



Convention on the Rights of the Child

Distr.: General
11 November 2015

Original: English
English, French and Spanish only

Committee on the Rights of the Child

Seventy-first session

11-29 January 2015

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the report submitted by Latvia 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

Addendum

Replies of Latvia to the list of issues*

[Date received: 18 September 2015]

Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPSC/LVA/Q/1).

1. Statistical data is provided in the annex.

Reply to the issues raised in paragraph 2 of the list of issues

2. With financial support of the Prevention of and Fight against Crime Programme of the European Union the Information System for the Support of Minors was developed by the Information Centre of the Ministry of the Interior. The main goal of the project “Development of the Information System for the Support of Minors” was to facilitate the protection of children’s rights. Project duration: December 2009-April 2012.

3. The Cabinet Regulation No. 157 of 25 March 2014 “Regulation on Information System for the Support of Minors” prescribes the procedures how information is submitted to and received from the Information System for the Support of Minors, as well as an amount of information and the order of processing of information.

4. The Cabinet Regulation was developed according to the Protection of the Rights of the Child Law Section 67.2, “Information System for the Support of Minors”, which provides that the Information System for the Support of Minors is a part of the State information system “Integrated Information System of the Interior”, in which the

* The present document is being issued without formal editing.



information necessary for the protection of the rights of the child is included, integrating information of State and local government institutions, as well as of medical practitioners regarding minors who need support and cases when preventive measures should be taken for the protection of the rights of children. The purpose of the information system for the support of minors is to promote the protection of the rights and interests of children, ensuring processing of the necessary information and promoting inter-institutional co-operation in the following issues: defence of the rights and interests of a minor; supervision of ensuring the rights and interests of a minor; preventive work; provision of social assistance and social services; prevention and resolving of criminal offences and other violations of the law; searching for a minor; ensuring execution of administrative punishments, criminal punishments, means of security and compulsory measures of correctional nature; implementation of settlements and preparation of evaluation reports on a probation client.

5. The following institutions and persons have the right to process the information included in the information system for the support of minors, including personal data, for carrying out the functions laid down for such institutions and persons in the laws and regulations governing their activities: the State Police; the Orphan's court; the municipality police; the local government social service office; the State Probation Service; the Latvian Prison Administration; a social correction educational institution; the Ombudsman; the Ministry of Welfare; medical practitioners; the Social Integration State Agency; the State Inspectorate for Protection of Children's Rights; the State Border Guard; the Office of Citizenship and Migration Affairs; the State Social Insurance Agency; other State and local government institutions, the laws and regulations governing activities of which prescribe that the functions of such institutions are related to the protection of the rights of children or execution of a criminal punishment or administrative punishment in relation to minors.

6. Information characterising the child regarding his or her interests and habits, place of residence and living environment may be included in the information system for the support of minors. Information which has not been obtained within the scope of administrative proceedings or criminal proceedings and has not been received with the aid of the resources linking information systems shall be deemed information characterising the child. The information characterising the child included in the information system for the support of minors shall be issued only to such State and local government institutions, in the laws and regulations governing activities of which it is laid down that the functions of such institutions are related to the protection of the rights of children or execution of a criminal punishment or administrative punishment in relation to minors. The information included in the information system for the support of minors, except the information characterising the child, shall be stored until the day when the person has attained 24 years of age, also in such case if the person has died before attaining the relevant age. The information characterising the child shall be stored in the information system for the support of minors until the day when the person has attained the age of majority, or until the day of death if the child has died before attaining the age of majority. The Cabinet shall determine the procedures and the extent in which information shall be submitted to and received from the information system for the support of minors, as well as the procedures for processing the information included in the system.

Reply to the issues raised in paragraph 3 of the list of issues

7. There is no specific plan of action concerning the sale of children, child prostitution and child pornography. Latvian Government has approved several policy planning documents which cover this issue from various perspectives.

8. The new anti-trafficking policy planning document was approved by the Government on 21 January 2014. The National Strategy for the Prevention of Trafficking in

Human Beings 2014-2020 is structured as comprehensive informative material about the overall situation in the country in the field of prevention and combating of human trafficking. It includes also policy results, action results and indicators of effectiveness for measurement of the implemented actions, plan of tasks and measures, as well as information about impact on state budget.

9. Considering the requirements stated by Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning the Parliament of Latvia on 22 May 2014 approved the mid-term policy planning document "National Strategy of the Development of Education 2014-2020". The policy planning document envisages the development of competences related to the social sciences. It is planned that learning materials on human safety issues will be elaborated to be used in education process in primary, secondary and professional education establishments promoting the integrated learning of issues related to health and sport, gender equality, preparation for family life and learning of issues about morality. In the content of learning materials (educational movies, methodical materials for teachers, interactive games, simulations of situations with descriptions, working sheets) it is planned to include topics on addictions, prostitution, acknowledgement and prevention of risks of trafficking in human beings and sham marriages.

10. The goal of the "National Strategy for the Children Crime Prevention and the Children Protection from Criminal Offences 2013-2019" is to reduce children crime, prevent factors which promote criminal behaviour, to improve children safety protecting them from threats related to their health and life. The Strategy includes informative and educational activities for children related to human trafficking issues, personal safety, and safety on the Internet.

