

Ombudsman of the Republic of Latvia



Research

**The Role of Local Governments' Social Services, Orphan's and Custody Courts and Branch Offices of the State Employment Agency of Latvia in the Process of Identification of Victims of Trafficking in Human Beings**

Riga, 2017

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## Introduction

Trafficking in human beings is a serious crime, often committed within the framework of organized crime, a gross violation of fundamental rights and explicitly prohibited by the Charter of Fundamental Rights of the European Union. Preventing and combating trafficking in human beings is a priority for the Union and the Member States.<sup>1</sup> It is a complex phenomenon, affected by social, economical, cultural and other factors. The complicated nature and various forms thereof influence the understanding and awareness of the phenomenon, identification of victims and prevention of human trafficking in general. Latvia is the country of origin, the transit country as well as the target country of victims of trafficking in human beings. At the same time, international institutions quite often show concern in reports that the low number of officially identified victims of trafficking in human beings does not reflect the actual prevalence of trafficking in human beings in Latvia.

A number of international and national legal acts govern the issues in relation to prevention of trafficking in human beings. Some of the most significant international legal acts, stipulating the commitments of the Republic of Latvia in the area of trafficking in human beings such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the United Nations on 15 November 2000, must be mentioned. The prohibition of slavery covered by Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms includes trafficking in human beings.<sup>2</sup> A significant source of rights is the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, the norms of which have been transposed to the national legal acts of Latvia. Additionally, the Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005 determines the assessment procedure of member states, performed by the Group of experts on action against trafficking in human beings - GRETA.<sup>3</sup>

On the level of national legal acts Section 154<sup>1</sup> and Section 154<sup>2</sup> of the Criminal Law defines the concept of trafficking in human beings and determines the criminal liability. Assistance measures to victims of trafficking in human beings are covered by the Law On Social Services and Social Assistance and Cabinet Regulation No. 889 “Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings”, adopted on 31 October 2006. The right to reside in Latvia for victims of trafficking in human beings - foreigners, who are not citizens of the European Union, is determined by the Law On Residence of a Victim of Trafficking in Human Beings in the

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<sup>1</sup> First consideration of the Directive 2011/36/EU of the European Parliament and of the Council of of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

<sup>2</sup> Judgment of the European Court of Human Rights of 7 January 2010 in the case of Rantsev v. Cyprus and Russia, application No. 25965/04).

<sup>3</sup> Web-page of the Group of experts on action against trafficking in human beings – GRETA.

Republic of Latvia. Additionally, the right of a victim of trafficking in human beings to receive a compensation in the criminal proceedings is determined by the Law On State Compensation to Victims.

Strong and effective cooperation between public authorities and officials on all levels has a significant influence on the elimination of trafficking in human beings. The local municipalities are often the first to come into contact with both the victims as well as traffickers. Persons who have been exposed to trafficking in human beings both abroad and in the territory of Latvia, recently or a longer time ago, may come to attention of employees of public authorities performing their official duties. Accordingly, further support to persons is dependent on the awareness and initiative of these employees. Also, the employees' experience and insight from working locally with persons from groups at risk on a daily basis, may be important for the institutions coordinating the state policy, when planning future national anti-trafficking policies, especially in the context of prevention.

Guidelines on Prevention of Trafficking in Human Beings 2014 - 2020, approved by the Cabinet of Ministers, are based on four internationally recognized basic principles of policy for combating trafficking in human beings: 1) prevention; 2) protection of victims; 3) criminal investigation, prosecution and trial; 4) partnership of competent authorities and organizations on the national and international level (*prevention; protection, prosecution, partnership*).<sup>4</sup> It should be emphasized that in this research the Ombudsman will mostly cover the 1st, 2nd and 4th principle in the work of surveyed institutions, and will not cover the issues concerning criminal investigation.

Therefore the objectives of this research of the Ombudsman are:

- 1) to collect statistics on the recognized cases of trafficking in human beings at the local municipality level and the actions the institutions took in these instances;
- 2) to assess the understanding of institutions regarding trafficking in human beings and the awareness of their role in cooperation between institutions;
- 3) to collect opinions of employees of local municipalities regarding the causes and means of prevention of trafficking in human beings as well as the necessity for further training;
- 4) to provide recommendations for improvement of inter-institutional cooperation.

For the purposes of this research the Ombudsman conducted an extensive survey during the second half of 2016 by approaching 139 local orphan's and custody courts<sup>5</sup> (hereinafter – orphan's court), 119 local social services and 28 branch offices of the State Employment Agency. Replies from 126 orphan's courts<sup>6</sup>, 104 local social services<sup>7</sup> and 26 branch offices of

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<sup>4</sup>Cabinet Guidelines On Prevention of Trafficking in Human Beings, 2014 - 2020, p.8.

<sup>5</sup>Already after the survey was conducted in 2016 decisions were made to merge the orphan's court of Lielvārde region with the orphan's courts of Lielvārde, Lēdmane and Jumprava, as well as the orphan's courts of Gulbene Region and city with the orphan's court of Jaungulbene, Lejasciems, Litene, Lizums and Ranka. In the beginning of 2017 132 orphan's courts operate in Latvia.

<sup>6</sup>In the survey replies were not received from the orphan's courts of Aglona region, Burtnieku region, Daugavpils region Naujene parish, Ērgļi region, Gulbene region Lejasciems, Ilūkste region, Kocēni region, Lielvārde region Lēdmane and Jumprava, Naukšēni region, Sēja region, Talsi region and Vecpiebalga region.

<sup>7</sup>In the survey replies were not received from the local social services of Aizpute region, Aknīste region, Aloja region, Alūksne region, Beverīna region, Cibla region, Engure region, Naukšēni region, Nereta region, Riebiņi region, Salaspils regions, Siguldas region, Skrīveri region, Varakļāni region and Viļaka region.

the State Employment Agency<sup>8</sup> were received. Besides, during the course of development of the research employees of the Office of the Ombudsman met with non-governmental organizations - the association “Shelter “Safe House”” and the association “Resource centre for women Marta”, that provide state funded social rehabilitation services to victims of trafficking in human beings. In addition, the non-governmental organizations were asked to provide written information regarding results of their activities and their views on cooperation between institutions. Written information was received from the association “Shelter “Safe House”” whereas, unfortunately, the association “Resource centre for women Marta” failed to provide a reply to the request for information. Additionally, written information was supplied by the Ministry of the Interior. The information, acquired within two years through participation in the working group for coordination of the implementation of the Guidelines On Prevention of Trafficking in Human Beings 2014 - 2020, organized by the Ministry of Interior, was also a useful resource.

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<sup>8</sup> In the survey replies were not received from Daugavpils and Rēzekne branch offices of the State Employment Agency.

## Experience of Institutions in Trafficking in Human Beings

The human rights-based approach shall be integrated into all activities for combating trafficking in human beings, in the work of local municipalities and their partners. Trafficking in human beings constitutes a gross violation of human rights as well as violation of integrity and dignity of victims. Applying human rights-based approach means that the rights of persons exposed to trafficking in human beings shall be in the centre of all efforts, in order to prevent and combat trafficking in human beings and to protect, assist and provide redress to victims.<sup>9</sup> The European Union law stipulates that the Member States shall take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations.<sup>10</sup>

The publicly available information shows that in 2014 34 victims of trafficking in human beings were formally identified in Latvia, 12 - in 2015, and 17 - in 2016. Accordingly, in total 63 victims of human trafficking were identified in the country during the time period from 2014 - 2016. Also 8 minors – victims of human trafficking, subjected to trafficking inside the country, were identified during the time period since 2012.<sup>11</sup> Comparing the data of the official statistics, it becomes apparent that only a comparatively small number of identified victims of trafficking in human beings have been into contact with the surveyed institutions. According to the results of the survey only 13 local social services<sup>12</sup> and 13 orphan's courts have had a previous experience of human trafficking in the local municipalities<sup>13</sup>.

In turn, the branch offices of the State Employment Agency provided identical replies, indicating that no cases of trafficking in human beings have been identified in the work of institutions. Furthermore they emphasized that the State Employment Agency is not authorized to identify the victims of trafficking in human beings under the Cabinet Regulation No.889, adopted on 31 October 2006. From the view of Ombudsman it should be noted that this Cabinet Regulation stipulates the procedures, by which a person who has been recognised as a victim of the trafficking in human beings shall receive social rehabilitation services covered by the State budget, and the criteria for making the relevant decision. However, the survey of the Ombudsman included a number of questions about the cooperation models of institutions, and the term “identification” used in the survey included also recognition and referral to the responsible authorities. Therefore, these questions covered a wider spectrum of involvement

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<sup>9</sup> Secretariat of the Council of Baltic Sea States, Ministry of Interior of the Republic of Latvia. Guidelines for Municipalities - Stepping up Local Action Against Human Trafficking in the Baltic Sea Region, p.10.

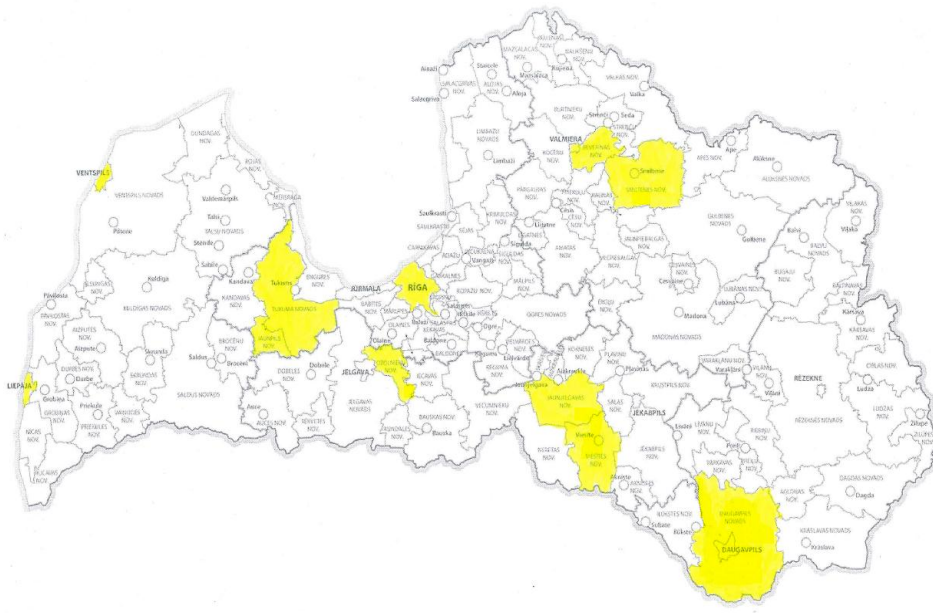
<sup>10</sup> Article 11(4) of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

<sup>11</sup> GRETA, “Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, Second evaluation round, 2016, p.7.

<sup>12</sup> Local social services of Liepāja city, Grobiņa region, Saldus region, Kandava region, Tukums region, Jelgava region, Bauska region, Valmiera city, Strenči region, Cēsis region, Jaunjelgava region, Pļaviņas region and Madona region.

<sup>13</sup> Local orphan's courts of Liepāja city, Ventspils city, Tukums region, Jaunpils region, Ozolnieki region, Riga city, Jaunjelgava region, Viesīte region, Daugavpils city, Daugavpils region Skrudaliena, Smiltene region, Valmiera city, Beverīna region.

than just the formal process of granting the social rehabilitation services as stipulated by the regulation of the Cabinet of Ministers. Nonetheless it can be concluded from the replies that the employees of the State Employment Agency have not previously recognized any potential victims of human trafficking.

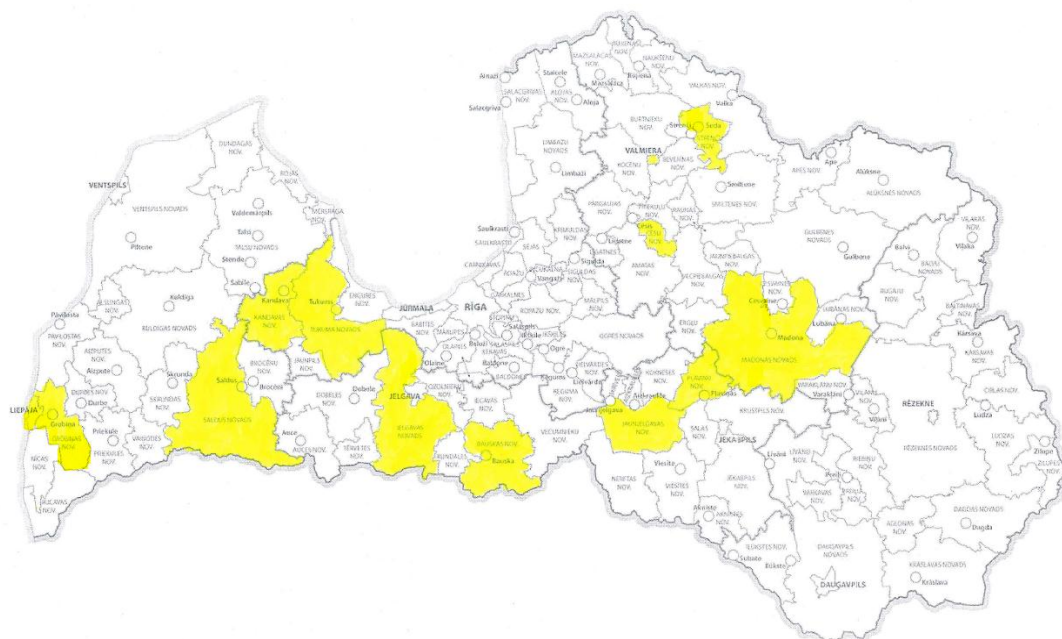


In addition to the information reflected on the map regarding victims of human trafficking, one orphan's court also noted that it had received information about recruitment for sham marriages and had forwarded the information to the State Police.<sup>14</sup> Another municipality indicated that it had inquired the State Police regarding the circumstances of a criminal case of sham marriage in the territory of the local municipality.<sup>15</sup> One orphan's court noted that it has received information about the conviction of a inhabitant of the municipality abroad for

<sup>14</sup> A letter No. 1-14/909 of Kandava Region Orphan's Court, dated 23 September 2016.

<sup>15</sup> Letter No. 1-14/594 of Vecumnieki Region Orphan's Court, dated 23 September 2016.

participation in human trafficking for the purpose of exploitation.<sup>16</sup> Another orphan’s court indicated that a person had approached the institution with a request to help to prepare necessary documents to divorce a foreign spouse. It was established during the discussion that marriage was fictitious, and a criminal case had been initiated.<sup>17</sup>



Additionally, one social service provided information that, although no victims were identified, information was received regarding the recruitment in the territory of local municipality<sup>18</sup>. One social service also informed that there have been two cases, where the employees have had suspicions of forced prostitution and conclusion of sham marriage, but,

<sup>16</sup> Letter No.1-15/ 498 of Aizkraukle Region Orphan’s Court, dated 3 October 2016.

