

Approved by the Cabinet's Decree No. 132 of  
3 March 2004

# **National Programme for Prevention of Human Trafficking 2004 – 2008**

## I. Summary

### 1. Background of the Issue to be tackled

The human trafficking, particularly that of women and children, in world is considered to be the third most profitable criminal business after trading in narcotic drugs and arms. In Latvia, the problem is not anything new. In the 90-ties, the criminal situation in respect to trafficking of women has aggravated. Latvia has become a country of departure, transit and also receipt of victims of human trafficking. Research by the international organizations show that the social isolation and economic migration in search for a better life in more prosperous countries are the main factors facilitating the human trafficking.

The majority of victims are young women, who are recruited, transported, sold and used for the purpose of sexual exploitation by individual buyers, pimps and human traffickers. Part of the women responding to employment offers abroad are aware of the fact that they will be involved in provision of sexual services. Often also other women, who find themselves in situations of uncontrolled violence without any human rights, become victims or a commodity that brings huge profit to organized crime groups. It is estimated that in one year's time the transnational criminal structures gain profit of more than 7 billion dollars.

Due to the covert operation of the human trafficking it is impossible to gather information about the victims statistically, therefore in the global practice, the police statistics and the approximate calculations of various sources are used. According to the data provided by the International Organization for Migration, every year 2000 citizens of the Baltic states become victims of the human trafficking.

The statistics on registered criminal offences pursuant to Article 165<sup>1</sup> of the Penal Code "Traffic in People for Sexual Exploitation" (amendments to the Penal Code effective as of 15 June 2000) show that in 2000, 1 criminal case including 5 criminal offences has been registered, from which all the 5 criminal offences have been resolved; in 2001, 12 criminal cases including 40 criminal offences have been registered, from which 38 criminal offences have been resolved; in 2002, 13 criminal cases including 17 criminal offences have been registered, from which 12 criminal offences have been resolved; in eight months of 2003, 10 criminal cases including 74 criminal offences have been registered, from which 71 criminal offence has been resolved.

On 25 May 2002, amendments to the Penal Code became effective supplementing the Penal Code with Article 154<sup>1</sup> "Human Trafficking". Up to now, 2 criminal cases (combined into one) have been registered including 1 criminal offence, which has been resolved, pursuant to the Article 154<sup>1</sup>.

In order to facilitate the prevention and combating of the human trafficking, an inter-institutional working party created by the Ministry of the Interior and comprising representatives of ministries and non-governmental organizations, has developed the National Programme for Prevention of Human Trafficking 2004 – 2008 (hereinafter – the Programme).

The Programme includes the main courses of action:

1. Legislation – identifies those legal enactments of the Republic of Latvia which require amendments in order to be harmonized with requirements of the international legal enactments in the field of prevention of human trafficking. Amendments are necessary:

- in the Penal Code;
- in the Civil Law;

- in the Code of Administrative Offences of Latvia;
- in the Law on Social Services and Social Assistance.

2. Informative and analytical work, activities by the law enforcement bodies – established particular measures to be taken by the ministries and the state administration authorities; a coordinated system for fight against human trafficking has been created:

- the Office of Juvenile Case Inspectorate is developed as part of the State Police;
- exchange of the operational information with the operational offices of the neighbouring countries is ensured;
- interviewing of persons leaving or entering the risk countries is carried out, the information obtained is analysed;
- the existing databases are studied and new databases are developed about companies and private individuals offering job abroad and integrated in a common information system ensuring connection with Employment State Office databases, Register of Invalid Documents, Register of Latvian Tourism Firms etc.;
- the control of employment provision firms is being improved;
- the process of search for the missing persons is being streamlined.

3. Education – a system of training the law enforcement bodies' employees, educational establishments' employees and the social workers regarding issues of prevention of human trafficking has been created; the general educational and informative preventive education for youth on the human trafficking has been developed and introduced.

