



EXECUTIVE SUMMARY

Republic of Latvia*



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INTRODUCTION

The Republic of Latvia is an Eastern European country, located in the Baltic Sea region, which regained its independence in 1991 from the Soviet Union and joined the EU in 2004. It is a democratic, parliamentary republic.

In 2015, 30.9% of Latvia's total population were at risk of poverty or social exclusion¹; the following year, 25% of Latvian children were at risk of poverty.² Due to the seriousness of the economic and social situation, considering Latvia a primary source country for trafficked men, women and child victims of sexual exploitation may be partially explained.³ Further, Latvian children are also exposed to sexual abuse and exploitation, such as rape or abuse. It has been reported that 10% of children in Latvia have already suffered sexual abuse by the age of 15.⁴

Latvian legislation provides the definition of a child under Section 3(1) of the Law on the Protection of the Rights of the Child (LPRC), and is in line with the United Nations Convention on the Rights of the Child (CRC).

According to the Civil Law of the Republic of Latvia, a person from the age of 18 years old can enter into marriage, without any gender distinction.⁵ However, a minor from the age of 16 years may enter into marriage under exceptional conditions,⁶ leading to **child marriage** cases.

According to the Criminal Law of the Republic of Latvia (CL), any sexual acts with a person who has not attained the age of 16 years are prohibited;⁷ however, it is to be noted that children aged 16 to 18 suffering from **sexual exploitation** may not be protected by such a provision.⁸

Despite the fact that prostitution is legal in Latvia, the **engagement of minors in prostitution** is prohibited.⁹ However, the extent of it is unknown due to the lack of comprehensive data, the absence of a definition in domestic laws and policies, and the overall denial or ignorance of concerned stakeholders.¹⁰

Latvia has very little data on trafficking, including **trafficking of children for sexual purposes**, and the available figures likely do not reflect the scale of current phenomenon, as access to this data is rather limited.¹¹

The expansion of Internet users in Latvia¹² may have triggered the problem of **online child sexual exploitation** (OCSE). However, since there is only some initial, but not official, data,¹³ Latvia urgently needs to take a holistic approach for better protection from OCSE.¹⁴

Ironically, even though Latvia is increasingly becoming a popular destination country for the **sexual exploitation of children in travel and tourism** (SECTT),¹⁵ only one case has been reported by the Ministry of Interior (Mol) in 2013.¹⁶ This could be partly explained by the fact that there is no definition of SECTT in the domestic laws nor elements of such criminal offence in the criminal law system.¹⁷

NATIONAL PLANS OF ACTION

In Latvia, there are no comprehensive and specific national plans that deal with SEC. However, several relevant programmes addressing different SEC manifestations should be mentioned in this context. As of May 2017, a working group is revising a Strategic Planning Document on the “Prevention of sexual offenses against minors for the period 2017-2020”.¹⁸ The national anti-trafficking policy and programme documents are adopted every four to five years. The first programme was the “Prevention of Human Trafficking for 2004-2008”, which was endorsed in 2004.¹⁹ Recently, the Cabinet of Ministers has approved the “National Strategy for the Prevention of Trafficking in Human Being for 2014-2020”, which was developed by the MoI.²⁰ Unfortunately, there is no current evidence whether children and young people participated this programme, as required by the Rio Declaration and Call for Action.²¹

COORDINATION AND COOPERATION

Local and National Levels

In Latvia, the Ministry of Welfare (MoW) and its subordinate body, the State Inspectorate for Protection of Children’s Rights (SIPCR), are the primary bodies responsible for the effective promotion and protection of children’s rights.²² While the MoW mainly coordinates the recovery of child victims of abuse, the SIPCR has numerous other responsibilities: monitoring the observance of the domestic laws and regulations on child rights protection, analysing the children’s situation in Latvia, managing consultations with young people and other concerned stakeholders, organising various campaigns for awareness-raising, supporting foster families, and other duties as mandated.²³

The Ombudsman’s Office also acts as a pivotal body in the promotion and protection of children’s rights in the country. Currently, in Latvia, there is no Ombudsman for children, albeit there is a Children’s Rights Department at the Office of the Ombudsman. On the matter of elaborating legal provisions regarding child protection, the Office closely works with SIPCR. Since SIPCR has the authority to issue necessary sanctions, the Office refers the concerned individual complaints to the Inspectorate.²⁴

The other actor that engages in the prevention of SEC is the State Police. It tackles criminal offences related to the distribution of criminalised pornography (e.g. CSAM/CSEM, zoerastia, necrophilia) in the “electronic environment” by cooperating with the Latvian National Bureau of Interpol, the Latvian National Unit of Europol, and non-governmental organisations (NGOs).²⁵

An Inter-Institutional Working Group (IIWG) was created by the MoI, in 2010, to effectively coordinate the implementation of national programmes on the prevention of human trafficking in Latvia.²⁶

Another active fighter against trafficking in persons in the country is the National Coalition of NGOs, which performs a number of projects focusing on awareness-raising in regards to trafficking in human beings, and child abuse and exploitation.²⁷