11. The Minister of Welfare on 2 January 2013 adopted a short term policy planning document "State Programme for Improvement of Situation of the Child and the Family 2013". The Minister of Welfare on 10 January 2014 adopted a short term policy planning document "State Programme for Improvement of Situation of the Child and the Family 2014". The main goal of these State Programmes is to facilitate the situation of the child and the family as well as provision of targeted measures to protect the rights of the child. The Programme includes the following measures:

12. The Programmes among other measures include the following specific measures:

- Support measures for children living in out of family care institutions in municipalities;
- Provision of informative and educational support to improve the situation of the child and the family;
- Support measures to reduce violence;
- Training for staff of out of family care institutions and boarding schools to assess risks of sexual violence;
- Awareness raising activities implemented by the Children Hotline 116111;
- Implementation of prevention programme addressing violence against children – Džimba safety programme.

Reply to the issues raised in paragraph 4 of the list of issues

13. In accordance with Cabinet Regulation No. 468 of 12 August 2014, Regulations Regarding the State Basic Education Standard and Basic Education Subject Standards, and Cabinet Regulation No. 281 of 21 May 2013, Regulations Regarding the State General Secondary Education Standard, Subject Standards and Sample Education Programmes,

issues related to trafficking in human beings have been included in the content of general education subject standards, for example, “Social Sciences”, “Policy and Rights”, “Health Studies” and sample subject programmes. The basic requirements for the acquisition of the subject “Social Sciences” include a condition that upon graduating from the 3rd grade the educate, for example, is able to evaluate his or her actions and actions of others, characterise them as good or bad, and to justify his or her evaluation; understands that every action has consequences; knows how to keep himself or herself and other people safe at home, on the street, at school; knows what is violence, the types of violence; knows where to look for help in emergencies and how to act in cases of violence. The basic requirements for the acquisition of the subject “Social Sciences” include a condition that upon graduating from the 6th grade the educate, for example, is able to understand the connection between action and consequences, knows how to see and evaluate correlation between causes and consequences in different life situations; knows what is violence, the types of violence; knows where to look for help in emergencies. The basic requirements for the acquisition of the subject “Social Sciences” include a condition that upon graduating from the 9th grade the educate, for example, is able to name fundamental human rights and is aware of their inviolability; knows the types of conflicts and is able to offer his or her way of solving a conflict; knows the difference between lawful and unlawful action; knows about sex industry; knows what is violence, the types of violence; knows where to look for help in emergencies and how to act in cases of violence.

14. In 2012, the officials of the State Labour Inspectorate participated at 12 informative events informing pupils about their rights stated by the Labour Law. In 2013, the Labour Inspectorate according to the requests of education establishments participated at three workshops about issues on labour protection and labour rights and at 20 informative events at schools. In 2014, five informative events and 3 meetings with pupils of colleges took place.

15. The role of hotline operators to identify a victim of trafficking in human beings and refer a person to respective institution is highly considered. Training for Hotline Operators on Human Trafficking Prevention and a Role of Hotline Operators in the National Referral Mechanism in April 28-30, 2014 was organized in the framework of the EU co-funded project “A Safety Compass: Signposting Ways to Escape Trafficking” (HOME/2011/ISEC/AG/4000002172). 219 participants from all the territory of Latvia participated in training. Participants were from:

- Emergency hotline 112 administrated by the State Firefighting and Rescue Service; emergency hotline 110 administrated by the State Police; police officers on duty;
- Consular officials from the Consular Department of the Ministry of Foreign Affairs phone number: +371 26 337711;
- Officials of the State Inspectorate for Protection of Children’s Rights: Children Hotline 116111 (supervised by the Ministry of Welfare);
- Representatives from NGOs for children and adults. Purpose of training: To raise awareness and understanding about human trafficking phenomenon, about cooperation between relevant stakeholders and a role of hotline operators to provide identification of a victim of human trafficking and referral of a phone call to a competent institution or, if needed, urgent action to provide help for a victim.

16. In June 2013, the Law on the Protection of the Rights of the Child was amended to clearly define those specialists of public and municipal institutions who should acquire special knowledge in the field of protection of the rights of the child. These specialists are: the manager of out-of-family care institutions, social workers and social rehabilitator; the chairperson of the Orphan’s court, the deputy chairperson of the Orphan’s court and a member of the Orphan’s court; the head of an educational institution and the deputy head in

educational work; a specialist of the Education Quality State Service; a specialist in youth matters; an employee of a place of imprisonment who works with minors; the head of the local government administrative committee or the head of the sub-committee in child matters of the local government administrative committee; the head of the pedagogical medical commission of the local government; an employee of the municipal police who works with children and families; a social worker of the local government social service office who works with children and families; a public prosecutor; a social pedagogue and a psychologist who works with children; the manager of the social service office; a judge; an inspector of the State protection of the children's rights; the head of the State Pedagogical and Medical Commission; an official of the State Police who works with children; a pedagogue of general education, vocational education and interest education; an employee of the State Probation Service; a lawyer; any other person if the rights and legal interests of a child are or may be affected by an administrative decision (particularly administrative act) taken thereby, actual action or performance of work or service duties of another kind.

