



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
38TH SESSION**

**STATUS OF HUMAN RIGHTS IN LATVIA
FOR THE 38TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

Status of Human Rights in Latvia for the 38th Session of the Universal Periodic Review

Introduction

1. The European Center for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights abuses in Latvia for the 38th Session of the Universal Periodic Review Universal Periodic Review.

Background

2. Latvia is an eastern European country with a population of approximately 1.8 million¹. Latvia is a predominately Christian country with 36% of the population being Lutheran, 19% Catholic, 19% Orthodox and 23% non-identifying².

3. During the previous UPR cycle numerous countries recommended that Latvia strengthen its fight against human trafficking stating that Latvia “[c]ontinue to strengthen enforcement of anti-trafficking legislation by investigating and prosecuting offenders, while also reinforcing the mechanisms of support, rehabilitation, protection and redress for victims” and “[e]nsure the application of the legislation against trafficking in persons for purposes of labour and sexual exploitation, by undertaking the greatest efforts for the identification, protection and rehabilitation of victims and the investigations and prosecution for those responsible”³.

4. In response to these recommendations the Latvian Government adopted Regulation No. 344 “Regulations Regarding the Procedures by Which the Victims of the Trafficking in Human Beings Receive Social Rehabilitation Service, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings”. Under these new regulations, victims are able to receive rehabilitation services from the government for up to 180 days so long as the meet the following criteria:

11.1 was recruited, transferred, handed over or received, hidden, kidnapped or sold, was not allowed to freely choose his or her place of residence;

11.2 has been dependent on traffickers due to family, kinship, work, or debt, violence and threats were used against the person, the situation or vulnerability or helplessness of the person was exploited, the person was deceived, was held imprisoned and isolated from the outside world and contact with other people, or was constantly controlled, or could be outside the workplace accompanied by an employer.

11.3 was involved in prostitution or other forms of sexual exploitation, was employed against his or her own will, could not leave or change his or her occupation, the person was held in slavery, servitude or other similar forms of captivity, tissues or organs were unlawfully removed from the person⁴.

Legal Framework

5. Article 94 of the Latvian constitution provides that “Everyone has the right to liberty and security of person. No one may be deprived of or have their liberty restricted, otherwise than in accordance with law”⁵. Furthermore, under article 95 of the Constitution, “The State shall protect human honour and dignity. Torture or other cruel or degrading treatment of human beings is prohibited. No one shall be subjected to inhuman or degrading punishment”⁶.

6. Articles 154-1 and 154-2 of the Latvian penal code criminalise human trafficking and prescribe penalties ranging from 3 to 15 years’ imprisonment.

154-1

(1) For a person who commits human trafficking, the applicable punishment is deprivation of liberty for a period up to eight years, with or without confiscation of property.

(2) For a person who commits human trafficking if it has been committed against minor, or if it has been committed by a group of persons according to a prior agreement, the applicable punishment is deprivation of liberty for a period of three and up to twelve years, with or without confiscation of property and with or without probationary supervision for a period of up to three years.

(3) For a person who commits human trafficking if it has endangered the life of a victim or serious consequences have been caused thereby, or it has been committed involving particular cruelty or against an underaged person, or it has been committed by an organised group, the applicable punishment is deprivation of liberty for a period of five and up to fifteen years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

154-2

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

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

(3) Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform labour, to provide services or to commit criminal offences, the holding of a person in slavery or other similar forms thereof (debt

slavery, serfdom or compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the illegal removal of a person's tissues or organs.

(4) Within the meaning of this Section state of vulnerability means using the circumstances when a person does not have another actual or acceptable choice, only to submit to exploitation.

7. Article 1 of the Universal Declaration of Human Rights states that “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”⁷. Furthermore, under article 8 the International Covenant on Civil Political Rights (ICCPR), to which Latvia is a party, states:

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
- 3(a). No one shall be required to perform forced or compulsory labour⁸.

8. While Latvia has laws in place to criminalise human trafficking, more must be done to ensure that police have the resources to identify and capture human traffickers. Likewise, efforts must be put in place to identify the victims and provide the aid and care that these victims so desperately need.

Human Trafficking in Latvia

9. Latvia serves as a source country for human trafficking, meaning that victims are taken from Latvia to be exploited abroad in other countries⁹. Women in Latvia are the primary targets for human trafficking where they are exploited in brokered marriages in western Europe. Like most victims of human trafficking, these women are promised jobs but quickly find themselves being exploited.