Regional and International Levels

Latvia is a member of the Council of the Baltic Sea States (CBSS) and Expert Group for Cooperation on Children at Risk (EGCC).²⁸ The Working Group is comprised of senior officials from the CBSS member countries and the European Commission.²⁹ A Task Force against Trafficking in Human Beings was created in 2008, to strengthen cooperation between member states, government institutions, and civil society organisations.³⁰

To exchange relevant information and to support investigation of human trafficking cases, the Latvian State Police and the State Border Guard have enhanced partnerships with law enforcement agencies and specialised units of the EU member states.³¹

Moreover, in 2009, the European Financial Coalition against Commercial Sexual Exploitation of Children Online was established, and the State Police joined the Coalition.³²

Awareness Raising and Education

The aforementioned “National Strategy for the Prevention of Trafficking in Human Beings for 2014-2020” implements a series of awareness-raising campaigns and educational events for minors and young children for the purpose of raising public awareness concerning all forms of human trafficking.³³

The National Centre for Education (NCE) of the Ministry of Education and Science (MoES), has developed and provided online methodological and support materials for schoolteachers.³⁴ Also, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has noted that both police officers³⁵ and judges³⁶ working in Latvia were trained on issues of children’s rights, prevention of human trafficking, and the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC).

Private Sector Involvement

There are several initiatives and projects involving the private sector in Latvia. One of the projects was implemented by the Latvian national airline. Air Baltic, together with the Latvian State Tourism Agency, initiated a project that informs Latvian nationals about the Agency’s contact information in case of suspected human trafficking and sex tourism when travelling abroad.³⁷

Vulnerability Reduction

As mentioned earlier, a large number of the Latvian population are at risk of poverty, including children. To tackle the issue of poverty, Latvia has been developing numerous programmes and receiving various multi-source funds to make progress. Recently, in 2014, the European Commission approved an Operational Programme to utilise the new “Fund for European Aid to the Most Deprived (FEAD)” in the period 2014-2020, which will support Latvia with EUR €41 million. Within the allocated fund, 19.5% of the total budget will be assigned to households with children who are suffering from material deprivation.³⁸

Deterrence Measures

In Latvia, a number of measures have been taken to reduce demand for SEC.

For instance, several SEC-related data sets can be accessed from the MoI’s Information Centre, the Office of the Prosecutor General, and the MoJ’s Court Information System.

In its “Trafficking in Persons Report” in 2017, the US State Department contended that the Latvian Government “does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so”.³⁹

Research on SEC

In 2009, *Centrs Dardedze* completed the research project on “Sexual abuse against children in residential institution”. It compiled good practices, analysed the situation and proposed recommendations on preventing sexual abuse and violence.⁴⁰

With respect to special attention to the rights of victims, a survey has been completed to monitor the prevalence of adverse childhood experiences among Latvian young adults. The project was initiated and developed by the Centre for Disease Prevention and Control, the Latvian Ministry of Health (MoH), and the Office of Nordic Council of Ministers, with technical support from TNS Latvia Market and the Social and Media Survey Agency, and financial support from the World Health Organisation (WHO) Regional Office for Europe.⁴¹

International Legislation

The Republic of Latvia ratified the Convention on the Rights of the Child (CRC) in 1992, and the OPSC in 2006, without reservations.⁴² It ratified the UN Convention against Transnational Organized Crime⁴³ and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol) in 2004.⁴⁴ Latvia has also been a party to the ILO (No. 182) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour since 2006.⁴⁵

Other international instruments ratified by Latvia are the Convention on the Exercise of Children's Rights CETS No. 160 in 2001⁴⁶; the Council Framework Decision 2004/68/JHA of 22 December 2003, on combating the sexual exploitation of children and child pornography⁴⁷; the Council of Europe's (CoE) Convention on Cybercrime (Budapest Convention) in 2007⁴⁸; the CoE Convention on Action Against Trafficking in Human Beings in 2008⁴⁹; and the CoE's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) in 2014.⁵⁰

National Legislation

The most important domestic legislation that provides for the protection of children from sexual abuse and exploitation is stipulated in the 1998 Law on Protection of the Rights of Child of the Republic of Latvia (LPRC), Sections 15 51-52,⁵¹ 51,⁵² and the CL.⁵³ Sexual abuse is defined in Section 1(10) of the LPRC as the **engagement of a child in sexual activities** that the child does not understand or to which the child cannot knowingly give consent.⁵⁴ Section 15 provides for the right of the child to be protected from economic, labour, physical, mental, sexual, or any other form of exploitation which may in any way harm the child.⁵⁵ Section 51(1) 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" be held liable in accordance with the law.⁵⁶ Chapter XVI of the CL, "Criminal offences against morals and sexual inviolability", provides that offences characteristic 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, and compelling engagement in prostitution, are criminal acts.⁵⁷