17. New Cabinet of Ministers Regulation of 1 April 2014 establishes a procedure for providing special training in the protection of children's rights for the specialists. The specialists should acquire an initial course of 40 hours and to further master these knowledge every 5 years by acquiring a course of 24 hours. The course includes such mandatory topics as: international legal acts, violence against children and domestic violence, trafficking in human beings, etc.

18. After the amendments more than 100 judges, 60 prosecutors and 1,500 other specialists have acquired this course.

19. The biggest municipality of Latvia, Riga Municipality, since 2010 with funding granted from the Fund for provision public order in Riga implements a project "Preventive measures for the elimination of human trafficking" and publishes an informative booklet "Human trafficking prevention" in Latvian and Russian languages which is updated every year. The brochures are distributed in social assistance institutions of the Riga Municipality, in the cooperation with the Ministry of Foreign Affairs — in the Embassies of Latvia abroad and at schools during workshops on human trafficking prevention issues. Since 2010, wide training on trafficking issues are being carried out for social workers, social pedagogues and municipal police officers of Riga municipality. The Department of Welfare of Riga City Council targeted training of local government officials has set as a priority and provides funding every year (2010 – 2,774.60 euros, 2011 – 2,988 euros, 2012 – 3,643 euros, 2013 – 3,273 euros, 2014 – 3,400 euros). During the five years training courses are attended by 411 Riga municipal employees (in 2010 – 60 social workers, in 2011 – 60 leaders of social institutions and social workers, in 2012 – 25 social workers, 50 school social pedagogues, 20 municipal police officers, 2013 – 20 municipal police officers, 61 – Riga social service workers, social pedagogues, representatives of social care institutions, and cooperation partners of the Department of Welfare of Riga City Council, 2014 – 20 municipal police officers, 95 social workers, specialists of social work, school social pedagogues). Riga City Council every year publishes an informative booklet "Prevention of Human Trafficking" in Latvian and Russian, which is distributed to professionals and students in workshops, local social services, the Latvian Embassies in the UK, Ireland and Cyprus. The informative booklet is distributed as widely as possible, not only in institutions of Riga municipality, but also in different institutions of local municipalities all over the territory of Latvia. The Riga City Council has granted funding 3,573 euros during the first four years for publishing the booklet. In 2014, 739 euros were provided for publishing the booklet. The main purpose of the informative booklet is to inform the society about the risks and threats of human trafficking, opportunities for assistance if a person has become a victim of human trafficking.

20. In 14 April 2014, the National Centre for Education in cooperation with the State Police has organized training for Heads of Methodical Unions of Social Sciences in Latvia on the topic of trafficking in human beings. The training provided information about current problem of trafficking in human beings in Latvia (trafficking in women, exploitation of human beings for forced labour, sham marriages, trafficking of human organs), causes of trafficking in human beings, factors which promote trafficking in human beings, recommendations for young people to reduce risks to become victims of trafficking in human beings (precaution measures traveling abroad to work, how to act in dangerous situations, how to recognize dangerous situations, how and where to find help), competence of the Latvian State Police to combat trafficking in human beings (opportunities to approach for help, contact information, cooperation with other countries and NGOs).

21. On 26-27 September 2013, a training course “Recognition, investigation and prevention of human trafficking as effective tool for the termination of the phenomena” (Project No. JUST/2010/JPEN/AG/1546 funded within EU program “Justice”) took place in Riga. The training was organized by the Ministry of Justice in cooperation with the Ministry of the Interior and the society Shelter “Safe House”. The aim of this training course was to organize a broad and extensive training seminar for practitioners with presentations and case studies in order to practice to effectively recognize, investigate and prevent human trafficking and to create investigation as an effective tool both in Latvia and in other EU Member States. 155 representatives from Latvia participated (judges, prosecutors, investigators, advocates, representatives from line ministries and subordinated institutions and NGOs that work with the elimination of human trafficking). There were lectures from Latvia, EU Member States and the European Commission.

22. On 16-17 October 2014, the anti-trafficking training was organized by the Ministry of the Interior, Ministry of Justice, the Latvian Judicial Training Centre, the Court Administration, the General Prosecutor’s Office and the Embassy of the United State of America in Riga. The guest key lecturers from the United State of America participated — Federal Judge Virginia Mary Kendal and Federal Prosecutor Daniel H. Weiss. 12 judges, 15 prosecutors, 20 police officers and 5 representatives of NGOs were trained.

23. Targeted anti-trafficking training is provided by the State Police College and the State Border Guard College.

24. Strengthening the knowledge of officials in human rights the State Police College realizes program of vocational education, the program of professional higher education of first level, and offers to acquire courses of professional development and various programs for the professional training and further education of the State Police officers. In content of program of vocational education subject “Police Rights” is included in which inter alia cadets acquire understanding about police activities in the field of human rights and child protection. Accordingly program of professional higher education of the first level composed from several courses in which students acquire in-depth understanding about protection system of the rights of the child and the application of international and national law. In addition within education of professional development the State Police College organizes professional development courses “The Protection of the Rights of the Child” for police officers daily working with children as well as courses in “Observance of human rights at State police work” and “Human rights: Problems of racism”.