4. Support services for victims of human trafficking (rehabilitation) – a home for housing victims of human trafficking after their return to Latvia is created; in the Law on Social Services and Social Assistance, provisions are made for the social rehabilitation of the human trafficking victims.

## **2. The proposed solution or option for solution.**

No numerous options for solution have been provided in achievement of goals established in the Programme; the main tasks for achieving the results of the Programme have been established.

## **3. The additionally necessary funding and the planned source of funding.**

- in 2005 – 187 572 lats;
- in 2006 – 435 144 lats;
- in 2007 – 545 216 lats;
- from 2008 – 725 288 lats.

The source of funding – the financial resources designated for the current year by the Law on the National Budget; the financial assistance from the European Commission.

The designation of the additionally required state budget resources for implementation of the Programme project in 2005 and the following years should be considered together with applications of middle-term budget priorities from all the ministries.

## **II. Informative Part**

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## **1. The Programme's relevance to the government's and ministry's priorities and the approved policy documents**

The human trafficking is a crime posing threat both to individual persons and the society as a whole. The sub-clause 21.2 of Declaration of activities planned by the Cabinet led by Mr Einars Repse stipulates that the priority in work of the rights protection bodies is the security of individuals. In the Ministry of the Interior's agenda for 2003 is has been established – to prepare the set of the necessary draft legal enactments for ratification of the United Nations Convention against the Transnational Organized Crime: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Human trafficking is a severe offence against the human dignity and a serious violation of the human rights. In the USA State Department Report on Human Trafficking 2003 to the USA Congress, the countries of the world have been divided in three groups. The first group includes countries where the matters on prevention of human trafficking are in put order; the second group includes countries that are trying to improve the existing situation; the third group – countries with substantial shortcomings in this field. Latvia is included in the second group, indicating the following reasons:

- the measures carried out by the government of Latvia no not completely comply with the minimum requirements regarding diminishing the human trafficking, however, the Latvian government is currently trying to improve the situation;
- the responsibility and duties of various ministries and law enforcement bodies still are not clearly determined, there is a lack of coordination on behalf of the government.

The international society implements different international human rights norms and instruments and take active steps against human trafficking. Latvia has joined several international agreements relating to combat against human trafficking:

- On 4 May 1990, approved the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (02.12.1949)
- On 4 May 1990, approved UN Convention on the Elimination of All Forms of Discrimination against Women (18.12.1979)
- On 14 April 1992, joined the UN Convention on the Rights of the Child (20.11.1989);
- On 17 May 2001, ratified UN Convention against Transnational Organized Crime (15.11.2000);
- On 10 April 2003, ratified UN Convention against Transnational Organized Crime: Protocol against the Smuggling of Migrants by Land, Sea and Air (15.11.2000).

On 10 December 2002, the Republic of Latvia signed UN Convention against Transnational Organized Crime: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (15.11.2000).

Latvia is also subject to the Council of Europe Recommendation R(2000) 11 Trafficking in human beings for the purpose of sexual exploitation, adopted by the Committee of Ministers of the Council of Europe on 19 May 2000.

In order to fulfil the obligations arising from the documents mentioned and to achieve improvement of the situation, a common programme is necessary that

would provide for actions of the state institutions and the non-governmental organizations in fight against the human trafficking.

## **2. Goals and secondary goals of the Programme**

The goal of the Programme is to facilitate prevention and combating of the human trafficking by implementing focused preventive (combating, punishment and investigation), educational measures, and also support services for human trafficking victims; to join attempts of the state and the society targeted at prevention of human trafficking.

### Secondary goals:

*Legislation* – to put the regulatory enactments of the Republic of Latvia in line with recommendations and requirements of the United Nations, European Union, Council of Europe, Europol and other international organizations engaged in prevention of human trafficking;

*Activities of the law enforcement bodies* – to restrict the influence of the criminal processes – to disclose and neutralize the organized groups, criminal corporations (associations), to bring action against them, to ensure that their members are punished; to analyse and gather the international experience in the preventive work with risk groups (children from orphanages, boarding-schools, crisis centres, various kinds of shelters) and apply this experience in the practical work.