<sup>17</sup> Letter No.1-16/270 of Ķegums Region Orphan’s Court, dated 19 October 2016.

<sup>18</sup> Letter No. 2332/1.-9.2 of Talsi Region Social Service of 29 September 2016.



unfortunately, the persons did not want to discuss these topics with employees of the social service.<sup>19</sup> Another social service, to whom such information on possibility of trafficking had been provided by another institution, indicated similar issues of communication.<sup>20</sup> One social service also provided a reply, indicating that there have not been officially identified cases of human trafficking in their municipality. More often there have been instances where recruitment agencies have requested money from the people for traveling and hotel costs, while promising a work position abroad. However after the arrival in the destination country, no work position had been provided and no previously paid money returned. As a result, these people have found themselves in a foreign country without the knowledge of the official language, work position or savings, yet even more money was requested for return expenses. After the return, these people don't consider themselves victims of trafficking and only approach the social services to obtain the financial allowances for persons and families with low income.<sup>21</sup>

The results of the survey show that in most cases information about particular cases of human trafficking to the local municipality institutions is provided by other institutions - Consular Department of the Ministry of Foreign Affairs, the State Police, embassy of the particular country<sup>22</sup>. The association "Shelter "Safe House"" confirmed, that in the majority of the cases the persons are referred to rehabilitation services for victims of human trafficking by the State Police after initiation of criminal proceedings.<sup>23</sup>

In some cases there has been more involvement of municipality institutions. Some institutions indicated cooperation with the social rehabilitation service provider when providing assistance to the victim of human trafficking.<sup>24</sup> Furthermore the Ombudsman also received information that at the end of 2016 one orphan's court had referred an unaccompanied minor (a foreign national who had arrived to Latvia without a legal guardian), for the assessment procedure necessary for granting the social rehabilitation service.<sup>25</sup> Another social service informed that a person approached the institution already after receiving the social rehabilitation service in the capital, and the local municipality provided the necessary financial aid for low-income persons and families.

As indicated above, the reasons, why persons have approached institutions, vary. For example, person has applied for social housing or financial aid (food, health care, child support etc.). It may have been person's own initiative to contact the authorities, or the information might have been provided by friends or relatives. Additionally information can be forwarded by the employees of police and border guard to commence social work with a person.

The acquired information indicates that trafficking in human beings does not only concern certain regions or bigger cities of Latvia contrary to what some municipalities had suggested in their answers. Cases of trafficking in human beings are recognized in various regions and towns of Latvia. Besides, victims of trafficking in human beings come into contact with the employees

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<sup>19</sup> Letter No.1-23/176 of Inčukalns Region Social Service of 26 August 2016.

<sup>20</sup> Letter No. 1-14/481 of Vecpiebalga Region Municipality Social Service of 13 October 2016.

<sup>21</sup> Letter of Daugavpils City Municipal Institution Social Service of 3 October 2016.

<sup>22</sup> Letter No. 1-14/596 of Daugavpils Region Skrudaliene Orphan's Court of 2 December 2016.

<sup>23</sup> Letter No.5-1/21 of the union "Safe Shelter of 10 October 2016.

<sup>24</sup> For example, a reply from Liepāja City Social Service.

<sup>25</sup> Letter No.1-14/ 5904 of Daugavpils City Orphan's Court of 23.11.2016

of municipality institutions in various statuses: after the initiation of the criminal proceedings or after receiving the social rehabilitation services as well as before any other institution has recognized the potential victim, or even before the person has been exposed to trafficking in human beings. However, these are rare cases when the surveyed local government authorities recognize victims of trafficking in human beings and refer them for further assistance themselves. The answers also show that the available support in local governments differs. Additionally, there are differences in the cooperation models the institutions implement after receiving information on the potential case of trafficking in human beings.

In accordance with “EU Strategy towards the Eradication of Trafficking in Human Beings”, Member States of the European Union should provide establishment of formal, functional National Referral Mechanisms. These mechanisms should describe procedures to better identify, refer, protect and assist victims and include all relevant public authorities and civil society. The development of criteria for the identification of victims should be included, to be used by all those involved.<sup>26</sup>

The 29th task included in the Guidelines On Prevention of Trafficking in Human Beings, 2014-2020 provides for the state to improve the National Referral Mechanism in order to better identify victims of trafficking in human beings, refer, protect and assist them. It was stated that this task should be fulfilled by Year 2014, determining the Ministry of Interior as the responsible institution with involvement of the Ministry of Justice, the Ministry of Welfare, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Education and Science as well as the General Prosecutor’s Office, non-governmental organizations and local municipality governments. The National Referral Mechanism requires the parties to perform their duties in order to protect the human rights of victims of trafficking in human beings, while coordinating their efforts in strategic cooperation with civil society. In short, the National Referral Mechanism determines, what activities are to be performed in each individual case of human trafficking, explains the stages, determines the responsible persons and authorities in each stage of cooperation, and determines the manner, in which the support is to be provided.<sup>27</sup>

The Criminal law of Latvia defines the concept of trafficking in human beings and determines the offense as criminally punishable. Besides, in other legal acts the basic principles for social assistance are determined, authorities that perform formal identification of a victim of trafficking in human beings are established, criteria are determined for granting the social rehabilitation service and it is explained what the social rehabilitation service shall consist of. Objectives are proposed for combating trafficking in human beings in Latvia within the framework of the policy planning documents. There are several methodological materials and guidelines trying to specify models of conduct for certain authorities encountering the potential human trafficking victims.

In several countries the National Referral Mechanism is included in the form of a specific document, defining competences and tasks of authorities. As explained previously such information in Latvia is to be found in a number of legal acts and sources of information with

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<sup>26</sup> The project “Preventing Human Trafficking and Sham Marriages: A Multidisciplinary Solution”. Methodological material: Curtailing of exploitative sham marriages: multiplier training, page 24.

<sup>27</sup> See County Administrative Board of Stockholm. National Referral Mechanism: Protecting and supporting victims of Trafficking in Human Beings in Sweden. Report: 2016.

varying enforceability and degree of recognition among the relevant authorities. Even many of the surveyed authorities indicated that development of a uniform methodology on the national level would promote better understanding on how to act in concrete cases in order to better facilitate identification of human trafficking victims.<sup>28</sup> Employees from social services should be involved in the development of methodology so that the result would be practically applicable for social services taking into account the resources that are available to them.<sup>29</sup> One of the local municipality institutions indicated sharply that such a lack of uniform methodology is detrimental, because in case of suspicions it is not clear how to behave, what to do and who to approach.

Acknowledging the lack of a uniform formal referral mechanism, the Ombudsman wanted to inquire, whether the current mechanism in the form of several regulatory enactments and methodological sources is sufficiently clear to authorities entrusted to apply it in practice. The replies of the survey show that the previous experience of authorities in providing support is comparatively small, and furthermore in these cases it has not always been immediately clear, how to act after receiving an information on particular case. Therefore it is to be concluded, *prima facie*, that authorities need additional guidelines for implementation of institutional cooperation models in order to better provide assistance in human trafficking cases. However, in order to make broader conclusions on how prepared the authorities are to provide assistance for the victims of trafficking in human beings, other aspects must be evaluated as well.

There are various conditions that may affect how efficiently the institutions can provide the necessary support in the cases of trafficking in human beings:

- 1) employees' understanding of the concept of human trafficking and the ability to recognize the potential risks and signs of trafficking in human beings while interacting with the clients of the institution;
- 2) employees' awareness of the human trafficking victims' protection mechanisms and inter-institutional cooperation in order to provide necessary assistance,
- 3) employees' awareness and interest in the risks of human trafficking that are specific to a concrete municipality, ability to gain clients' trust and activity in providing information to the clients about the risks of trafficking in human beings.

The further chapters of this research will deal with specific aspects indicated above, that were also elaborated through the survey.

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<sup>28</sup> For example, the letter No. 1-14/234 of Vecumnieki region Social Service of 30 September 2016, the letter No. 1-5/164 of Viesīte region Social Service of 18 August 2016.

<sup>29</sup> A reply provided by Strenči Region Social Service.

## Training of the Employees on the Issues of Identification of Trafficking in Human Beings

When assessing the awareness of the authorities regarding their role in the mechanism for prevention and combating of trafficking in human beings, the training of the employees of the institutions is one of the most important criteria. The Guidelines On Prevention of Trafficking in Human Beings for 2014 - 2020 also emphasize that “it is essential to promote understanding of the professionals on trafficking in human beings, risks and consequences of trafficking in human beings, identification of the current and potential victims of trafficking in human beings, as these officials are working with members of association exposed to the risk of trafficking in human beings on a daily basis.” The requirements to provide training for professionals are determined also by the norms of the Directive of the European Union. Namely, that civil servants and officials likely to come into contact with victims or potential victims of trafficking in human beings should be adequately trained to identify and deal with such victims. That training obligation should be promoted for members of the following categories when they are likely to come into contact with victims: police officers, border guards, immigration officials, public prosecutors, lawyers, members of the judiciary and court officials, labour inspectors, social, child and health care personnel and consular staff, but could, depending on local circumstances, also involve other groups of public officials who are likely to encounter trafficking victims in their work.<sup>30</sup>

When assessing information regarding the current training offered in the period between 2014 and 2016, it should be emphasized that only employees of Riga municipality have had access to regular (annual) training for identification of cases of trafficking in human beings.<sup>31</sup> Whereas elsewhere in Latvia the training takes place within the framework of specific projects, organized by the state in cooperation with non-governmental organizations, for the most part using funding from foreign funds and institutions. Several orphan’s courts also indicated that some lectures on the topic of human trafficking were provided at the qualification building seminars for the employees of orphan’s courts, that were organized by the State Inspectorate for Protection Of Children's Rights in cooperation with association “Shelter “Safe House””. According to the information provided, an educational programme developed by the Ministry of Welfare regarding protection of the children’s rights also includes topics on trafficking in human beings.<sup>32</sup> Only few municipalities indicated that they have individually invited lecturers to provide training on the particular topic.

Certain social services emphasized that knowledge on the topic of trafficking in human

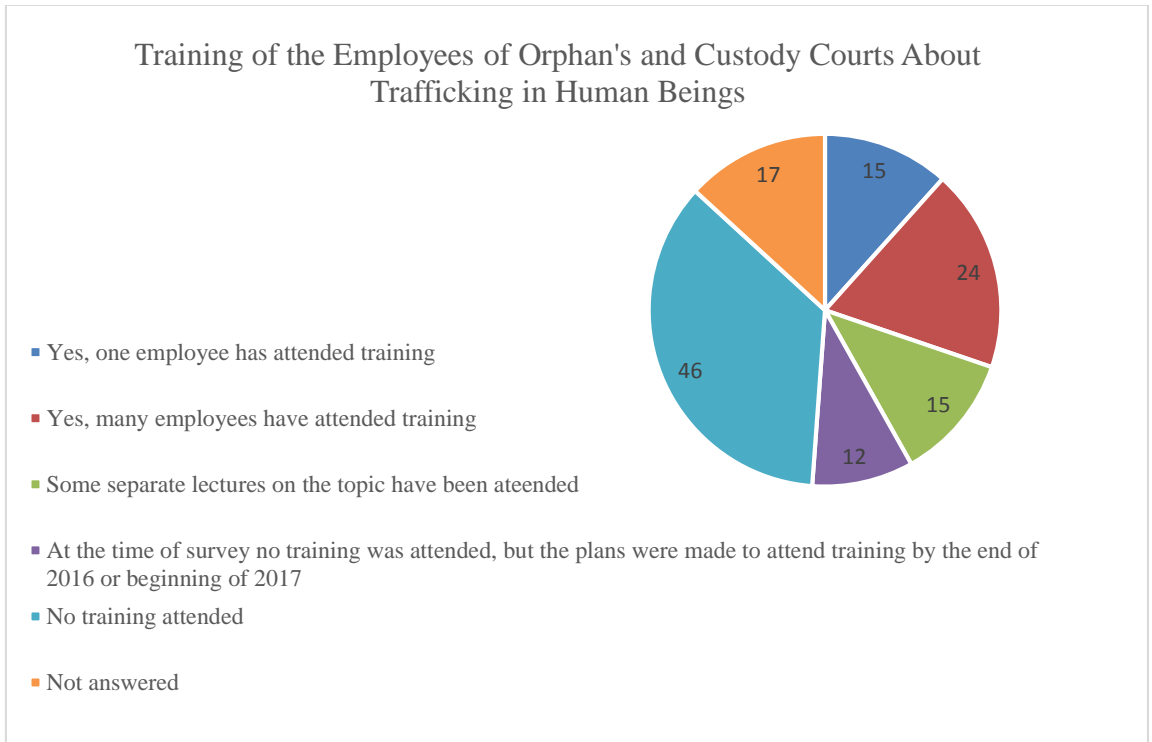
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<sup>30</sup> 25th consideration of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

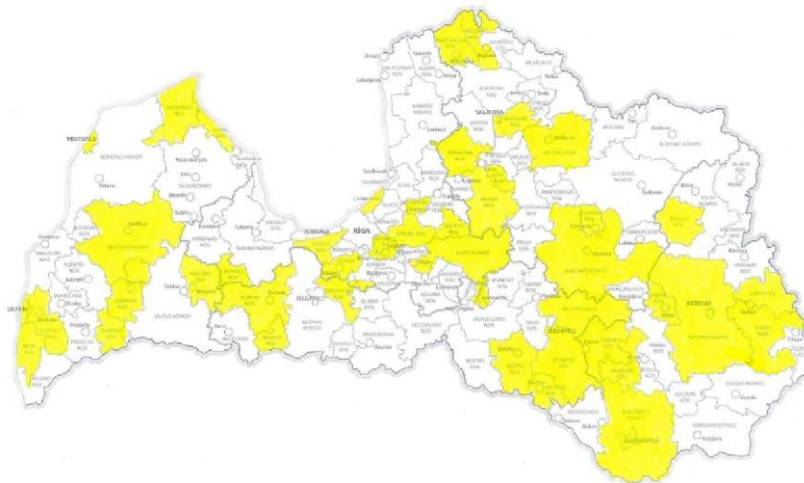
<sup>31</sup> Since 2010 Riga municipality implements the project “Preventive measures for elimination of trafficking in human beings”, through which the training for employees of local government authorities are offered each year. Approximately 3500 euro are granted for the above mentioned purpose from the budget of the Riga municipality annually. For example, 20 municipal police officers and 85 social employees and social teachers of schools have participated in training in 2015.