25. During the past years various anti-trafficking informative and educational activities were implemented by line ministries and NGOs targeting children, young people and general society informing about forms of human trafficking, recruitment mechanisms, risks and threats, rights of victims to apply for state funded social rehabilitation services.

26. The Ministry of the Interior considers that all informative and social awareness raising activities implemented in Latvia are efficient and these activities reach their target

groups, but as the most efficient informative activities are where mobile info-trailer of the society Shelter “Safe House” is involved which was developed in 2013. Info-trailer is an interactive tool for learning during workshops and various training organized for children, young people, adults and practitioners. The inside of a small caravan was turned into a symbolic setting depicting living conditions and horrors of persons trafficked for various forms of exploitation. Technically it is a one-axis 2 by 3 meter caravan. It is printed from the outside with a design created by a volunteer from the organisation and the 24/7 hotline is clearly visible on the rear. The indoors depict the most common forms of trafficking in human beings in Latvia — labour exploitation, sham marriage, sexual exploitation by using symbols easy to translate by everyone such as wedding dresses, construction tools, a map, an improvised bed, instant noodles etc. In addition a new trend arising — drug mules — is shown in the exhibition. Time needed to see the trailer differs on how it is incorporated in the methodology of a training or how a passer-by reacts to it. It can take between 2 and 15 minutes. One of the best practices has proven to be to spend a part of a seminar in the caravan to 5 or more persons which also gives an impression of how uncomfortable and helpless victims may feel. Info-trailer was recognized as one of the best anti-trafficking prevention projects in the European Union in 2014.

Reply to the issues raised in paragraph 5 of the list of issues

27. It is difficult to calculate funding allocated for anti-trafficking measures and activities. Informative and educational activities are financed both by public and municipal institutions and NGOs, as well as using co-financing within anti-trafficking projects provided by the European Commission. The State funding for providing social rehabilitation services for victims of human trafficking is substantially increased during the last years (2009 – 39,061 euros, 2010 – 48,565 euros, 2011 – 41,250 euros, 2012 – 87,794 euros, 2013 – 93,384 euros, 2014 – 159,378 euros).

Reply to the issues raised in paragraph 6 of the list of issues

28. During the past several years, essential changes in the legal provisions concerning domestic violence have been introduced, also different activities were organised in order to attract attention to the dissemination of domestic violence.

29. Since 2013, emotional, physical, sexual, and economic violence against a spouse or his or her child, or a child of both spouses, are clearly mentioned in the Civil Law as a reason to request a divorce without observing a mandatory reconciliation period for spouses. Before the amendments, the language of the law was quite vague in this respect and there was a great deal of room for interpretations.

30. Recognising that not all of the criminal offenses against morals, and sexual inviolability are committed by using violence, in 2014 the Criminal Law was supplemented, stating the commitment of a criminal offense against morals, and sexual inviolability against a person to whom the perpetrator is related in the first or second degree of kinship, spouse or former spouse, or a person with whom the perpetrator has been in a domestic partnership, as an aggravating circumstance.

31. In 2014, Latvia introduced new legal instruments to guarantee protection orders in cases of domestic violence. These amendments provide the right of a person suffering from violence or stalking to ask a court on his or her own initiative, or with the intermediation of the police, to take appropriate protection measures against the perpetrator within civil proceeding. Such measures, for instance, can be a prohibition for the perpetrator to approach or communicate with the victim, as well as an order for the perpetrator to be removed from the housing, and a prohibition to approach, return to, or stay in a housing unit which is the permanent residence of the perpetrator or victim. Such protection measures shall be imposed by the Court. In order to ensure an effective implementation of

the protection measures, criminal liability for a malicious unfulfilling of a protection measure ordered by the Court is envisaged. During 2014, approx. 400 people have already used their rights to ask the courts to take appropriate protection measures against the perpetrator within a civil proceeding or the decision on separation was made by the police. The majority of orders is taken to protect a female victim from a male perpetrator. In most cases, the court orders prescribe an order for the perpetrator to be removed from the housing, and a prohibition to approach, return to, or stay in a housing which is a permanent residence of the perpetrator or victim. The number of orders and activity of victims is evidence that there is a need for such protection measures. In order to implement the legislation on protection measures, significant attention towards training police officers, social workers and other relevant specialists is paid.

32. Since 1 January 2015, regulations of the Cabinet of Ministers on social rehabilitation services for adult victims of violence and perpetrators of violence is in force. An adult victim of violence may receive up to 10 consultations of a social worker, psychologist and lawyer or may stay up to 60 days in a crisis centre. Perpetrators of violence are involved in a group therapy course of 16 weeks.

33. On 18 December 2013, the Cabinet of Ministers approved a policy planning document “National Strategy of Professional Social Work Development 2014-2020”. One of the tasks is to improve professional skills in social work practice with various client groups including the following target groups: from psychoactive substances and gambling dependent persons; oppressors and persons suffered from violence; long-term (longer than a year) unemployed persons; long-term social welfare recipients of working age; families with children; families with children, young people, who are not working, with behavioural problems, there is a lack of basic skills of an independent life; persons released from imprisonment; minors; young parents who have reduced child care skills.