10. One of the problems Latvia faces in properly combatting human trafficking is a lack of knowledge in identifying indicators of human trafficking, as well as being able to properly identify the victims¹⁰. Another problem Latvia has in combatting human trafficking is providing proper care and protection for the victims. Often times, the trauma these victims have endured prevents them from being able to share their experiences with government authorities, which is critical in prosecuting the traffickers¹¹.

11. In 2018, nine gang members were arrested and sentenced for trafficking 28 victims over a five-year period from Latvia to the U.K. In a statement by the Crown Prosecution Service:

The gang targeted vulnerable people by offering work in the UK. Once in Derby, victims were housed in squalid conditions and sent to work in manual jobs. The gang took victims' passports and identity documents to set up bank accounts in their names but keep the cards. When the victims were paid, the gang would withdraw funds from their accounts and keep it for themselves, funding their own lavish lifestyles¹².

12. This case perfectly illustrates how human traffickers exploit their victims. First, they target the vulnerable and desperate with promises of jobs in other countries. When the victims

go with the traffickers, the traffickers control every aspect of their life by taking all government documents making it difficult for the victims to escape. They are then forced to live in extremely poor conditions while making the bare minimum, if any at all, while their captors take the rest.

13. However, it is not just for use in forced labor that people in Latvia are trafficked. Women, in particular young girls, are sold into prostitution. In 2018, the Police investigated only four cases of human trafficking (three for sex trafficking and one for force labour) with courts convicting only one trafficker¹³. These numbers are down from 2017 where the police investigated seven cases of human trafficking and convicted four individuals¹⁴.

14. A large reason for the small number of investigations in human trafficking stems from the fact that police, as well as the prosecutor general's office, lack a dedicated human trafficking division¹⁵. By having a dedicated division and providing them with the necessary resources and training, they will be better equipped to identify victims of human trafficking and bring to justice the traffickers.

Conclusion

15. We ask that Latvia strengthen its awareness and education campaigns for the general population to alert them to the dangers of human trafficking so that they may better avoid becoming victims. The government should also create standard operating procedures for the purposes of identifying and recognizing victims of human trafficking. Such programs should also include efforts to provide assistance to the victims of human trafficking, so that they feel safe and comfortable coming forward and sharing their stories and experiences with officials.

16. Furthermore, because Latvia serves primarily as a source country for human trafficking, resources must be put into securing its borders, providing resources to police, and monitoring the borders in order to be better equipped to identify and stop human trafficking at the borders. This is essential in order to catch traffickers that are seeking to traffic Latvian citizens to other countries.

¹ Latvia, THE WORLD FACTBOOK (24 Sept. 2020), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/lg.html>

² *Id.*

³ UPR of Latvia – Thematic List of Recommendations A/HRC/32/15 – Para. 118.

⁴ Regulation No. 344 sec. 11 (16 July 2019), available at <https://likumi.lv/ta/en/en/id/308253-regulations-regarding-the-procedures-by-which-the-victims->

⁵ Constitution of Latvia, Art. 94, available at https://www.constituteproject.org/constitution/Latvia_2016.pdf?lang=en.

⁶ *Id.* at art. 95.

⁷ Universal Declaration of Human Rights, art. 1, available at https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf.

⁸ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 7.

⁹ *Human Trafficking in Latvia – Addressing the Challenge of Transnational Organized Crime*, LATVIJA'S ARPOLITIKAS INSTITUTS (12 Aug. 2019), available at <https://www.lai.lv/viedokli/human-trafficking-in-latvia-addressing-the-challenge-of-transnational-organized-crime-809>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *UK and Latvian Police Team up to Break Human Trafficking Ring*, LSM.LV (7 Nov. 2018), available at <https://eng.lsm.lv/article/society/crime/uk-and-latvian-police-team-up-to-break-human-trafficking-ring.a298896/>.

¹³ *Alternative Report – Latvia 2017 – 2019*, MARTA, available at https://marta.lv/files/Interesu%20aizstaviba/MARTA_alternative_report_HT.pdf?fbclid=IwAR1k0vX-ZNae8mxdP3bO36pLqCRHR2LjPu47D7w9zyzhCbhGHb2-xa9MIKg.

¹⁴ *Id.*

¹⁵ *Id.*