<sup>32</sup> GRETA, “Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, Second evaluation round, 2016, p.11.

beings has been obtained during acquisition of the university education. The course “Trafficking in human beings. Issues and solutions” in the scope of 40 classes is provided by Liepāja University<sup>33</sup>, while the topic of trafficking in human beings is one of the ten topics discussed during the University of Latvia's master's level course “Social Work with Vulnerable Groups of Clients” that consists of of 32 classes.<sup>34</sup>



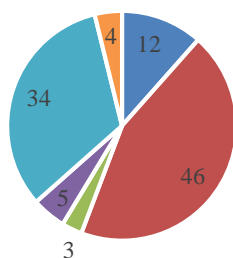
The orphan's courts in which at least one employee had attended the training on human trafficking at the time of conducting the survey



<sup>33</sup>A reply from the Social Service of Liepāja City Council.

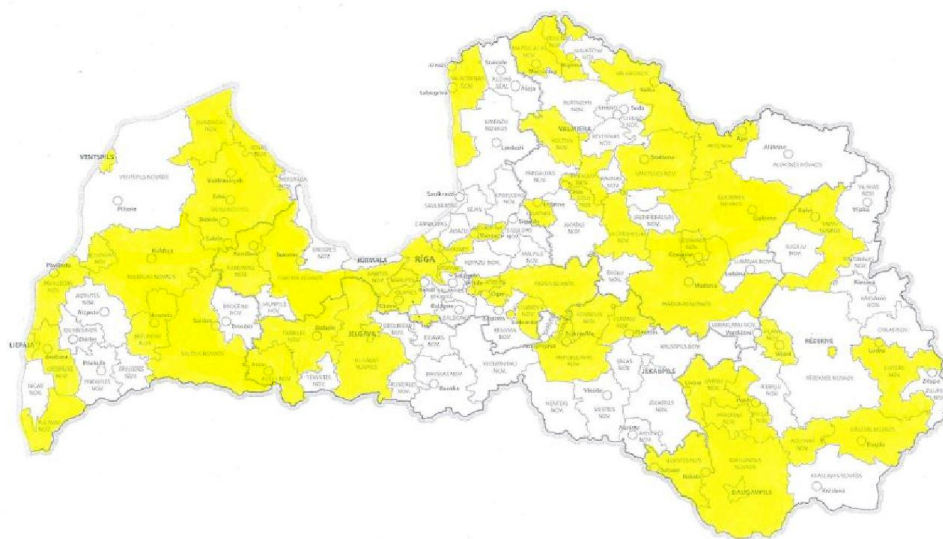
<sup>34</sup> University of Latvia, course "Soci5067: Social Work with Vulnerable groups of Clients".

## Training of the Employees of Social Services About Trafficking in Human Beings



- Yes, one employee has attended training
- Yes, many employees have attended training
- The training was acquired during University education
- At the time of survey no training was attended, but the plans were made to attend training by the end of 2016
- No training attended
- Not answered

## The Social services in which at least one employee has attended the training on human trafficking at the time of conducting the survey



The results of the survey show, that in 46% of orphan's courts<sup>35</sup> and 36.5% of social

<sup>35</sup> Orphan's courts of Limbaži city, Limbaži region municipality Skulte and Vidriži parish, Katvari and Umurga parish, Limbaži, Viļķene and Pāle parish, Viļaka region, Zilupe region, Mērsrags region, Nereta region, Ogre region parishes, Salacgrīva region, Jaungulbene region, Jaunjelgava region, Saldus region, Jūrmala city, Saulkrasti region, Kārsava region, Koknese, Krāslava region, Ķegums region, Ķekava region, Daugavpils region Višķi parish, Durbe region, Gulbene region Litene parish, Lizums parish, Ranka parish, Ikšķile region, Aloja region, Strenči region, Tukums region, Varakļāni region, Alsunga region, Baltinava region, Balvi region, Bauska region, Pāvilosta region, Pļaviņas region, Priekule region, Priekule parish, Liepa parish, Priekule parish, Rauna region, Rēzekne region Malta parish, Vērēmi parish, Riebiņi region, Rucava region, Rundāle region, Sigulda region, Jelgava city, Ape region, Auce region, Baldone region, Vecumnieki region, Alūksne region, Engure region, Kandava region, Jelgava region, Mārupe region, Līgatne region.

services<sup>36</sup> none of the employees had attended the training on the issues of trafficking in human beings by the autumn of 2016. Out of that number - 9% of orphan's courts<sup>37</sup> and approximately 5% of social services<sup>38</sup> confirmed that they plan to attend the training by the end of 2016 and in the beginning of 2017. Approximately 13% of orphan's courts<sup>39</sup> and 4% of social services<sup>40</sup> failed to provide replies to the question, which, most probably, allows to make conclusions regarding attendance of training also in these local municipalities.

It should be noted that all branch offices of the State Employment Agency provided information that their employees have not participated in the training regarding identification of victims of trafficking in human beings. At the same time it was indicated that high quality training on the trafficking in human beings for employees of the agency is needed.

The institutions were also asked what obstacles have hindered the attendance of training. Mostly the institutions responded that they take into account the needs of employees when choosing training options and since the particular topic is not the most crucial part of their daily work, training on other topics gets prioritized over training on human trafficking. One of the institutions also explained the lack of training by stating that the topic of human trafficking is not so crucial in their daily work as the municipality is located near Riga, where the human trafficking is not so usual.<sup>41</sup> Certain municipalities indicated the lack of the geographical availability, emphasizing that majority of training takes place in Riga, rather than in more remote regions of Latvia. Such aspects as lack of information about the training opportunities as well as excessive workload of employees were also identified as obstacles to attend training. For example, some institution expressed an opinion that, considering the workload of the social service and increasing amount of duties delegated to the institution, it is difficult to find employees, who would be willing to spend their work hours training on a topic that at least currently is not very useful in the everyday work of the institution.

In turn, the authorities with previous training experience, mostly were satisfied with the training opportunities. Certain training courses received especially high assessment from the attendants. For example, some authorities exclaimed that the training has given them the necessary impulse to be more active in educating the clients on the topic of human trafficking, envisioning their contribution to the prevention.<sup>42</sup> At the same time some authorities also

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<sup>36</sup> Social services of Viesīte region, Zilupe region, Ķegums region, Ķekava region, Krustpils region, Krimulda region, Nīca region, Pārgauja region, Priekule region, Rauna region, Rēzekne region, Ropaži region, Rugāji region, Limbaži region, Lubāna region, Rundāle region, Mālpils region, Mērsrags region, Durbe region, Ērgļi region, Jēkabpils region, Iecava region, Kārsava region, Jaunpiebalga region, Jaunpils region, Ādaži region, Baltinava region, Bauska region, Brocēni region, Burtnieki region, Carnikava region, Sala region, Saulkrasti region, Strenči region, Tērvete region, Vaiņode region, Ventpils region, Vecumnieki region.

<sup>37</sup> Orphan's courts of Līgatne region, Viļaka region, Mārupe region, Jelgava region, Kandava region, Engure region, Alūksne region, Vecumnieki region, Ape region, Auce region, Baldone region.

<sup>38</sup> Social services of Rundāle region, Burtnieki region, Carnikava region, Strenči region, Vecumnieki region.

<sup>39</sup> Lubāna region, Jaunpiebalga region, Sala region, Skrīveri region, Krimulda region, Lielvārde region Lielvārde, Aizpute region, Daugavpils region Līksnas, Garkalne region, Gulbene city, Iecava region, Valka region, Ādaži region, Dagda region, Jēkabpils city. In its turn Riga City Orphan's Court indicated in the reply that employees are informed about providing training, but the statistics is not created in its terms, therefore it was not possible to make a certain conclusion regarding attendance of training.

<sup>40</sup> Krāslava region, Jēkabpils city, Jūrmala city, Amata region, Sēja region municipalities.

<sup>41</sup> Letter No.1-3/133 of Ādaži region Social Service of 13 October.

<sup>42</sup> See Section "Activity of Authorities on Information of Customers Regarding the Issues of Trafficking in Human

indicated that more training opportunities should be made available for the specialists in regions, so that more employees could receive training.

Guidelines on Prevention of Trafficking in Human Beings for 2014 - 2020 exposed various shortages in the education work during the previous planning period. Namely, it was indicated that no funds of the State budget were granted for organization of training for professionals. Training of professionals wasn't organized in the regions of Latvia and generally only non-governmental organizations are responsible for training of professionals.<sup>43</sup>

Evaluating the situation at the end of 2016, it is to be established that there have been only slight changes, and currently the organization of broad and purposeful training is hindered by the lack of available funding.

In accordance with the 4th task of the Guidelines On Prevention of Trafficking in Human Beings for 2014 - 2020 the State Police has been established as the responsible authority (involving: the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Welfare, the Ministry of Economy, the Office of Ombudsman, non-governmental institutions and local governments) to provide training of employees of the State Police and municipal police, border guards, prosecutors, social workers, consular officials, labour inspectors, employees of orphan's courts, the State Inspectorate for Protection Of Children's Rights and Office of Citizenship and Migration Affairs as well as persons involved in the tourism industry regarding the issues of trafficking in human beings and protection of the children's rights. The necessary funding for fulfilment of the above mentioned task as of 2015 and further on each year was specified in the amount of 4098 *euro*.<sup>44</sup> In accordance with the information provided by the Ministry of the Interior, funding for implementation of the state policy planning document "Guidelines on Prevention of Trafficking in Human Beings for 2014 - 2020" is not separated in the budgets of the state authorities as a separate position. Additional funding for implementation of the new policy initiative "Preventive Measures for Trafficking in Human Beings" was not granted from the state budget, and the duties set by "Guidelines on Prevention of Trafficking in Human Beings for 2014 - 2020" were left to be performed within the framework of the current budget of institutions (also for the fulfilment of the 4th task). However, the activity of the Ministry of Interior should be noted positively. The ministry has participated in various international projects attracting additional funding from foreign foundations and institutions in order to perform the delegated functions providing co-funding from the State budget. The Ministry of the Interior has informed the Ombudsman that it has provided funding of 66 160 *euro* from the State budget for implementation of activities of the HESTIA project in 2016. Additionally the Ministry of the Interior provided the funding in the amount of 5 239 *euro* from the State budget within the framework of the STROM II project in 2016.<sup>45</sup> With that being said, the training of the officials is still provided only within the framework of certain projects and initiatives of ministries and non-governmental organizations. Currently in Latvia there is no systematic state policy to implement training programs for

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Beings".

<sup>43</sup> Cabinet Guidelines on Prevention of Trafficking in Human Beings for 2014 - 2020, available at: , 20.-21.lpp.

<sup>44</sup> Ibid, page 45.

<sup>45</sup> Ministry of the Interior. Information on the work performed by Latvia in the area of prevention and combating of trafficking in human beings in 2015 for preparation of 2017 Trafficking in Persons Report, 2016.



relevant authorities on the topic of human trafficking.

According to the acquired information, only Riga municipality so far has financially supported the training for employees of local authorities in the area of trafficking in human beings. It should be emphasized that the Law On Local Governments stipulates functions in the area of both, protection of the children's rights as well as provisions of social support, and the qualification of employees of local authorities is crucial for the implementation of these functions. While the Ombudsman is aware of the fact that the budgets of local governments differ significantly, the local governments are still invited to focus attention on the qualification-building of its' employees to improve their work with the vulnerable groups of persons, as well as to consider a possibility of cooperation with non-governmental organizations to provide training for employees.

Additionally, also information exchange between local governments and responsible authorities on the need for the training should be promoted. It should be noted that the collection of statistics regarding availability of training would be useful tool for development of the state policy. The Group of experts of the European Council on action against trafficking in human beings - GRETA has invited the government to establish and maintain comprehensive system of statistics on the issues of trafficking in human beings<sup>46</sup>, and it would be useful to include in it also information on the training activities and the reached target audience.

Information collected during this research confirms that employees of local orphan's courts and social services, and even more - the employees of the branch offices of the State Employment Agency lack opportunities to obtain knowledge on the issues of trafficking in human beings. The Ombudsman invites the state to provide the ministries with sufficient resources to provide regular and comprehensive training to employees of authorities, considering also cooperation with the local governments.

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<sup>46</sup> GRETA, "Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, Second evaluation round, 2016, p.12.

## Availability of Informational Materials

Within the framework of the survey, upon assessing availability of information for the surveyed authorities, the Ombudsman wanted to find out, which of the informational materials institutions recognize and use in their work.

The operation of the state informational website on the topic of elimination of trafficking in human beings and current activities in Latvia– is to be assessed positively. The website collects both, the current information on the implementation of the state policy as well as information published on mass media. Besides, there are methodological materials for professionals of various fields collected on the website. It should be noted that since 2014 several informational materials have been developed particularly for the local government authorities. Thus, in December 2014 Guidelines to Prevent Abusive Recruitment, Exploitative Employment and Trafficking of Migrant Workers in the Baltic Sea region were published<sup>47</sup>; the Ministry of Welfare has developed Methodological recommendations for local social services on work with victims of trafficking in human beings, and in 2015 the Methodological material for social workers on elimination of trafficking in human beings has been published<sup>48</sup>. After the survey was conducted, the methodological material “Reduction of Exploitative Sham Marriages: Training for Trainers Training” was published at the end of 2016.<sup>49</sup> Several informational materials are prepared within the framework of joint cooperation between the Baltic Sea countries: such as 2015 Guidelines “Guidelines Promoting the Human Rights and the Best Interests of the Child in Transnational Child Protection Cases” as well as Guidelines of Council of the Baltic Sea States and the Ministry of the Interior for local government “Stepping up Local Action Against Human Trafficking”.