34. In 2013, the Ministry of Welfare developed guidelines for institutions providing social care and social rehabilitation and social services to assess the adequacy and quality of services that should be taken into consideration by social services of municipalities carrying out self-assessment of their work. The guidelines provide also requirements for the Ministry of Welfare as the institution which provides supervision of quality of services.

35. To reduce poverty and inequality of incomes Latvia implements measures to facilitate increase of incomes of inhabitants by their active involvement into labour market, implementing measures of taxes policy, as well as providing amendments for system of social security. Starting with 2013, various measures are implemented targeted at families with children and persons with functional disabilities. These measures are aimed at increasing financial support and support services (accessibility to support services is improved and new support services are introduced). Since 1 January 2013, financial support for parents who provide child care by baby's age of 1.5 is increased, financial support for unemployed parents who provide child care is doubled; unemployment benefit is provided for 9 months and its amount does not depend on length of insurance; children from 5 to 18 years and adults with disabilities of I and II group disability are eligible to receive assistant services in municipalities up to 40 hours per week, thus facilitating the availability of different services to people with disabilities, while at the same time facilitating their integration into society; in order to reduce queues in waiting lists of children to access municipal preschool educational establishments, since 1 September 2013 state financial support is introduced to cover expenses of children attending private kindergartens, this measure promotes better harmonisation of working and family life by improving the financial situation of families with children; state and municipal funding is allocated to provide accessibility of study aids (activity books, work books) at schools thus substantially reducing the costs of families for the training aids and the opportunity to shift more of those funds to cover the daily expenses of the family; since 1 January 2013, free lunches at

schools are provided also for second grade pupils (until that only pupils of the first grade had free lunches), since 1 September 2014, also pupils of third grade have free lunches at schools; large families, which cares for three or more children pay 50% of property tax.

36. Various measure are taken by the Government to increase the personal income tax relief for dependants, ceiling of social contributions is renewed, to reduce the labour tax burden from 1 January 2014 the rate of mandatory contributions of State social insurance — 34.09%, of which 23.59% is paid by the employer, 10.5% — a staff member, this means that both the employer and employee social security contributions should be reduced, thus increasing their real income.

Reply to the issues raised in paragraph 7 of the list of issues

37. In terms of raising awareness on safe travelling among the general public, the Ministry of Economics of the Republic of Latvia carries out quality control measures towards travel agents and operators as well as encourages the potential travellers to evaluate the wide offer of travel packages and choose qualitative and safe tourism products. The Ministry urges potential travellers to choose a trustworthy and safe operator and only if the operator has covered his insolvency protection that can be verified in a special database — TATO (<http://tato.em.gov.lv/>). Apart from this, the Ministry develops tourism policy of Latvia based on the Global Code of Ethics for Tourism, therefore Latvia supports the safety of travellers and is against any kind of violation of human rights, safety and security, especially human and children trafficking and prostitution. Latvia is considered a safe travel destination and therefore is promoted as such.

Reply to the issues raised in paragraph 8 of the list of issues

38. According to the Protection of the Rights of the Child Law Section 3 (1) 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 the law or have entered into marriage before attaining 18 years of age.

39. The Civil Law Section 220 provides that in exceptional circumstances and for especially good cause, when the guardians and closest kin of a minor attest that the behaviour of the minor is irreproachable, and he or she are able to independently protect and defend his or her rights and perform his or her duties, the minor may be declared as being of age of majority even before he or she have attained the age of eighteen, but not earlier than before he or she fully attain the age of sixteen.

40. Considering this exception the Ministry of Justice has elaborated necessary amendments to the Protection of the Rights of the Child Law to provide that persons who have not attained 18 years of age but who are considered as adults according to the Section 220 of the Civil Law are considered as children in accordance to the criminal legal system.

41. The Ministry of Justice has elaborated amendments in the Section 3 of the Protection of the Rights of the Child Law amending this section with a new paragraph 1¹ “In accordance to the administrative violation system and the criminal legal system a child is a person who has not attained 18 years of age” (unofficial translation). Elaborated amendments are sent to the Parliament for adoption.

42. In terms of article 2 (a) and article 3, paragraph 1 (a)(i) these requirements are covered by the Criminal Law Section 154² “Meaning of Human Trafficking”:

(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 of 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 utilisation 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.

[25 April 2002; 13 December 2012; 25 September 2014]

43. In terms of article 3, paragraph 1 (b) and (c) these requirements are covered by the Criminal Law Section 166 "Violation of Provisions Regarding the Demonstration of a Pornographic Performance, Restriction of Entertainment of Intimate Nature and Handling of a Material of Pornographic Nature":

(1) For a person who commits violation of provisions regarding the demonstration of a pornographic performance or other provisions regarding the restriction of entertainment of intimate nature, or provisions regarding the handling of a material of pornographic nature, if substantial harm has been caused by commission thereof, the applicable punishment is deprivation of liberty for a term up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the visiting or demonstration of such pornographic performance or the handling of such materials of pornographic nature which contain child pornography, sexual activities of people with animals, necrophilia or sexual gratification in a violent way, the applicable punishment is deprivation of liberty for a term up to three years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property and with probationary supervision for a term up to three years.