*Education* – to ensure that the society is informed and education on the issues of human trafficking;

*Rehabilitation* – by providing inter-institutionally coordinated social support services, to ensure the inclusion of the human trafficking victims in the society.

## **3. The planned results of the Programme**

The achievement of goals and implementation of tasks put forward in the Programme will ensure functioning of a coordinated system where the ministries and state administration authorities have certain responsibility and duties in fight against the human trafficking:

- the necessary draft legal enactments will be prepared for Latvia to fulfil the binding international agreements and to comply with terms and conditions of the international legislation and recommendations of the international organization on prevention of human trafficking;
- a system for provision of information on prevention, investigation and disclosure of human trafficking will be developed;
- search for the missing persons will be improved;
- the preventive education programme at schools will be implemented;
- a social assistance system will be created that will prevent involving new victims in the human trafficking; the necessary conditions will be created for provision of substantial social, psychological and legal assistance;
- a system of support services will be created for human trafficking victims and will provide them with opportunities to be re-integrated in the society;
- extended international cooperation and cooperation with non-governmental organization.

#### **4. Indicators of achievement of the Programme's results**

The level of achievement of the Programme's goal shall be evaluated on a yearly basis by carrying out a study on the effectiveness of implementation of the measures included in the Programme.

**5. Main tasks in achievement of Programme's results;**

**6. Timescale for accomplishment of tasks;**

**7. Planning of the granted and the additionally necessary funding in compliance with the tasks;**

**8. Institutions responsible for accomplishment of tasks.**

No.	Main tasks in achievement of Programme's results	Timescale for accomplishment of tasks	Planning of the granted and the additionally necessary funding in compliance with the tasks		Institutions responsible for accomplishment of tasks
			Funding granted	Additionally necessary funding	
<b>I.</b>	COURSE OF ACTION – PREVENTIVE MEASURES. LEGISLATION.				
<b>1.</b>	To introduce legal provisions in the Penal Code that would enable to regard the offences committed within the territory of the Republic of Latvia and corresponding to the notion of human trafficking as human trafficking (amendments to Penal Code, Article 154 <sup>1</sup> ).	2004	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of the Interior
<b>2.</b>	To introduce legal provisions in the Penal Code whereby the foreigners and stateless persons without the permanent residence permit in the Republic of Latvia and who have committed crimes in territory of another state that are directed against the interests of the Republic of Latvia or its inhabitants, may be put to trial pursuant to the Penal Code if they have committed serious or very serious crimes (amendments to Article 4 (3) of the Penal Code).	2004	Within the framework of the financial resources designated for the current year by the Law on the National Budget	Not necessary	Ministry of the Interior
<b>3.</b>	To introduce legal provisions in the Penal	2004	Within the	Not necessary	Ministry of the



	Code according to which the period imprisonment for trafficking people for the purpose of sexual exploitation would be increased above five years, thus making it a severe crime, with the purpose of providing the right of the special adjective protection (pursuant to Article 106 <sup>2</sup> of the Penal Procedure Code of Latvia) to the victims, witnesses, suspects, person on trial, convicts (amendments to Article 165 <sup>1</sup> (1) of the Penal Code).		framework of the financial resources designated for the current year by the Law on the National Budget.		Interior
4.	To add new corpus delicti to the Penal Code in order to stipulate criminal liability for the following actions: - to maintain, manage or intentionally finance a brothel or to participate in financing of a brothel; - to intentionally rent or lease a building or another place or a part thereof for the purpose of prostitution of others.	2005	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of the Interior
5.	To make amendments to the Civil Law by adding new grounds for reimbursement for a moral harm.	2004	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Justice
6.	To make amendments to the Law on Social Services and Social Assistance and include the social rehabilitation of human trafficking victims in the range of social services provided by the state.	2005	Within the framework of the financial resources designated for the current year by the Law on the National	75 000 LVL per year	Ministry of Welfare