Contrarily, more information should be provided on the websites of non-governmental organizations, to which the functions of provision of social rehabilitation services are delegated. For example, when opening the home-page of the association “Resource centre for women “Marta””, it was not possible to find information on the fact that the association provides the state-budget funded social rehabilitation services to victims of trafficking in human beings. Instead the webpage provides only information about the support phone, as well as general information that consultations of the social worker, psychologist, psychotherapist, lawyer and other professionals may be obtained in the association. More detailed information on the trafficking in human beings is available on the website of the association “Shelter “Safe House”” in a chapter on trafficking in human beings. The website also contains information on the 24/7 trust phone for prevention of trafficking in human beings as well as information about other authorities to approach for help. However, also this association failed to indicate on its website that they provide state funded social rehabilitation services and failed to provide

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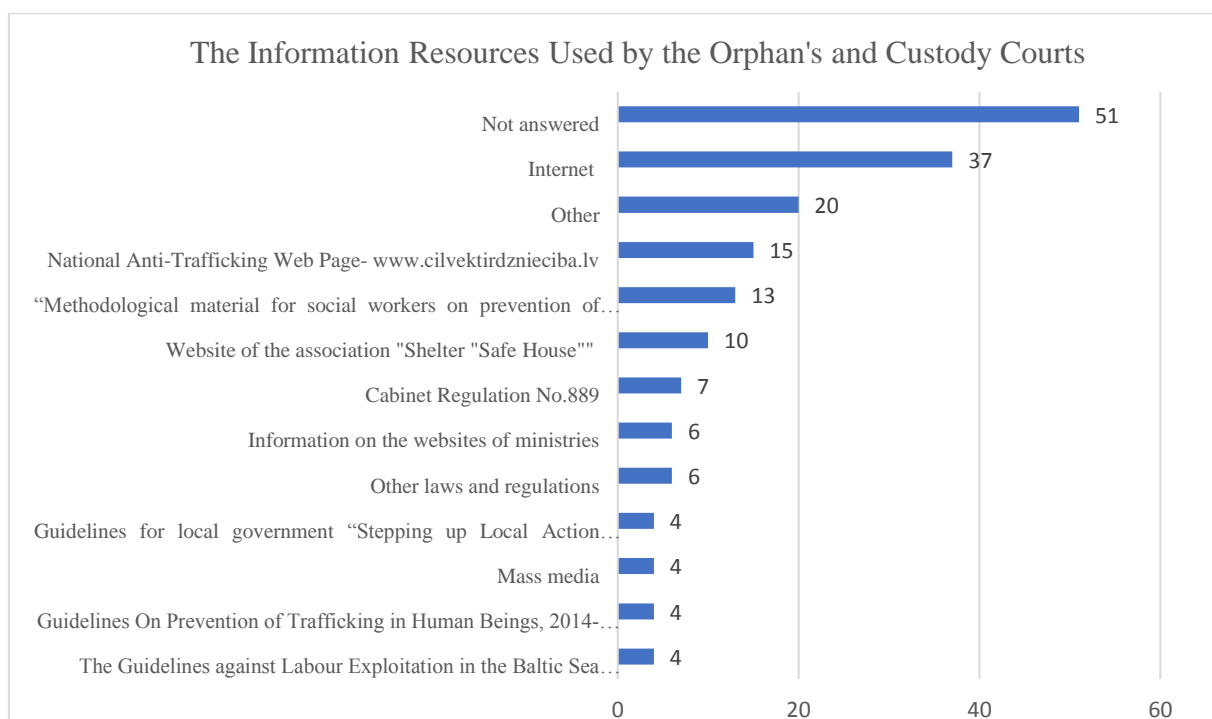
<sup>47</sup>“Guidelines for migrant workers abusive recruitment, exploitation and trafficking prevention in the Baltic Sea Region” were developed within the framework of ADSTRINGO projects funded by the EU and Swedish Institute.

<sup>48</sup> Methodological material was developed within the framework of “Multidisciplinary initiative to restrict human trafficking”, which is financially support by Island, Lichtenstein and Norway. The material was prepared by the association “Shelter “Safe House””.

<sup>49</sup>The material was developed within the framework of the HESTIA project “Preventing Human Trafficking and Sham Marriages: A Multidisciplinary Solution”. The project was implemented by the financial support of the European Commission.

information on what the service entails. The Ombudsman would propose both non-governmental organizations to urgently update the information available on websites, describing the content of the support and process for granting the service. The Ombudsman would also invite the non-governmental organizations to supplement their websites with information that would be addressed in particular to employees of authorities, thus promoting awareness of these non-governmental organizations in regions of Latvia and promote cooperation between authorities in Latvia.

The replies of the survey show that the internet is a widely used source of information for the municipality authorities. Thus, for example, all branch offices of the State Employment Agency indicated that in case of need the information would be searched on the internet, without providing more detailed information on particular websites.



First of all, it should be emphasized that a significant number of orphan's courts did not reply to the question about the information sources. Similar to the branches of the State Employment Agency, orphan's courts mostly indicated that they would search for necessary information on the internet. Certain orphan's courts distinguished the state's informational web resource on the topic of elimination of trafficking in human beings and current events in Latvia (12% of surveyed orphan's courts) and website of the association "Shelter "Safe House"" (8% surveyed orphan's courts). The orphan's courts also distinguished certain methodological materials: the "Methodological manual for social workers on prevention of trafficking in human beings" of the association "Shelter "Safe House"" (10% of surveyed orphan's courts) and "Guidelines to Prevent Abusive Recruitment, Exploitative Employment and Trafficking of Migrant Workers" (3% of the surveyed orphan's courts). 5.5% of orphan's courts indicated that they use the Cabinet Regulation No.889, adopted on 31 October 2006 for information.

Different layers of interpretation make it difficult to distinguish the child trafficking from other forms of exploitation. It is particularly complicated to identify, which children are

in the group of risk, to recognize the cases of trafficking in human beings or to recognize trafficking before the person has been subjected to exploitation or before crossing the border.<sup>50</sup> It should be noted that currently there are no methodological materials available, explaining the possible cooperation models between institutions, in particular for orphan's courts of Latvia, and there is comparatively small number of materials on the issues of trafficking in minors. The "Guidelines Promoting the Human Rights and the Best Interests of the Child in Transnational Child Protection Cases" of Council of the Baltic Sea States Secretariat are to be mentioned as an exception. Although these guidelines are meant for a large number of member states of the Council of the Baltic Sea States in relation to migration issues, they also provide insight into the work with the children victims of trafficking in human beings, who would essentially come into contact with the orphan's courts. Drafting separate guidelines for the employees of orphan's courts and other officials for work with minor persons should be considered.

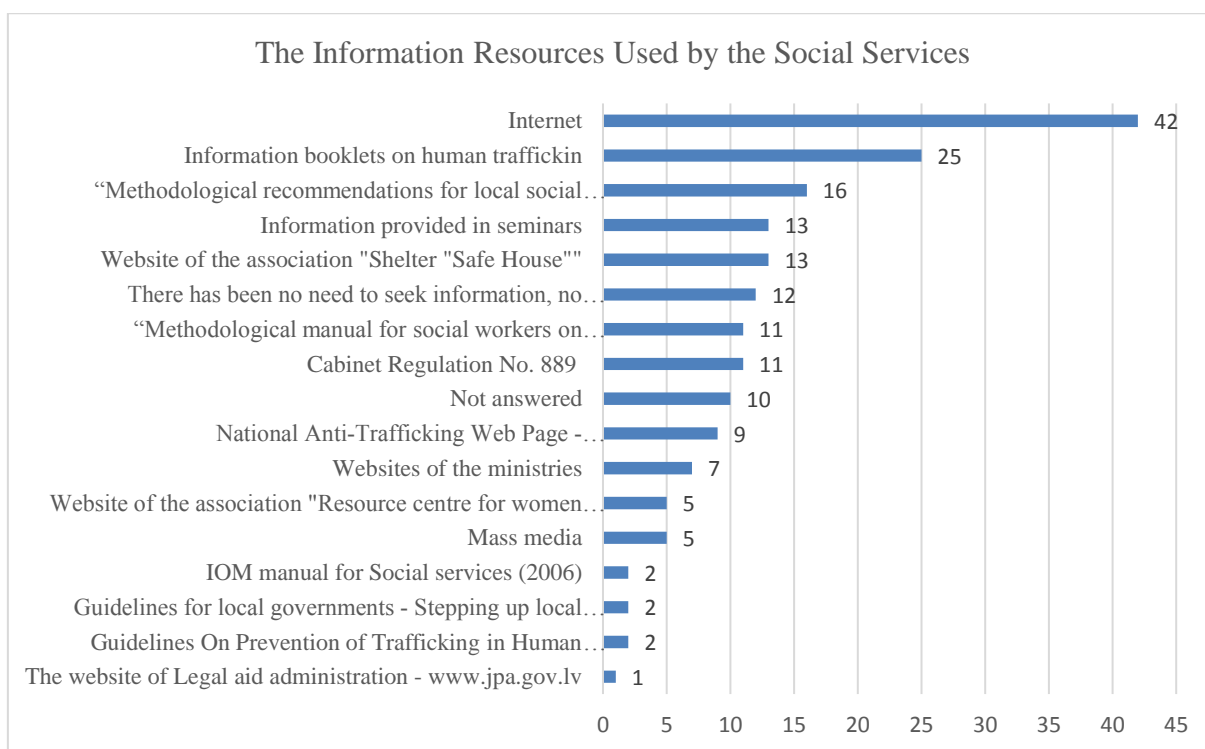
Considering the conclusions of the research, it is necessary to perform additional research in relation to identification of trafficking in human beings and social rehabilitation for persons in out-of-family care. In accordance with the information provided by the association "Resource centre for women "Marta"", the risks of trafficking in human beings in such institutions are particularly high and vagrancy is common. Besides, a child placed in an out-of-family care institution is legally represented by the head of the institution, which may complicate the supervision by the orphan's courts on protection of the rights of a child in such institutions. Also Council of Europe's Group of Experts on Action against Trafficking in Human Beings – GRETA in their latest report on Latvia has invited the Latvian government to continue the research work on the area of trafficking in human beings, and especially child trafficking, domestic trafficking and trafficking of third-country nationals in Latvia.<sup>51</sup>

It must be noted, that some of the answers provided by orphan's courts along with their responses to question regarding cooperation models gave an impression that the authorities had not really become acquainted with the information provided in these materials and, perhaps, a separate publication of the summaries of certain methodological materials should be considered.

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<sup>50</sup> Secretariat of the Council of the Baltic Sea States. International protection of children: practical guidelines for professionals who monitor children crossing the border, and responsible government officials, 2015, page 10.

<sup>51</sup> GRETA, "Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, Second evaluation round, 2016, p.13.



In comparison with the orphan’s courts, many more local social services responded to the question regarding the sources of information. Besides, it should be noted that social services identified a broader range of sources, often specifying several sources of information to be used. However, it should be mentioned that still 21% of the surveyed social services either failed to provide replies or indicated that they do not use informational materials, because there have not been cases of trafficking in human beings. Similar to the orphan’s courts, also 40% of social services indicated that they obtain information on trafficking in human beings on the internet, while specifying also certain websites of non-governmental organizations, state informational resource on prevention of trafficking in human beings and current events in Latvia, as well as websites of ministries.

In comparison with the orphan’s courts, there are more resources created especially for the use of social workers in Latvia. For example, such materials are “Methodological material for social workers on prevention of trafficking in human beings” and “Methodological recommendations for local social services on the work with victims of trafficking in human beings” of the Ministry of Welfare. Many of the institutions also noted that these materials are available at the institution.

It should be emphasized that the methodological materials for social workers also include the information about the possible reasons why the potential victim of trafficking in human beings might approach the institution for support. Thus, for example, the methodological recommendations developed by the Ministry of Welfare explain that the most often a person subjected to trafficking in human beings might turn to the social service for securing following needs: 1) physical security, accommodation and permanent place of residence; 2) financial support; 3) renewal or issuing of personal identity documents; 4) the need for support in receiving medical aid; 5) psychological support; 6) lack of information regarding the rights and possibilities of a person to receive services; 7) support in order to solve the issues of education

or employment.<sup>52</sup> It should be emphasized that similar analysis should be made also in relation to other institutions, because at least the replies of orphan's courts in this survey showed that these institutions often identified different circumstances when cases of trafficking in human beings could be encountered by the institution's employees.

Meanwhile the Ombudsman would invite institutions to draw attention to the need to periodically renew the available methodological materials or at least to indicate the changes in regulatory enactments in the websites from which the materials can be downloaded. Review of informational materials can be particularly important concerning the amendments to Cabinet Regulation No. 889 "Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings" planned in 2017.

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<sup>52</sup> Ministry of Welfare, "Methodological recommendations for local social services on the work with victims of trafficking in human beings", page 9-11.

## Availability of the Informational Support

In the survey the Ombudsman asked questions to authorities regarding availability of the informational support on the issues of trafficking in human beings in order to identify the institutions authorities view as advisers when working on a specific case. With this question the Ombudsman primarily wanted to evaluate the visibility of social rehabilitation service providers. According to the opinion of the Ombudsman, these non-governmental organizations, consisting of professionals trained on the issues of providing support for trafficking in human beings, may inform the orphan's court employees and social workers in the most precise manner regarding the possible models of conduct to provide assistance in the particular case of trafficking in human beings. Besides, both non-governmental organizations, currently providing the social rehabilitation services to victims of trafficking in human beings, maintain also hotlines to provide support to victims of trafficking in human beings.

Conversely, regarding the branch offices of the State Employment Agency, that belong to a centralized institution, there are more opportunities to provide successful information exchange within the institution, for example, by assigning an internal coordinator. In the particular case such an assessment was confirmed also by the fact that branch offices of the institution provided uniform replies on availability of the support, identifying non-governmental organizations as their main cooperation partner.

However, the provided replies indicate that most of the institutions identify the state and municipal police as the primary cooperation partners, thus mostly acknowledging only the criminally punishable nature of the human trafficking offence. In particular, such a reply was common among the local orphan's courts, and 44% of surveyed orphan's courts indicated the State Police as the institution to approach for informational support, while approximately 6% of the orphan's courts indicated that they would approach municipal police for informational support. It should be emphasized that although many institutions indicated several ways to acquire guidance, comparatively widespread was an answer indicating only the State Police as an adviser.

We have to highlight that the Ombudsman has not evaluated the training of police officers on support mechanisms for trafficking in human beings, but it should be emphasized that the Council of Europe's Group of Experts on Action against Trafficking in Human Beings – GRETA in its report on Latvia criticized the lack of training to police officers in certain areas of trafficking in human beings.<sup>53</sup> Therefore, in any case we would primarily invite the institutions to contact directly the State Police Main Criminal Police Department Organized Crime Enforcement Board working in the area of trafficking in human beings.<sup>54</sup>

In comparison, approximately 33% of orphan's courts indicated that they would approach the non-governmental organizations to receive informational support. Furthermore the big differences in recognition of both non-governmental organizations among orphan's courts should be emphasized. At the time of survey in the second half of 2016 the state mandate

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<sup>53</sup> GRETA, "Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, Second evaluation round, 2016, p.29. , p.40.

<sup>54</sup> See the state informational resource on the topic of prevention of trafficking in human beings and current events in Latvia – [www.cilvektirdznieciba.lv](http://www.cilvektirdznieciba.lv).

to provide social rehabilitation services was delegated only to the association “Resource centre for women Marta”, which was indicated as the institution to approach to for informational support only by 6% of surveyed orphan’s courts.