(3) For a person who commits encouraging, involvement, forced participation or utilisation of minors in a pornographic performance or the production of a material of pornographic nature, the applicable punishment is deprivation of liberty for a term up to six years, with or without confiscation of property and with probationary supervision for a term up to three years.

(4) For a person who commits encouraging, involvement, forced participation or utilisation of persons who have not attained the age of sixteen years in a pornographic performance or the production of a material of pornographic nature, the applicable punishment is deprivation of liberty for a term of three years and up to twelve years, with or without confiscation of property and with probationary supervision for a term up to three years.

(5) For a person who commits the acts provided for in Paragraph three or four of this Section, if they have been committed by an organised group or if they have been

committed by means of violence, the applicable punishment is deprivation of liberty for a term of five years and up to fifteen years, with or without confiscation of property and with probationary supervision for a term up to three years.

[15 May 2014]

44. The Criminal Law Section 164 “Involvement of a Person in Prostitution and Use of Prostitution”:

[15 May 2014]

(1) For a person who commits involvement of a person in prostitution, the applicable punishment is deprivation of liberty for a term up to three years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property.

(2) For a person who commits compelling to engage in prostitution or involvement of a person in prostitution, using their trust in bad faith, or by deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or intentional use of prostitution of a victim in human trafficking, the applicable punishment is deprivation of liberty for a term up to five years or temporary deprivation of liberty, or community service, or a fine, with or without confiscation of property and with or without probationary supervision for a term up to three years.

(3) For a person who commits acts provided for in Paragraphs one and two of this Section, if such acts have been committed by a group of persons, or commits encouraging, involving or compelling a minor to engage in prostitution, or commits providing premises to minors for purposes of prostitution, the applicable punishment is deprivation of liberty for a term not less than three years and up to eight years, with or without confiscation of property and with or without probationary supervision for a term up to three years.

(3¹) For a person who commits use of prostitution of a minor, the applicable punishment is deprivation of liberty for a term up to five years, or temporary deprivation of liberty, or community service, or a fine.

(4) For a person who commits encouraging, involving or compelling an underage person to engage in prostitution, the applicable punishment is deprivation of liberty for a term of five and up to twelve years, with or without confiscation of property and with probationary supervision for a term up to three years.

(5) For a person who commits the acts provided for in this Section, if they have been committed by an organised group, the applicable punishment is deprivation of liberty for a term of five years and up to fifteen years, with or without confiscation of property and with probationary supervision for a term up to three years.

[18 May 2000; 12 February 2004; 21 May 2009; 8 July 2011; 13 December 2012; 15 May 2014]

45. For the qualification of the trafficking offence it is not important whether a minor has consented or not, (or has consented, for example, under the influence of deception). The Criminal Law Section 154² Paragraph 2 is elaborated as an exception from Criminal Law Section 154² Paragraph 1 in order to provide that the recruitment, transportation, transfer, concealment, accommodation or reception of a minor for the purpose of exploitation shall be recognised as human trafficking also in cases, when it is not connected to the utilisation of any of the means referred to in the Criminal Law Section 154² Paragraph 1.

46. The reference to the Criminal Law Section 154² Paragraph 1 made in the Criminal Law Section 154² Paragraph 2 provides that offence should be qualified as a trafficking offence despite the consent or disapproval of a victim.

47. The Criminal Law Section 166 and Section 164 provide that for the qualification of the offences it is not important whether a minor has consented or not.

Reply to the issues raised in paragraph 9 of the list of issues

48. The State Inspectorate for Protection of Children's Rights as one of the priorities has set assessment of observance of rights of children placed at out-of-family care institutions and children with special needs living in special boarding schools. In-depth examinations are performed to identify and prevent risks of sexual violence. Training for specialists working at out-of-family care institutions and boarding schools about assessment of risks of sexual violence are provided.

49. The duty of the State Border Guard is to organize and carry out control of foreigners' immigration, residence, emigration and transit in the territory of Latvia. The border guards have the right to operate on borderland, border control points, border crossing points and rest of the territory in order to carry out preventive work and supervise compliance with rules that regulate foreigners' immigration, residence, emigration and transit. The persons that cross the external border in order to enter the Republic of Latvia or leave are placed under checks in border crossing points. The border guards forbid persons who cannot produce valid travel documents from entering the country. Foreigners staying in borderland are obliged to confirm their identity and present a valid travel document, as well as documents that confirm the residence status that he or she has in the Republic of Latvia upon the request of a Border Guard's representative. One of the most important legislative acts that regulate the actions of the State Border Guard is Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). The Section 6 of the Preamble states that "Border control should help to combat illegal immigration and trafficking in human beings". Structural units of the State Border Guard carry out profiling of persons in airports, sea ports, bus stations and train stations, immigration control of international bus passengers and checks on main transit roads on a regular basis. On internal borders the mobile patrols of the State Border Guard's immigration structural units are active. The mobile patrols perform random checks on suspicious vehicles and persons in the territory of Latvia.