			Budget.		
<b>7.</b>	To develop and establish criteria according to which a person may be acknowledged a human trafficking victim.	2005	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Welfare
<b>8.</b>	To establish which institutions may give a conclusion that a person should be acknowledged a human trafficking victim.	2005	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Welfare
<b>9.</b>	To join the Amendment to Article 43(2) to the United Nations Convention of the Rights of the Child.	2006	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Interior
<b>10.</b>	To join the International Labour Organization Convention concerning the prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.	2006	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry for Children and Family Affairs
<b>11.</b>	To join the European Convention of the Compensation of Victims of Violent Crimes	2006	Within the framework of the financial resources designated for the	Not necessary	Ministry of Finance, Ministry of Justice

			current year by the Law on the National Budget.		
<b>12.</b>	To join Convention Based on the Article K.3 of the Treaty on European Union, on the Establishment of a European Police Office (Europol Convention).	2006	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of the Interior
<b>13.</b>	To ratify the Convention on the Rights of the Child Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	2006	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry for Children and Family Affairs
<b>14.</b>	To join the European Convention On Fight Against Human Trafficking (on 30 April 2003, the Committee of Ministers of the Council of Europe established an ad hoc committee for fight against human trafficking, the operation goal of which is to develop the European Convention On Fight Against Human Trafficking)	2008	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of the Interior
<b>15.</b>	To ratify the United Nations Convention against the Transnational Organized Crime: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children signed on 10 December 2002	2005	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of the Interior
<b>II.</b>	COURSE OF ACTION - INFORMATIVE AND ANALYTICAL WORK, ACTIVITIES OF THE LAW ENFORCEMENT BODIES				

<b>16.</b>	To develop the Office of Juvenile Case Inspectorate as part of the State Police (to add 164 employees) in order to meet the requirements of Article 20 of the Law on Protection of Children's Rights - the State shall ensure that cases related to protection of children's rights are examined by specialists who have the appropriate knowledge in the field of children's rights and who are specially prepared for work with children.	From 2005	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	In 2005 – 180 072 LVL (41 person) In 2006 – 360 144 LVL (82 people) In 2007 – 540 216 LVL (123 people) From 2008 – 720 288 LVL (164 people)	Ministry of the Interior
<b>17.</b>	To interview persons leaving and entering the risk countries and to analyse the information obtained with the purpose of discovering persons which may become subject to human trafficking, and also information on persons engaged in the recruitment and are involved in the business of human trafficking. To furnish the information obtained to the cooperative institutions.	On a permanent basis	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of the Interior
<b>18.</b>	To activate and improve the exchange of operational information with the neighbouring countries' border guard operational offices in the field of prevention of human trafficking and other domestic and foreign law-enforcement institutions. To use the information obtained in border guarding measures.	On a permanent basis	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of the Interior
<b>19.</b>	To develop and implement the technical task of creating an integrated information system for discovering the foreigners staying in the country illegally.	2005	Within the framework of the financial resources designated for the	Not necessary	Ministry of the Interior

			current year by the Law on the National Budget.		
<b>20.</b>	For the purpose of analysing the threat of human trafficking, to provide conditions for acquiring, gathering, processing of the necessary information. To cover the existing or to develop new databases on agencies, firms (especially, tourism firms) and individuals offering job and dating services. To register persons who have provided incorrect (fake) data about themselves (for example, bogus or recurrent loss of documents, attempts to enter by using a fake identity, the actual purpose of leaving the country not given etc.). To integrate it in a common information system ensuring interconnection with other registers (for instance, Register of Guest Workers of the State Employment Office, Register of the Invalid Documents, Register of the Latvian Tourism Agencies, etc.).	From 2005	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of the Interior
<b>21.</b>	To optimise to processes of searching the missing persons.	On a permanent basis	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of the Interior
<b>III</b>	COURSE OF ACTION – EDUCATION				
<b>22.</b>	According to the due procedures, to register the research project commissioned by the	From 2005	Within the framework of the	Not necessary	Ministry of the Interior