Orphan’s courts often indicated the social services as the institutions to approach for guidance as these are generally their closest partners at municipal level. Local social services were identified as partners by 19% of surveyed institutions, and it should be emphasized that such a reference from the orphan’s courts was much more frequent than from the social services in regard to orphan’s courts. Besides, also the State Inspectorate for Protection Of Children's Rights was identified often (13% of surveyed institutions). This can be explained by both, the role of the Inspectorate in supervision of the work of orphan’s courts as well as for the training workshops the Inspectorate provides for the employees of orphan’s courts. The State Inspectorate for Protection of Children’s Rights is a direct administration organization, under the supervision of the minister of welfare, providing supervision and control of the observance of regulatory enactments in the field of protection of the rights of the child and activities of orphan’s courts. One of the functions of the Inspectorate is to implement supervision and methodological support of the work of orphan’s courts.<sup>55</sup> In this relation, according to the opinion of the Ombudsman, inclusion of the Inspectorate in the working group for coordination of implementation of Guidelines On Prevention of Trafficking in Human Beings for 2014 – 2020 should be considered, taking into account the role of it for provision of methodological support to local orphan’s courts.

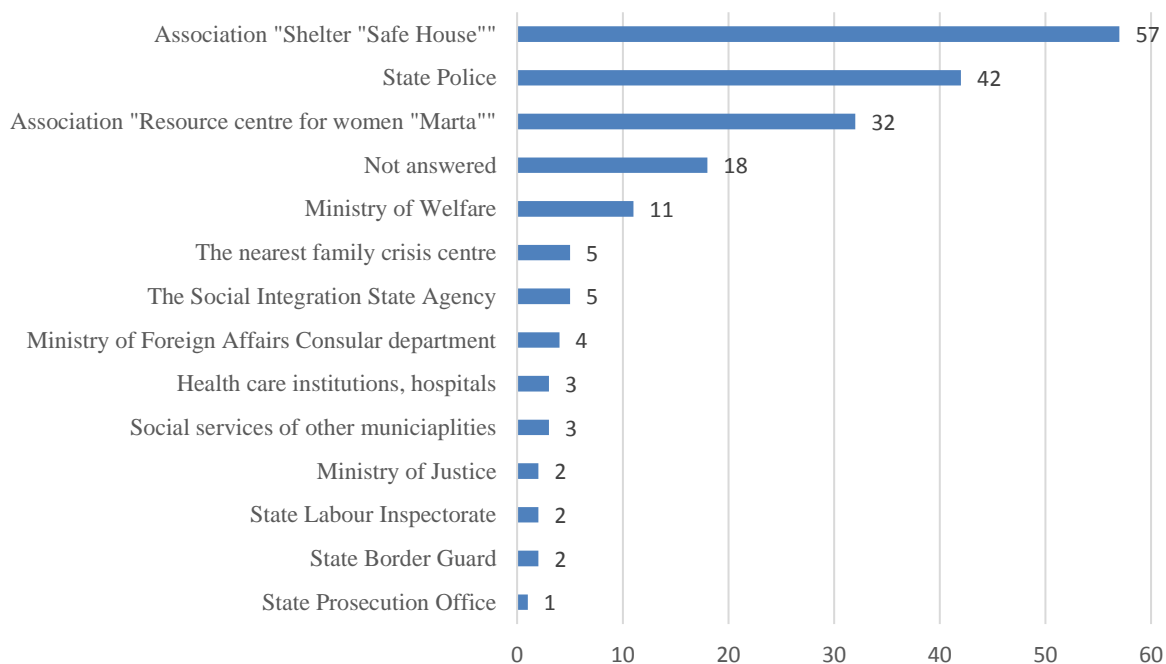
Recognition of the Ministry of Justice (12% of surveyed institutions) is related to the role of the ministry, providing support to cross-border cooperation on the affairs of family law, whereas the reference to the Ombudsman (10% of surveyed institutions) is rather related to the recommendation distributed by the Ombudsman to the Orphan's courts of Latvia in the beginning of 2016 with regard to Orphan’s courts’ role as legal guardians for unaccompanied minor foreigners arriving to Latvia.

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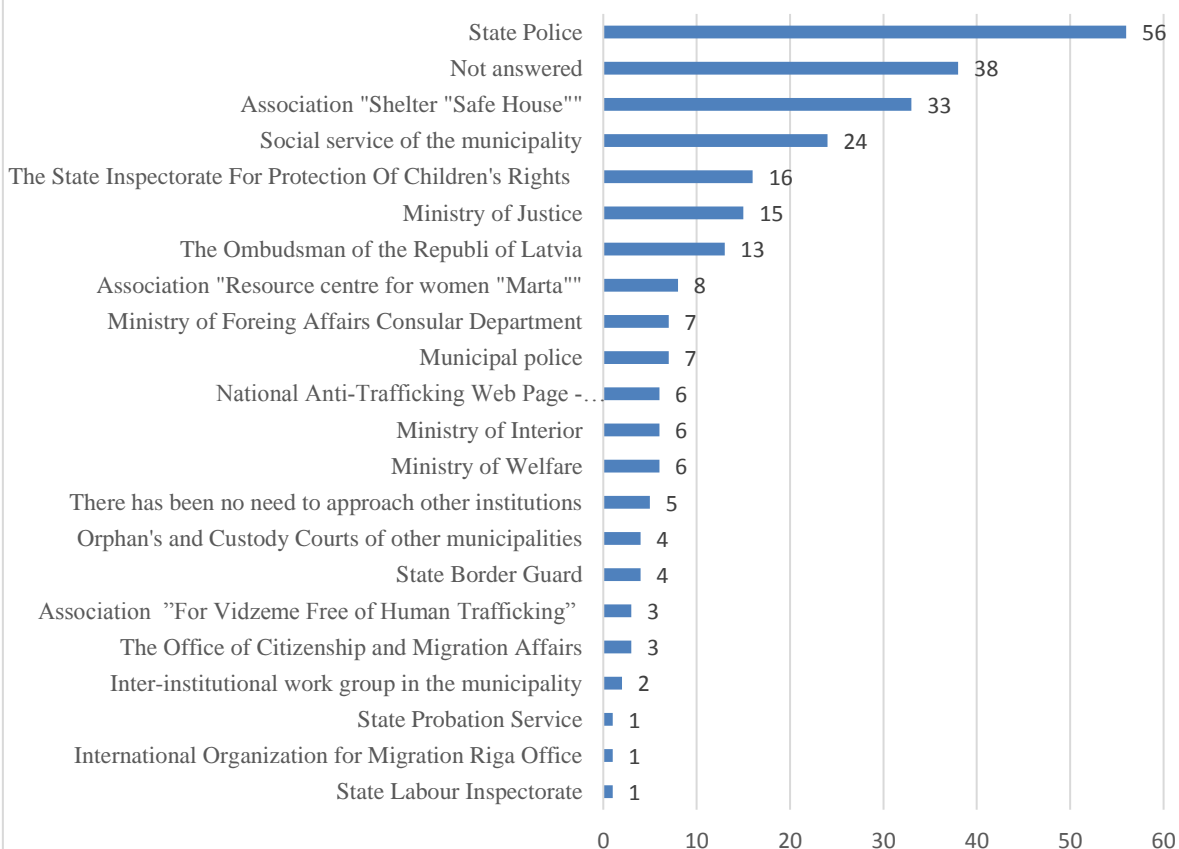
<sup>55</sup>Paragraph 1 and 2.2 of the Cabinet Regulation No.898 “By-law of the State Inspectorate for Protection of Children’s Rights”, adopted on 29 November 2005.



### The Institutions the Social Services Would Approach for Advice in Cases of Trafficking in Human Beings



### The Institutions the Orphan's and Custody Courts Would Approach for Advice in Cases of Trafficking in Human Beings



In comparison, the social services of local governments identified less variety of institutions, yet more often they identified institutions working directly in the field of trafficking in human beings. For example, the social services more often identified non-governmental organizations as institutions to approach for the necessary informational support. Namely, 55% of the social services would approach the association “Shelter “Safe House”” and 31% - the association “Resource centre for women “Marta””.

However, these numbers still seem inappropriately low, considering the broad mandate of state functions, entrusted to non-governmental organizations in Latvia. Accordingly, the state should find a solution in cooperation with non-governmental organizations to promote recognition of non-governmental organizations as the social rehabilitation service providers.

## Opinions of Institutions on the Causes of Trafficking in Human Beings and Vulnerable Groups at the Municipal Level

In the research the Ombudsman wanted to identify whether the municipality institutions perform risk assessment in the municipality. Namely, what do these employees view as the main risks for the trafficking in human beings and which are the vulnerable groups to be afforded special attention in the work of institutions.

Guidelines, developed for municipalities within the framework of the STROM project - Stepping up Local Action against Human Trafficking, establish that policies, programs and other activities aimed to prevent human trafficking should be based on evidence and knowledge on the issue of trafficking in human beings and the way it appears in the territory of municipality. A good territorial analysis that maps out population at risk, locations where risky situations (might) occur, causes of the phenomenon, needs of population affected and availability of resources and competences should be used for planning of the relevant measures for prevention of human trafficking.<sup>56</sup>

However, such analysis should be expected from the side of the state institutions at the national level. In order to establish the main reasons for increase of the number of victims of trafficking in human beings, a measure was included in the Guidelines on Prevention of Trafficking in Human Beings for 2014 - 2020, developed by the Ministry of the Interior, for the Ministry of Welfare to perform a study in 2015 on the public awareness of trafficking in human beings, risks, threats and consequences thereof, trying, inter alia, to determine the potential reasons for trafficking in human beings, from the perspective of the potential victim. In accordance with the information, being at the disposal of the Ombudsman, the study was provisionally postponed to 2016, considering the limited financial resources.<sup>57</sup> Unfortunately, there is no information available on the results of the study and accordingly it is not possible to draw any conclusions on the ways the understanding of public and the employees of institutions correspond. However, the information provided by institutions in this survey reflects tendencies that may be useful for other municipalities, when performing assessment of the vulnerable groups in the administrative territory.

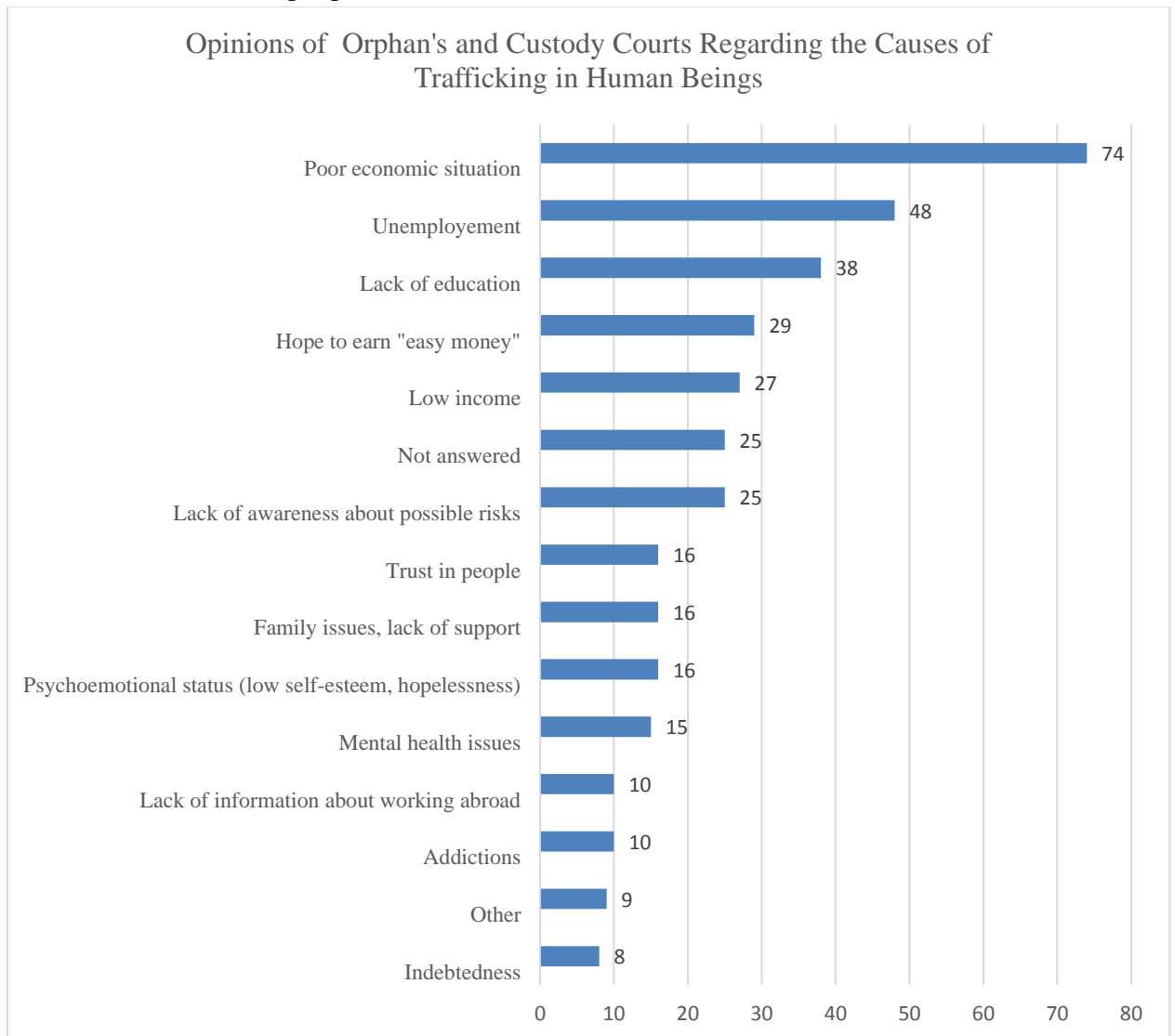
Accordingly, in the survey the Ombudsman invited institutions to share their opinions on the reasons fostering the recruitment of persons for trafficking in human beings. In their replies institutions have identified similar factors characterizing vulnerability of persons. Both, orphan's courts as well as social services, consider economic circumstances and unemployment in the municipality as the main risks for a person to be subjected to human trafficking. Often the indebtedness was indicated as a risk factor. Attention was paid to the low levels of education in some groups. Also the issues in the family and lack of emotional support, low social skills and psycho-emotional condition of persons (low self-esteem, loneliness) were identified as significant factors. Mental disorders and addictions also were recognized as risk factors. It is