Reply to the issues raised in paragraph 10 of the list of issues

50. The Protection of the Rights of the Child Section 13 "Freedoms of the Child" provides (1) a child has the right to freely express his or her opinions, and for this purpose, to receive and impart any kind of information, the right to be heard, and the right to freedom of conscience and belief. According to the Criminal Procedure Law a person shall be recognised as a victim by an investigator, a public prosecutor, or a member of an investigative group, with a decision thereof, which may also be written in the manner of a resolution. A person directing the proceedings shall inform a person in a timely manner regarding the rights thereof to be recognised as a victim in criminal proceedings. A person may be recognised as a victim only with the written consent of such person or the representative thereof. A person who does not want to be a victim shall obtain the status of a witness. If harm has been caused to a minor person, the victim shall be represented by a mother, father, or guardian; one of the grandparents, a brother or sister of legal age, if the minor has lived together with one of such persons and the relevant kinsperson takes care of the minor; a representative of an authority protecting the rights of children; a representative of such non-governmental organisation that performs the function of protecting the rights of

children. If a victim implements his or her interests with the intermediation of a representative, the representative has all the rights of the victim. An interrogation of a minor should take place as soon as possible. If possible an interrogation of a minor should be provided by the same performer of an investigative action. The length of an interrogation of a minor shall not exceed six hours, including an interruption, during a twenty-four-hour term without the consent of such minor. A minor shall be interrogated by the performer of an investigative action who has been acquired special training to communicate with children in criminal proceedings. If the performer of an investigative action has not been trained or on the basis of the discretion of the performer of an investigative action minor, shall be interrogated in the presence of a pedagogue or a psychologist. One of the lawful representatives of the minor, a kinsperson of the minor, or a trustee has the right to participate in an interrogation, if he or she is not the person against whom the criminal proceedings have been initiated, a detained person, a suspect, or an accused, and if the minor does not object to such participation. The referred to person may ask the person being interrogated questions, with the permission of the performer of the investigative action. A minor who has not reached 14 years of age shall not be notified regarding liability for refusal to testify and for the conscious provision of false testimony. If a psychologist indicates to a person directing the proceedings that the psyche of a person who has not reached 14 years of age, the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of a minor who has been recognised as a victim of human trafficking or sexual abuse, may be harmed by repeated direct interrogation, such direct interrogation shall be performed only with the permission of the investigating judge, but in a court — with a court decision. If a psychologist considers that the psyche of a person who has not reached 14 years of age, the psyche of a minor who has been recognised as a victim of violence committed by a person upon whom the victim is materially dependent or otherwise dependent, or the psyche of a minor who has been recognised as a victim of human trafficking or sexual abuse, may be harmed by a direct interrogation, such direct interrogation shall be performed with the intermediation of technical means and a psychologist. If an investigator or public prosecutor does not agree, the direct interrogation shall be performed only with the permission of the investigating judge, and in a court — with a court decision. If a person to be interrogated has not reached 14 years of age, a psychologist, complying with the concrete conditions, shall explain to the minor the necessity of the operations taking place and the meaning of the information provided by such minor, ascertain personal data, ask the questions of the person directing the proceedings in a form that corresponds with the psyche of the minor, and, if necessary, inform regarding a break in the investigative action and the resuming thereof. If a person to be interrogated has reached 14 years of age, a person directing the proceedings shall inform a minor, with the intermediation of a psychologist, regarding the essence of the investigative action to be performed, ascertain the personal data of such minor, explain his or her rights and duties, and notify regarding liability for the non-execution of the duties thereof, ask the questions of the person directing the proceedings in a form that corresponds with the psyche of the minor, and, if necessary, inform regarding a break in the investigative action and the resuming thereof. A person to be interrogated who has not reached the age of 14 shall not sign minutes.

Reply to the issues raised in paragraph 11 of the list of issues

51. According to the Protection of the Rights of the Child a child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall, in accordance with procedures stipulated by the Cabinet, be provided with emergency assistance free of charge, in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and reintegration shall

take place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's intimate secrets.

52. A child who has suffered from unlawful activities can receive state funded social rehabilitation services as: 1) a victim of human trafficking or 2) a victim who have suffered from illegal acts.

