminality requirement;
- Latvia should ensure that SEC offences are included in all existing extradition agreements.

Access to Justice

- Latvian government should improve the access to compensation for SEC victims, including through systematically informing the public about the various possibilities for compensation.

Child and Youth Participation

- Participation of children and young people should be strengthened in all issues concerning them and their views and opinions should be given due weight.

ANNEX

THE RIO DE JANEIRO DECLARATION AND CALL FOR ACTION TO PREVENT AND STOP SEXUAL EXPLOITATION OF CHILDREN AND ADOLESCENTS*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - INTERNATIONAL AND REGIONAL INSTRUMENTS

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter, the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.
- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – FORMS OF SEXUAL EXPLOITATION AND ITS NEW SCENARIOS

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.

- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.
- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.
- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.
- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.

- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.
- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the *UNICEF Guidelines on the Protection of Child Victims of Trafficking* and *UNHCR Guidelines on Formal Determination of the Best Interests of the Child*).
- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – LEGAL FRAMEWORKS AND ENFORCEMENT OF THE LAW

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.

- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – INTEGRATED CROSS-SECTORAL POLICIES AND NATIONAL PLANS OF ACTION GENERAL

General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising awareness and preventing the sexual exploitation and trafficking of children and adolescents.
- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.

- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.
- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.
- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.

- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – INTERNATIONAL COOPERATION

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating *inter alia* in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.

- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – SOCIAL RESPONSIBILITY INITIATIVES

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating *inter alia* in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – MONITORING

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions. We encourage the Committee on the Rights of the Child to:
- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.

- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

D. Follow-up

- (1) We commit ourselves to the most effective follow-up to this Call for Action:
- At the national level, *inter alia*, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
 - At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.
- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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