There is no explicit mention or prohibition of **the exploitation of children in prostitution** in Latvian laws.⁵⁸ However, under CL Section 164(4), the crime of coercing a minor, a person under the age of 18, to engage in prostitution is punishable by up to six years imprisonment and up to 12-year imprisonment in cases of compelling a child under the age of 14.⁵⁹ Reportedly, in cases of children involved in prostitution, Latvia takes a punitive approach.⁶⁰

The offences relating to trafficking in human beings are regulated under CL Section 154. Considering the fact that Latvia lacks the explicit definition of 'sale of children' in the legal system, the mentioned provisions could be extended to regulate such offences. Section 154(2) 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-year maximum with confiscation of property. In case of a juvenile, the sentence is up to 15 years with confiscation of property.⁶¹

The general definition of '**child pornography**' and 'materials of pornographic nature' is provided under the Law on Pornographic Restrictions.⁶² Moreover, the CL Section 166(2) 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".⁶³ In addition, Article 50 of the LPRC also prohibits the involvement of a child in the manufacture, distribution or showing of materials of an erotic or pornographic nature.⁶⁴

There is no clear definition of or specific penalty for **sexual exploitation of children in tourism and travel** (SECTT) and related offences. However, CL Section 4(1) and (4) may be applied to criminalise SECTT-related offences if non-citizens and foreigners commit offences, including serious and especially serious ones, in the territory of Latvia; however, if the perpetrator is a diplomatic representative, he/she may walk free.⁶⁵

Extraterritorial and Extradition Laws

Section 2(1) and (2) of the CL 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.⁶⁶ Section 4(1) of the CL provides for the Latvian authorities to exercise extraterritorial jurisdiction with respect to criminal offences committed by 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 recognised as criminal and punishable in the territory of commitment".⁶⁷ 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.⁶⁸

In Latvia, there is no specific legislation that provides for the extradition of offenders charged with SEC related crimes, and in such cases, general extradition provisions are applied. To grant extradition, the requirement of double criminality, which is provided under Section 696 of the Code of Criminal Procedure of Latvia (CPL),⁶⁹ should be a precondition, but this may cause a problematic legal loophole since the extradition of a person shall not be admissible if the person who committed the crime is a citizen of Latvia, according to Article 697(2)(i).⁷⁰

Access to Justice

Unfortunately, in Latvia, there is no special prosecutor's office for children, or juvenile court. Despite the fact that the CL and the CPL do not contain specific sections detailing provisions on criminal proceedings involving children, both of them pay particular attention to children with consideration to the child's age and maturity, providing additional guarantees during criminal proceedings and mitigating their responsibility.⁷¹ Accordingly, Section 14(4) of the CPL specifies that the hearing of cases involving children must be given priority.⁷² Although, it is to be noted that children in conflict with the law in Latvia are first and foremost regarded as offenders.⁷³

In cases where children or their representatives believe that the child's rights have been violated, they can file a complaint to the Children's Rights Department of the Office of the Ombudsman.⁷⁴ Apart from domestic mechanisms, children can also submit a complaint to the regional and international institutions.⁷⁵

Since 2000, Latvia has provided social rehabilitation for child victims who suffered from violence.⁷⁶ Section 51(2) of the LPRC provides that child victims of criminal offences, including sexual abuse and exploitation, violence or other harmful, cruel or demeaning acts, shall be provided with emergency assistance free of charge.⁷⁷ Also, under the Law on Social Services and Social Assistance, child victims of violence are provided with social rehabilitation services.⁷⁸

In addition, any citizen whose rights have been violated without legal justification has a right to claim compensation in accordance with the Latvian Constitution,⁷⁹ Section 22 of the CPL, and Article 1 of the Law on State Compensation to Crime Victims.⁸⁰ Unfortunately, victims often do not receive information about their right to compensation.⁸¹

CHILD & YOUTH PARTICIPATION

According to Article 13(1) of the LPRC, children have the right 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.⁸² Also, in accordance with Article 17, children are entitled to participate in decision-making processes in child's rights protection programmes.⁸³ Correspondingly, the Government of Latvia has continuously adopted pertinent laws and policies in recent years: the Latvian Youth Law in 2008,⁸⁴ the National Youth Policy Programme for 2009-2013 in 2009,⁸⁵ the Youth Policy Guidelines for 2009-2018 in 2009,⁸⁶ and the Youth Policy Implementation Plan for 2016-2020 in 2016.⁸⁷ Furthermore, there are a number of youth groups and organisations that promote youth participation in decision making⁸⁸; however, the former Special Rapporteur on the sale of children, child prostitution and child pornography expressed her concern that there still is the lack of participation among children and young people in Latvia.⁸⁹

PRIORITY ACTIONS REQUIRED

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.

Coordination and Cooperation

- ✎ Control and supervision of the 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.

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.
- ✎ 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 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 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.
- ✎ Latvia should ensure that SEC offences are included in all existing extradition agreements.

Access to Justice

- ✎ The 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.

ENDNOTES

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