	state administration authorities on the topic of prevention of human trafficking indicating it as a priority		financial resources designated for the current year by the Law on the National Budget.		Ministry of Education and Science
<b>23.</b>	To educate specialists of various field to work with the victimized persons and to facilitate inter-sectoral cooperation on the matters of violence, sexual exploitation and human trafficking.	On a permanent basis	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Education and Science, Ministry of the Interior, Ministry of Foreign Affairs, Ministry for Children and Family Affairs
<b>24.</b>	To promote the research of the issue of human trafficking in the scientific work at universities.	On a permanent basis	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Universities, Ministry of the Interior, Ministry of Education and Science
<b>25.</b>	To include the issues of human trafficking in the curriculum of the liberal arts students at universities	From 2005	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Universities, Ministry of Education and Science, Ministry of the Interior
<b>26.</b>	To provide for the preventive education by including the issues of the risk of sexual violence, human trafficking and prostitution in the curriculum of social sciences	From 2005	Within the framework of the financial resources designated for the	Not necessary	Ministry of Education and Science

	subjects.		current year by the Law on the National Budget.		
<b>27.</b>	To design the continuing education programmes on human trafficking for the purpose of sexual exploitation and forced labour.	On a permanent basis	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Education and Science, Non-governmental organizations
<b>28.</b>	To distribute information on possibilities of legal migration in order to educate people in respect to procedures of obtaining a visa and residence permits.	On a permanent basis	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Foreign Affairs
<b>29.</b>	To support the educational work on issues of human trafficking carried out by the non-governmental organizations.	On a permanent basis	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Education and Science, Ministry of the Interior, Ministry of Welfare, Ministry for Children and Family Affairs
<b>30.</b>	To study the international experience regarding special public prosecutors, judges and investigators dealing with cases related to trafficking, sexual exploitation of children and violence against children, training – to put this experience in practice.	From 2004	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of the Interior, Ministry for Children and Family Affairs

<b>31.</b>	To prepare and publish materials for certain groups of society in order to inform about the possibility of risk, the critical cases, human rights legislation on this matter, as well as about the opportunities of obtaining assistance.	On a permanent basis	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Education and Science, Ministry of the Interior, Ministry of Welfare, Non-governmental organizations
<b>IV</b>	<b>COURSE OF ACTION - SUPPORT SERVICES FOR VICTIMS OF HUMAN TRAFFICKING (REHABILITATION)</b>				
<b>32.</b>	To create a <i>home</i> (or to provide places in any of the existing institutions) for lodging human trafficking victims after their return to Latvia, ensuring access to all the necessary information and support.	2005	Not designated	7500 LVL on the year of implementation, subsequently for provision of the service 75 000 LVL per year (see task 8)	Ministry of Welfare
<b>33.</b>	To develop methodology of assessing the restrictions on the health and functional abilities resulting from violence, sexual exploitation and human trafficking.	2004	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Health
<b>34.</b>	To develop and submit projects to the European Commission in order to receive financial assistance for implementation of support actions for human trafficking victims.	2007	Within the framework of the financial resources designated for the current year by the Law on the National Budget.	Not necessary	Ministry of Welfare, Ministry of Finance
<b>35.</b>	To introduce rehabilitation measures for violent oppressors.	2007	Not designated	5000 LVL a year	Ministry of Welfare, Ministry of Finance
<b>36.</b>	To introduce opportunities of providing assistance to citizens of other countries who	2008	Not designated	5000 LVL a year	Ministry of Welfare, Ministry of the



	have become victims of human trafficking in Latvia.				Interior
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## **9. Procedures of submitting and evaluating the report**

The Ministry of the Interior, as the responsible coordinative ministry, gathers information on the progress of accomplishing the State Programme and every year by 1 March submits an informative report for examination by the Cabinet.