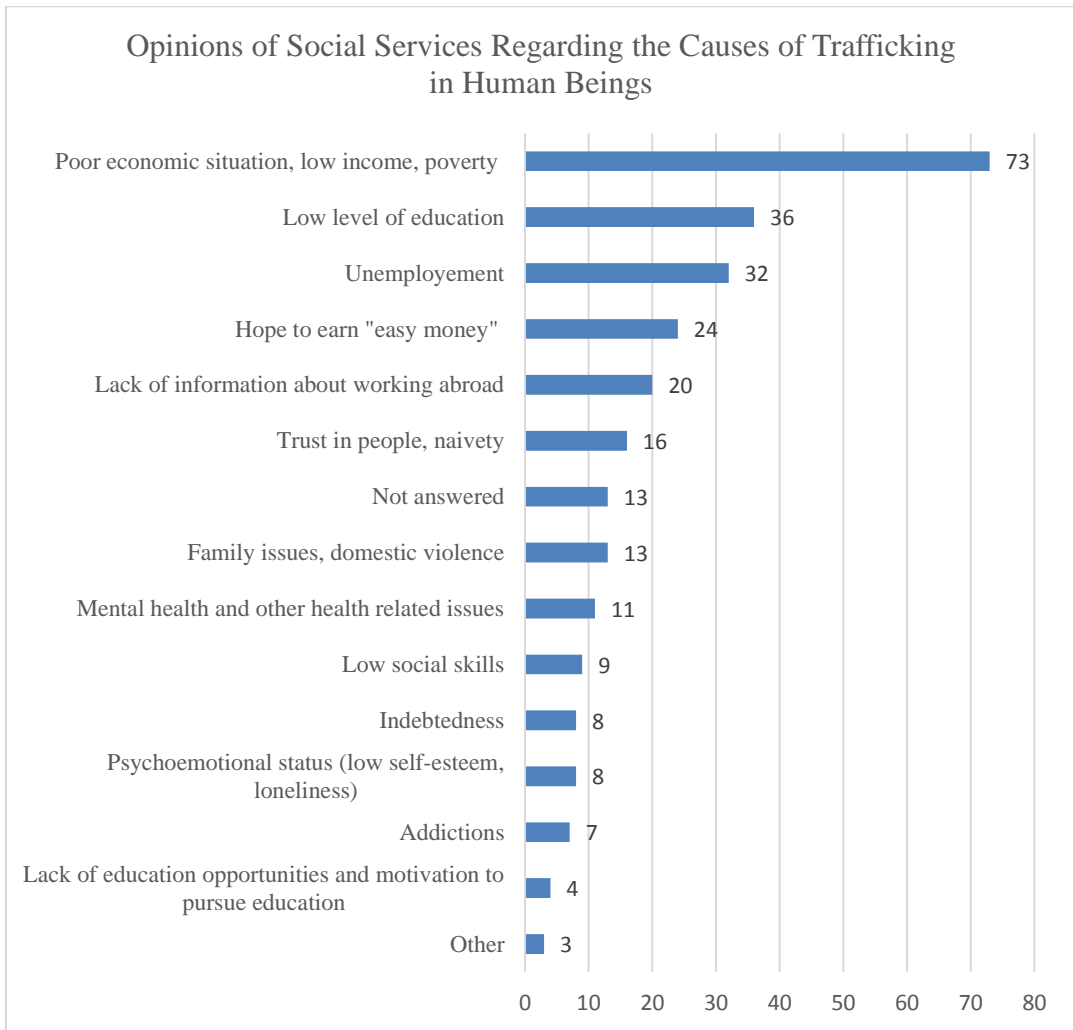
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<sup>56</sup> Secretariat of the Council of the Baltic Sea States, the Ministry of the Interior. Guidelines for Municipalities - Stepping up Local Action Against Human Trafficking in the Baltic Sea Region, page 11

<sup>57</sup> Information provided by the Ministry of Welfare to the US Embassy in the annual report on combating of trafficking in human beings, 2015.

clear that many of the causes and risks are closely related to the general lack of awareness of the society on the legal aspects of the labour regulation and, especially work abroad. Thus, for example, many orphan's courts and social services, indicated the insufficient awareness of the society on the risks of trafficking in human beings, lack of information on work abroad and excessive trust in other people.

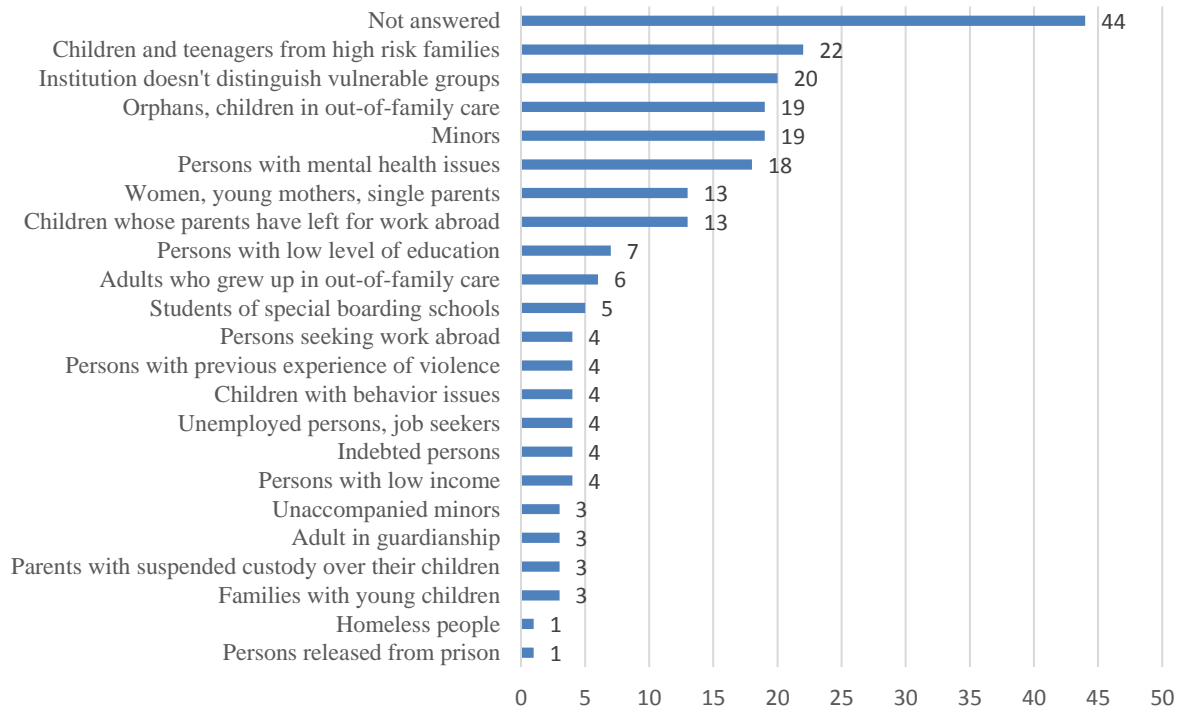




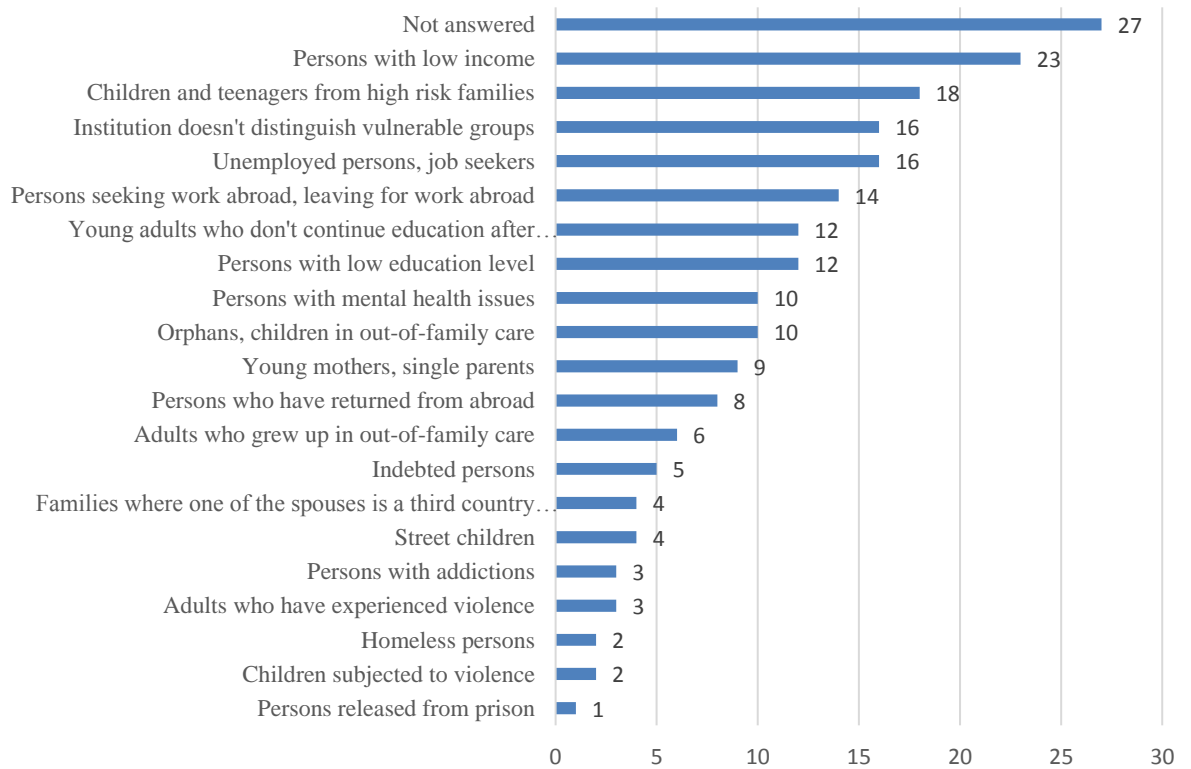
Additionally, the State Employment Agency provided an opinion that people are led to the human trafficking due to current economic situation in the state, high unemployment level, low salaries, dissatisfaction with their current financial situation, low level of education, burden of credits, high living expenses, which may cause the job seekers to search for a job abroad. The job seekers from Latvia become victims of human trafficking abroad due to lack of knowledge of the relevant foreign language, lack of knowledge on the regulatory enactments governing the legal labour relations in the foreign country, as well as lack of knowledge on their rights, and which foreign state authorities to approach in case of possible human trafficking.

Analysis of the situation in municipalities, *inter alia*, includes the recognition of particular vulnerable groups at risk which should be paid special attention by implementing activities for prevention of trafficking in human beings. Awareness of the particular groups at risk and criteria of vulnerability may help the institutions to recognize trafficking in human beings in work with clients. In their replies institutions identified a broad range of persons. Considering the separate competencies of the institutions, also the identified groups differed.

### Vulnerable Groups (Orphan's and Custody Courts)



### Vulnerable Groups (Social Services)



These aspects noted in the replies generally relate to the vulnerability aspects described in published methodological materials. Thus, for example, a wide number of aspects in relation to

the possible groups at risk is described in “Guidelines for Municipalities - Stepping up Local Action Against Human Trafficking”, which covers information on groups at risk of human trafficking for both, sexual exploitation as well as labour exploitation, forced begging, criminality and sham marriages.<sup>58</sup> With regard to sham marriages, a lot of information is available in the methodological material developed within the framework of the HESTIA project “Reduction of Exploitative Sham Marriages: Training for Trainers Training”.<sup>59</sup> It is worth mentioning the research developed by the association “Resource centre for women “Marta”” “Recruitment for Human Trafficking and Online Image of Women: Case Studies of Latvia, Estonia and UK”, in which factors of vulnerability are described in detail.

Understanding of the signs of trafficking in human beings along with a preventive territory analysis is a precondition for effective action, when facing the cases of trafficking in human beings. Hopefully, these groups of persons specified by other municipalities will provide guidance also for those municipalities, which failed to provide a reply to the question in the survey.

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<sup>58</sup>Secretariat of the Council of the Baltic Sea States, the Ministry of the Interior. Guidelines for Municipalities - Stepping up Local Action Against Human Trafficking in the Baltic Sea Region, page 18-22.

<sup>59</sup>The project “Preventing Human Trafficking and Sham Marriages: A Multidisciplinary Solution”. Methodological Material “Reduction of Exploitative Sham Marriages: Training for Trainers Training”, p.21-23.

## The Understanding of Referral and Assistance Mechanisms in the Cases of Trafficking in Human Beings

The employees' knowledge of victims' rights protection mechanisms was analysed through the answers concerning previous experience of human trafficking in the region, availability of informational support and training, as well as through the previous experience of inter-institutional cooperation and providing assistance.

Several municipalities in their replies informed the Ombudsman also on the theoretical models of assistance that would be enforced in the cases of human trafficking in their work. Similarly, several institutions, when replying to the question about institutions, they would approach for informational support, responded with such replies as "would notify the police on criminal offence" or "would contact the Consular Department of the Ministry of Foreign Affairs to provide assistance". Considering the above mentioned, some replies to the question on the availability of informational support rather answered the question on conduct when providing assistance to a potential victim of human trafficking. These answers were also used to evaluate the knowledge of institutions on victims' rights protection mechanisms.

First of all, it should be explained what understanding on the protection mechanisms for victims of trafficking in human beings was expected from institutions.

As mentioned previously, trafficking in the human beings is both a crime as well as a violation of human rights of the person. Legal norms stipulate to the state both, obligations to perform criminal investigation and punish offenders as well as to ensure provision of the social support for a victim of trafficking in human beings. Besides, the contact between the institutions and the victim or potential victim of trafficking in human beings may take place in various circumstances, and accordingly the institutions shall understand the mechanisms of conduct for each of varying situations.

In accordance with the legal norms of the European Union, the help and support should include at least minimum set of measures that is necessary in order to ensure a possibility for victims to return to normal life and get free from their traffickers. With regard to the practical implementation of such measures, on the basis of individual assessment, performed in accordance with the national procedures, the circumstances, culture context and needs should be taken into account. In case of need help and support should be continued for the appropriate period of time after the end of the criminal proceeding, for example, if medical care is continued due to severe physical or psychological consequences or safety of victims is endangered due to testimonies of the victim of the particular criminal proceeding.<sup>60</sup>

In accordance with the provisions of Section 12, Paragraph one, sub-paragraph 3 of the Law On Social Services and Social Assistance, a local government social service office shall have the duty to provide a person with psychosocial or material or psychosocial and material assistance in order to enable the overcoming of a crisis situation and promote the integration of the person into society. Social service may be the first responder institution for persons

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<sup>60</sup>18th consideration of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.



searching for help. Accordingly, the functions of the social service may include both, provision of immediate social assistance for a person in the situation of crisis (immediate medical assistance, providing a shelter, transport), as well as motivation of the person to use social assistance and referral for receipt of the social rehabilitation services. In order to “refer” a person for receipt of further assistance, the institution shall be able to “recognize” the potential victim. Therefore, professionals should have sufficient knowledge on the signs of trafficking in human beings. Similarly, the suspicions of potential human trafficking alone can be a sufficient reason itself for commencement of cooperation between institutions. Such knowledge is important to both, social workers as well as employees of orphan’s courts and branch offices of the State Employment Agency, who may encounter the potential victims of trafficking in human beings on a daily basis.