- 1) The social service provider shall ensure the development of a specialist commission by-law; the development of procedures for taking of special commission decisions; the getting of the client to the social service provider if the client cannot do it independently; a safe shelter and client accommodation, if necessary, co-operating with law enforcement institutions; protection of client confidentiality and data; the development of a client rehabilitation plan, determining the necessary amount of social services and the length of receipt of social services; psycho-social assistance and individual specialist consultations (for example, social worker, psychologist, lawyer, medical practitioners) in conformity with the rehabilitation plan; support for the client during criminal proceedings and, if necessary, also afterwards; catering, possibilities to spend free time, as well as the possibility of the client to acquire or to improve self-care and self-service skills; the involvement of the client in training and education programmes, which facilitate the reintegration of the client into society; if necessary, five free of charge consultations for the client after the end of the social service course; and the appropriately installed premises; evaluation of client's rehabilitation process. The service provider shall co-operate with State security institutions, as well as during the period of the provision of services assist in the implementation of the representation of the victim in criminal proceedings if the client authorises him or her. The social services at the social service provider institution shall be provided by a social work specialist, lawyer and psychologist. The head of the institution is entitled for ensuring social rehabilitation services to involve other specialists. The social service provider shall co-operate with the client local government social service office and other institutions, ensuring exchange of information.
- 2) Day-and-night social rehabilitation and psychological assistance institutions (hereinafter — rehabilitation institution) shall provide social rehabilitation services for children who have suffered from illegal acts, ensuring psychological assistance, social rehabilitation, safe lodging, catering and other assistance for children in a crisis situation. In a rehabilitation institution social workers, psychologists and psychotherapists, who have acquired the study programme for the rehabilitation of children who have suffered from violence and have obtained the relevant certificate, shall work with clients. The head of the rehabilitation institution is entitled to ensure social rehabilitation services by involving other specialists. The service provider provides continuity of acquisition of general education (secondary and primary education) in conformity with the general education school programmes, if necessary, individually tailoring them to the child. In order to minimise the effects caused by an illegal act, a rehabilitation institution shall inform a child regarding an expression of a potential threat of violence and prepare him or her for self-defence; in working with a child, use methods that are appropriate to the age of the child, the type of the illegal offence and the individual characteristics of the child; involve the lawful representative of a child in a social rehabilitation course if the child stays at the institution together with such representative; and observe the rights of a child and ensure the compliance of activities with the purposes of social rehabilitation. An individual plan of social rehabilitation is elaborated for each child. Data protection is provided. A rehabilitation institution provides appropriately equipped premises and recreational areas. It is also possible to provide social services at children's place of residence. A psychologist, psychotherapist or a social worker who has completed a

study programme for the rehabilitation of children who have suffered from violence and has obtained the relevant certificate shall provide social services to children who have suffered from illegal acts at their place of residence.

53. In performing social rehabilitation of a child, a specialist shall ensure the acquisition, usage and storage of the child-related information in accordance with the status of restricted access information; meet and converse with the child in the premises suitable for such child; ensure the keeping of the personal file of the child in a place inaccessible to unauthorised persons; and co-operate with institutions for the protection of the rights of children, prosecutor's office, police, social assistance and medical treatment institutions in order to investigate the committed illegal acts and prevent further possibility of illegal acts.

54. According to the Protection of the Rights of the Child Law it is prohibited for a child who has been a victim of violence (illegal act): to be left alone, except in cases when the child himself or herself so wishes and this choice is considered appropriate by a psychologist who has undergone special preparation for work with children who have suffered from violence; to be left without psychological or other form of care; to be confronted by the possible perpetrator of the violence (illegal act) while the child is not sufficiently psychologically prepared for such a confrontation; to be subjected to the use of any compulsory measures in order to obtain information or for any other purpose.

Annex

Statistical data

<i>Year</i>		<i>2012</i>	<i>2013</i>	<i>2014</i>
Gender (sex)	Female	24	34	42
	Male	17	12	21
Nationality	Republic of Latvia	38	43	53
	Other	3	3	10
Socioeconomic background	Well provided	12	9	25
	Low income family	29	37	38
Place of residence	Urban residence	17	11	29
	Rural residence	24	35	34
Criminal offences	CL Section 154. ¹ "Human Trafficking"			
	CL Section 159 "Rape"	4	4	13
	CL Section 160 "Sexual Violence" Paragraph 4 (serious consequences have been caused thereby or if commission thereof is on a person who has not attained the age of sixteen years)			10
	CL Section 161 "Acts of Sexual Nature with a Person who has not Attained the Age of Sixteen Years"		4	6
	CL Section 162 "Leading to Depravity"	30	31	22
	CL Section 162. ¹ "Encouraging to Involve in Sexual Acts"	7	6	10
	CL Section 164 "Involvement of a Person in Prostitution and Use of Prostitution"		1	
	CL Section 165 "Living on the Avails of Prostitution"			
	CL Section 166 "Violation of Provisions Regarding the Demonstration of a Pornographic Performance, Restriction of Entertainment of Intimate Nature and Handling of a Material of Pornographic Nature"			2

Data provided by: NGO "The Latvian Children's Fund" (mandated NGO which provides the state funded social rehabilitation of children who have suffered from violence) and NGO Shelter "Safe House" (mandated NGO which provided state social rehabilitation services for victims of human trafficking from 2007-2014).

<i>Year</i>		<i>2012</i>	<i>2013</i>	<i>2014</i>
Number of sexually exploited children who received state funded social rehabilitation services disaggregated by age and %	by 2 years	0	0	0
	by 2 years %	0%	0%	0%
	2-4 years old	0	0	0
	2-4 years old %	0%	0%	0%
	5-6 years old	6	7	2
	5-6 years old %	15%	15%	3%
	7-12 years old	17	15	35
	7-12 years old %	41%	33%	56%
	13-15 years old	15	19	17
	13-15 years old %	37%	41%	27%
	16-18 years old	3	5	9
	16-18 years old %	7%	11%	14%
Total		41	46	63

Data provided by: NGO "The Latvian Children's Fund".