Besides the orphan’s courts’ role is to be emphasized in particular, since they shall act as a legal representative for minor persons, who have arrived to Latvia without accompaniment. The employees of the orphan’s courts shall be able to recognize signs of trafficking in human beings also concerning these groups of people, as well as to apply provisions of the Law On Social Services and Social Assistance. The recommendation made in paragraph 4 of the letter No.1-5/9 by the Ombudsman on 22 January 2016 must also be reminded regarding the duty “to ascertain that the minor foreigner is not a victim of trafficking in human beings”.

In accordance with the Law On Social Services and Social Assistance, victim of trafficking of human beings is a person who has been recognized as a victim in the criminal offence of trafficking of human beings or who the State Police has issued a statement that he or she is a victim of trafficking of human beings in a foreign state, as well as a person who has been recognized as conforming to victim of trafficking of human beings criteria by a social service provider.<sup>61</sup> The need for such diverse system is to be explained with the fact that the assistance provided to victims should be based on rights and unconditional, i.e., the access to support, protection and assistance cannot be depending from wish of a victim or ability to cooperate with law enforcement authorities during investigation or within the framework of the criminal proceeding.<sup>62</sup> Legal norms of the European Union concretely determine that Member States shall take the necessary measures to ensure that assistance and support for a victim are not made conditional on the victim’s willingness to cooperate in the criminal investigation, prosecution or trial (...).<sup>63</sup> Accordingly, it cannot be considered that immediate notification to police is the only action the institution can take while performing its’ duties.

It should be emphasized that the Council of Europe's Group of Experts on Action against Trafficking in Human Beings – GRETA in the report on Latvia has urgently invited the state institutions to perform necessary activities in order to improve the system for identification of victims of trafficking in human beings in Latvia, inter alia, asking the responsible officials, in case of existing suspicions on the case of trafficking in human beings, to refer persons to the

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<sup>61</sup>Guidelines for the Prevention of Trafficking in Human Beings 2014-2020 , page 23.

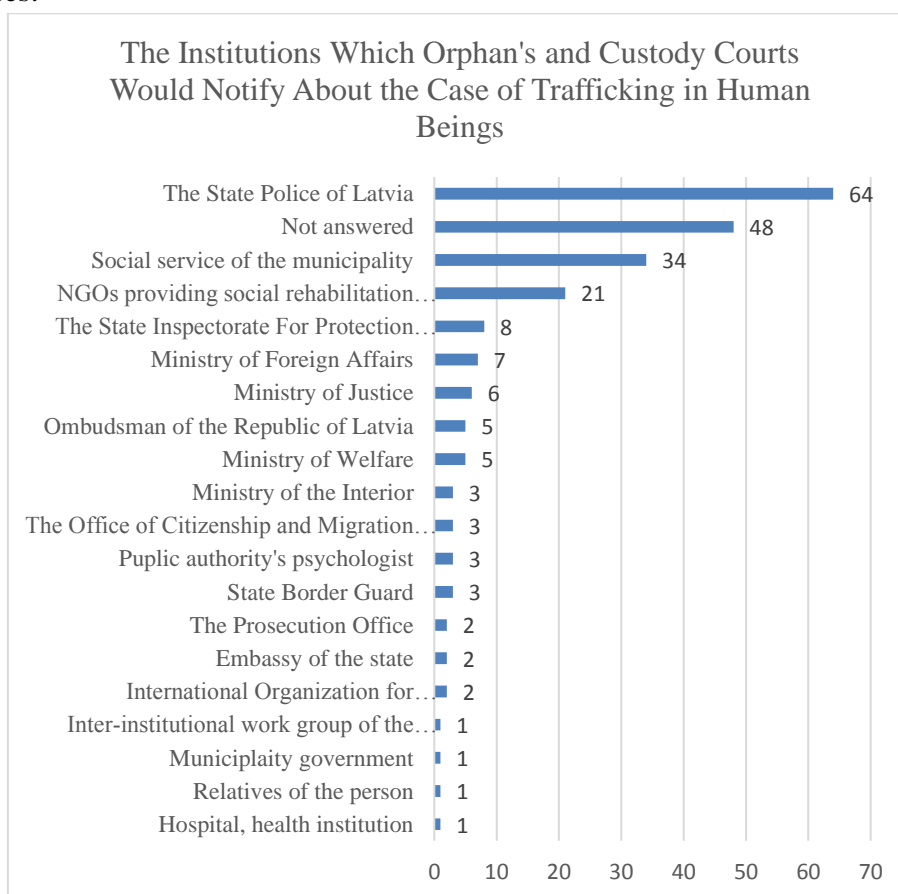
<sup>62</sup> Secretariat of the Council of the Baltic Sea States, the Ministry of the Interior. Guidelines for Municipalities - Stepping up Local Action Against Human Trafficking in the Baltic Sea Region, page 10.

<sup>63</sup> Article 11(3) of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

commission, established by the provider of social rehabilitation services, also in cases, when obstacles exist for commencement of the criminal proceeding.<sup>64</sup> These considerations are of special importance in relation to the possible identification of victims of trafficking in human beings among nationals of third countries, considering the fact that in such cases obstacles may exist for initiation of the criminal proceeding due to lack of information or jurisdiction.

Taking into account the above mentioned, it was expected that the institutions could point out both ways how the person can receive assistance. Besides, in any situation the choice of behaviour is to be made, taking into account the opinion and views of the person, to whom assistance is to be provided. The knowledge of other institutions involved in the provision of assistance, and the cooperation between the involved institutions is of crucial importance.

At first it should be noted that the branch offices of the State Employment Agency provided identical replies, stating that in case of suspicion, then they would contact the association “Resource centre for women “Marta”” to obtain information and would inform the State Police about the person. In general the competent institutions were identified in these replies, and the only recommendation would be to inquire the municipality, whether there exists any cooperation group or other cooperation mechanism between institutions in the municipality, where such information could be useful for implementation of preventive measures.

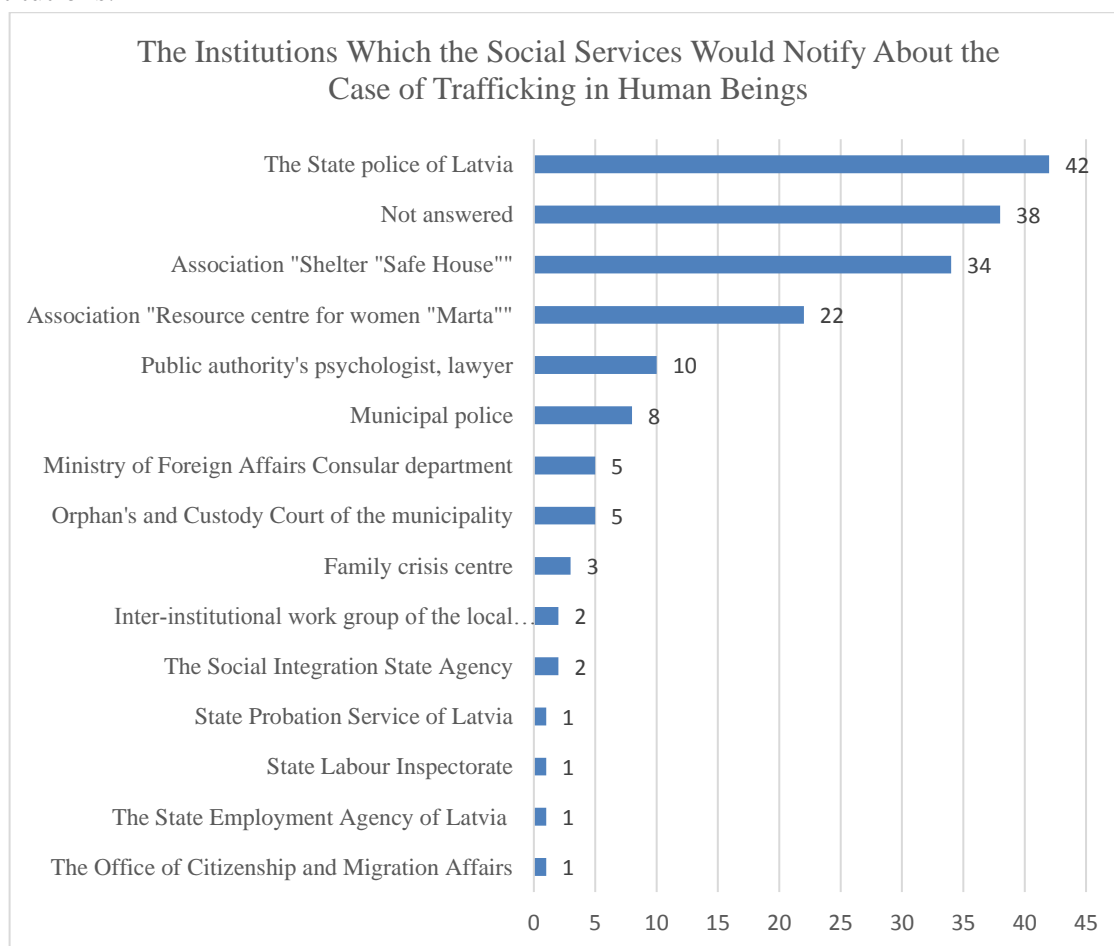


Approaching the police was mentioned most often in the replies of orphan's courts,

<sup>64</sup> GRETA, “Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, Second evaluation round, 2016, p.25.

which also, in general, corresponds with the obligation set in Section 51, Paragraph three of the Protection of the Rights of the Child Law - to inform the police or another competent authority regarding violence or any other criminal offence directed against a child. In total approximately 51% of the surveyed orphan's courts provided such a reply. In relation to the role of orphan's courts as legal guardians of minor persons, arriving to Latvia without accompaniment, it seems surprising that only 3 of the surveyed orphan's courts indicated that they would inform the State Border Guard on such a case. This, however, might be related to the fact that currently such persons reside only in certain municipalities of Latvia.

In its turn, only approximately 17% of surveyed orphan's courts indicated the possibility to approach non-governmental organization, which provides social rehabilitation service to victims of trafficking in human beings. Besides, it should be highlighted, that many of the orphan's courts failed to provide a reply to the question - 38% of institutions. Certain institutions indicated that a reply to the particular question is not provided, because there have not been any cases of trafficking in human beings and it wasn't necessary to inform other institutions.



Social services have noted comparatively fewer institutions, but it should also be underlined that the specified institutions are more directly related to the field of combating of trafficking in human beings. In total 40% of the surveyed institutions have indicated that, upon the existence of suspicions regarding the case of trafficking in human beings, they would notify the police. Most often that has been the only reference on the conduct in a case of trafficking in human beings.

At the same time, several social services in replies have underlined the dimension of social assistance. For example, such replies were provided to the Ombudsman as “the social service is ready to respond and to provide social services, approaching all necessary institutions, so the victim of trafficking in human beings could receive the social rehabilitation service at the Social Integration State Agency”. However, in relation to such a general reply it is to be noted that the decision made by the Social Integration State Agency on granting the social rehabilitation service is based on the protocol of assessment performed by the assessment commission established by the social rehabilitation service provider or a statement issued by the person directing the criminal proceeding. Furthermore, the social rehabilitation service is provided by the particular non-governmental organization. Therefore the role of the Social Integration State Agency in the particular process for granting a service is rather formal, and it appears that the understanding of institutions on the model of conduct could still be improved. The more appropriate statement would be: “The service can provide information on the state funded social rehabilitation services as well as cooperate with non-governmental organizations to solve the social problems of the client.”

Liepāja city municipality could be mentioned as an example of the best practice here. Liepāja city Social Service informed that after the identification of the potential victim, the employee consults with employees of the service provider providing the state funded social rehabilitation for victims of trafficking in human beings, in order to identify person as a victim of trafficking in human beings. They report to the State Police of Latvia. Considering the needs of a victim, the necessary services are offered. There is a range of services developed in Liepāja for a victim of trafficking in human beings - support apartment (during further rehabilitation period in cooperation with the Housing Department a municipal apartment is granted to the person), in case of need a single-time material benefit is provided as well as the psychologist’s consultations, assistance in preparation of documents, transport to the rehabilitation institution.<sup>65</sup> It is clear from the reply of the institution that not only the model of conduct for communication with the potential victim of trafficking in human beings is clear for the employees, but the municipality has also preventively acknowledged the possibilities of support for victims of trafficking in human beings.

Certain other municipalities have indicated the social assistance they could offer to the clients of institution. For example, Vecumnieki Regional Council Social Service has provided information to the Ombudsman that in case of need they would offer medical care as well as would offer psychologist’s consultations and provide psychosocial assistance.<sup>66</sup> Tērvete Region Council Social Service has mentioned that they would provide psychosocial assistance, including individual consultations of a social worker and psychologist as well as consultations of a lawyer.<sup>67</sup>

Regarding the persons, who appear in the view of institutions already after receipt of the social rehabilitation service, it should be highlighted that also the Council of Europe's Group of Experts on Action against Trafficking in Human Beings – GRETA in the report on Latvia

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<sup>65</sup> Reply from Liepāja City Social Service.

<sup>66</sup> Letter No.1-14/234 of Vecumnieki Region Council Social Service of 30 September 2016.

<sup>67</sup> Letter No.1-9/51 of Tērvete Region Council Social Service of 11 October 2016.

has highlighted the need facilitate the reintegration of victims of trafficking into society, in particular through providing vocational training and facilitating access to the labour market.<sup>68</sup> Considering the above mentioned, the cooperation between the involved institutions should be facilitated and the resources of the local government to support a person in the period before a person has received social rehabilitation services as well as after the receipt thereof should be identified.

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<sup>68</sup> GRETA, “Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, Second evaluation round, 2016, p.27.

## Assessment of Institutions on Cooperation Between Institutions

As the replies provided to the previous question already confirmed, the involvement of several professionals is necessary when dealing with specific cases.

The association “Shelter “Safe House” in its letter to the Ombudsman, upon assessing the current cooperation between institutions, indicated that the cooperation depends on understanding of the employees of the state and municipal authorities on the issues of trafficking in human beings. The cooperation is to be improved in all regions of state and municipal authorities (except for Anti-Trafficking Unit of Organized Crime Enforcement Board of the State Police, State Border Guard, Riga City Council Municipal Police and Riga City Council Social Service). A possibility to regularly receive information on the identification of victims, for example, in workshops is a good way to cooperate between institutions. However, in regions the issue of trafficking is not prioritised, which doesn’t foster the understanding of professionals on the cooperation mechanisms for settlement of the particular issue.<sup>69</sup>

Answering to a question with regard to the inter-institutional cooperation, the institutions generally indicated that the cooperation between institutions has not been necessary, and comparatively small number of institutions provided an opinion on the possible efficiency thereof.

Number	<b>Replies from orphan’s courts regarding the current cooperation between institutions</b>	Number	<b>Replies from social services regarding current cooperation between institutions</b>
115	No cooperation	89	No cooperation
8	Had cooperation	12	Had cooperation
3	Not indicated in the reply	3	Not indicated in the reply

The collected replies show that 115 (91%) orphan’s courts and 89 (86%) social services have no experience of cooperation, 8 (6%) orphan’s courts and 12 (12%) social services – have experience of cooperation, and it was not clear from the replies provided by 3 orphan’s courts and social services to the questions, whether they have previously cooperated with other institutions in cases of trafficking in human beings.

Only some institutions provided replies assessing the cooperation between institutions and whether there have been any problems related to the cooperation with other institutions. Besides, the number of provided replies does not correspond with the number of municipalities, which have faced cases of trafficking in human beings.

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<sup>69</sup>Letter No.5-1/21 of the society “Shelter “Safe House”” of 10 October 2016.

Number	Replies from orphan's court regarding the issues in the current cooperation between institutions
0	There were issues established
6	No issues
1	Issues were solved
1	Not indicated in the reply

Number	Replies provided by social services regarding the issues in the current cooperation between institutions
0	There were issues established
8	No issues

Some opinions of orphan's courts should be noted that as an exception providing an opinion on cooperation between institutions within the framework of the municipality.

*"(..) on the issues on minors without accompaniment, more successful cooperation is with NGO. Cooperation with the state and municipal institutions is more difficult to establish, there is no common approach, no coordinating centre, and the municipality does not receive the promised state support for the issues of unaccompanied minors."*

*"(..) Cooperation with the state and municipal authorities differs, which is obviously depending from the "human" factor, due to lack of experience and certain methodology. We think that the development of the certain procedure is necessary, stipulating the steps according to which the protection of such adult and minor victims of trafficking in human beings, production of documents, provision of medical assistance etc. would be provided."*

*"Orphan's court in its work has not identified any problems in cooperation with other institutions on cases of trafficking in human beings. Cooperation is equally successful with various state and municipal authorities and non-governmental organizations. However, we may discuss the efficiency of the social work with persons, who are more exposed to the risks of trafficking in human beings in society than others."*

Besides, also opinions of several social services should be highlighted. It should be noted that social services more often indicated the cooperation between institutions on certain issues, describing also their conduct in relation to the particular case of trafficking in human beings.

*"The social service has information about 2 victims of trafficking in human beings. An embassy of Latvia abroad provided information about both cases. The victims failed to show initiative and did not approach the Social Services themselves. Cooperation with embassies and the non-governmental organization was good and successful."*

*"The social service does not have experience of a particular case of trafficking in human beings, but in cooperation with other institutions problems might appear in situations, when information on the situation of the victim would not be forwarded in complete manner, or when the client him or herself would not want to cooperate with any of the professionals. Besides, the efficiency of cooperation is determined also by the knowledge of each professional on the work with the victim of trafficking in human beings and intention to be involved in the provision of support."*

*"We cannot identify such problems. Probably, one of the problems could be lack of*

*understanding of employees of the authority and lack of skills on how to act in such a situation, as well as a stereotype - that is your own fault.”*

*“Although we have not had any cases in practice, when the clients would have been identified as victims of trafficking in human beings, if a methodology common for all municipalities would have been developed, the cooperation would be more effective.”* Similar opinion was provided by another municipality, stating that *“although the service has no previous experience for work with victims of trafficking in human beings, successful action can be delayed by the necessity to adopt decisions by many involved institutions. Therefore the time passes before it is possible to commence any activity. In extraordinary situations assistance should be provided immediately.”*

*“There have been no recognized victims of trafficking in human beings. As far as the social rehabilitation services for victims of trafficking in human beings are coordinated by the Social Integration State Agency, in accordance with the procedure set by regulatory enactments, probably the social services are not the institutions, which the victims themselves or persons, who would have any information on the facts of trafficking in human beings in the municipality, would approach for help.”*

*“(.) problems in cooperation with the State Police exist. In case of suspicions, police do not accept such information. Besides, there are difficulties to receive information “put on paper”.”*

*“Social workers have established successful cooperation with the director of the association “Shelter “Safe House”” and employees of the institution. Currently, when social rehabilitation for the funds of the state budget is provided by the association “Resource centre for women “Marta””, cooperation has been established also with the employees of this organization.”*

*“Currently the municipality performs a special work on the establishment of cooperation between institutions and improvement of models of conduct in various situations, therefore we can assess cooperation as successful both, in a daily work as well as non-standard situations, when immediate decision making and action is required.”*

As mentioned above, comparatively small number of institutions provided an opinion regarding cooperation between institutions within the framework of the survey. More practical issues were identified by institutions, who had to get involved in a more detailed manner in the particular case, for example, by assisting the person in preparation of the personal identity documents etc. Besides, the provided replies confirm that majority of institutions so far have not thought about the issues that are related to provision of an assistance to the victims of trafficking in human beings.

In various guidelines institutions are called to establish the groups of inter-institutional cooperation in the municipality in order to understand the competencies of each profession and establish personal contacts, thus facilitating that cooperation between institutions, so that the assistance to the victim of trafficking in human beings would be effective and professional.

Several municipalities have indicated in the replies existing models for inter-institutional cooperation for a broader range of issues than only trafficking in human beings. For example, Burtneki region social service indicated that the service does not have experience in work with victims of trafficking in human beings, therefore cooperation with the state or



municipal authorities has not been organized. However, the service stated that cooperation between various institutions is being established on the issues of protection of the rights of children by organizing meetings between institutions, where representatives of educational institutions of the region, members of the orphan's court, representatives of the municipal police and sometimes - representatives of the State Police are participating.<sup>70</sup> Skrunda region municipality mentioned that there is an agreement between the social service, municipal police and orphan's court in the field of trafficking in human beings.<sup>71</sup> Saldus region municipality indicated that in case of trafficking at first the meeting of cross-professionals is organized, where steps for providing assistance are being assessed in accordance with the relevant legislation. The above mentioned municipality also indicated that the advantage of a small municipality is the fact that it is possible to communicate with other institutions and establish competencies for the relevant situation quickly.<sup>72</sup> Also Auce municipality, for example, has indicated that the cooperation between various authorities in the municipality is successful, because the model of inter-institutional cooperation is used for daily work.<sup>73</sup> Similarly to the municipality mentioned above, the majority of institutions have not indicated to what extent the cooperation between institutions takes place in practice.

In comparison, an inter-institutional working group on the issues of trafficking in human beings operates in Liepāja city municipality. A working group for solving and prevention of the issues of trafficking in human beings was established in Liepāja in 2003. General Prosecutor of Liepāja is the head of the working group. Cooperation network of employees of several institutions (Liepāja City Council, Prosecutor's Office, Social Service, State Police, Education Department, Immigration Department, Orphan's Court etc.) was established for solving the issues of trafficking in human beings and provision of assistance to victims. Considering the fact that information is provided to inhabitants of Liepāja regarding the phenomenon of trafficking in human beings and preventive measures are performed, it is expected that inhabitants of the city are informed whom to approach for assistance in the cases of trafficking in human beings or suspicions of trafficking in human beings.<sup>74</sup>

It is commendable that specific working groups are established also in other municipalities to facilitate the information exchange. Thus, for example, in 2016 the implementation of the STROM II project was commenced. As part of a pilot project the Ministry of the Interior together with professionals of non-governmental institutions work to establish an inter-institutional cooperation model in municipalities, and such a cooperation model is currently being developed in Valmiera city municipality as well as in Liepāja city municipality, where the existing mechanisms is developed further. I would invite the other municipalities to follow the experience of the particular project and to improve or develop an inter-institutional cooperation model also in their municipalities.

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<sup>70</sup> Letter No. 1-19/71 of Burtnieki Region Municipality Social Service of 25 August 2016.

<sup>71</sup> Letter of Skrunda Region Municipal Agency "Social Service" of 15 October 2016.

<sup>72</sup> Letter No.1-9.1/1104 of Saldus Region Municipal Agency "Social Service" of 6 October 2016.

<sup>73</sup> Letter of Auce Region Social Service of 30 September 2016.

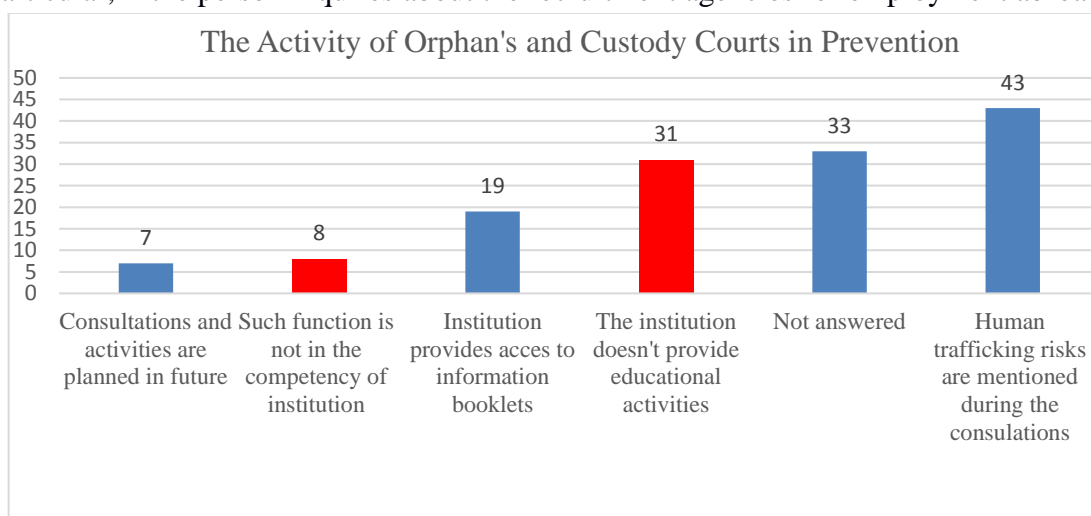
<sup>74</sup> Letter of Liepāja City Social Service.

## Activity of Institutions in Awareness Raising Activities

“Guidelines for Municipalities - Stepping up Local Action Against Human Trafficking” inform that in many local governments of the countries of the Baltic Sea Region the social services offer - directly or through a civil society partner - outreach services to respond to the needs of vulnerable groups of the population such as women and men involved in prostitution, people with substance dependency, homeless people, migrants and others who for various reasons including social and cultural isolation need to be approached in person.<sup>75</sup> Also the “Methodological material for social workers on prevention of trafficking in human beings” states that professionals of the social work may significantly contribute to the preventive work, drawing special attention to the groups of persons - potential victims of trafficking in human beings, in particular if these persons are preparing to search for job abroad or due to other reasons.<sup>76</sup>

According to the Ombudsman’s opinion, activities from the orphan’s courts with regard to minors are of the same importance, considering that the orphan’s courts are responsible municipality institutions for the protection of the children’s rights in the municipality. To perform these functions the orphan’s courts may cooperate with the State Inspectorate For Protection of Children’s Rights, municipal educational institutions and, in particular, out-of-family care institutions.

Meanwhile the functions of the State Employment Agency are related to the job seekers, in particular, if the person inquires about the recruitment agencies for employment abroad.



The replies provided by institutions show that there are wide differences on how the institutions view their role in providing information on human trafficking to the groups of society which are the most vulnerable to the risks of trafficking in human beings

At first, the significant number of institutions that chose not to provide a reply to the specific questions, should be underlined. With regard to orphan’s courts, a reply was not

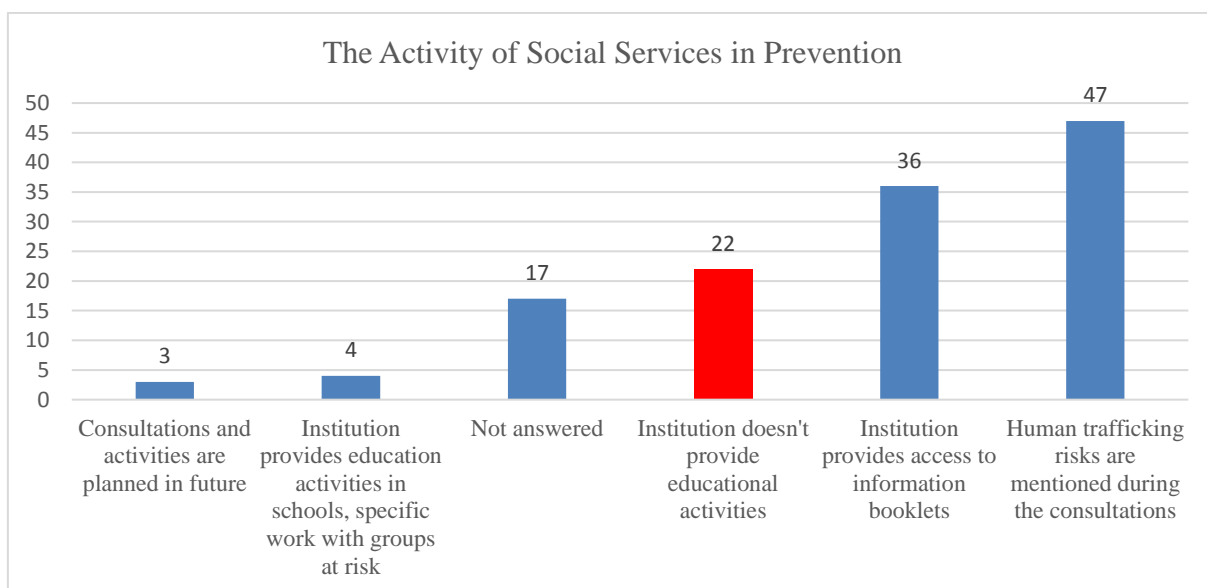
<sup>75</sup>Secretariat of the Council of the Baltic Sea States, the Ministry of the Interior. Guidelines for Municipalities - Stepping up Local Action Against Human Trafficking, page 56.

<sup>76</sup> Ministry of Welfare, “Methodological recommendations for local social services on the work with victims of trafficking in human beings”, page 9

provided by 26% of the surveyed institutions. Besides, also approximately 15% of the surveyed social services failed to provide a reply to the specific question.

Many institutions indicated in replies that they don't provide education and awareness raising activities on the topic of human trafficking - in particular 22 social services (21% of surveyed institutions) and 39 orphan's courts (31% of surveyed institutions). Besides, it is to be emphasized with regard to orphan's courts that 8 out of 39 orphan's court indicated separately in their reply that education of persons on the issues of trafficking in human beings is not in the competency of institutions.

It is also to be noted that a comparatively small number of institutions may provide access to the informational booklets and other materials in local governments. Approximately 35% of municipal social services indicated that there are some booklets, posters or other informational materials on the topic of trafficking in human beings available in the institution. Besides, only 15% of orphan's courts indicated that such materials are available. Although several institutions claimed that sufficiently extensive information is available on the internet, and in the case of need it is possible to find it for clients, still it might not be enough, considering that persons approaching the institution may not know about the possibility to look for assistance on such issues. Also in smaller municipalities persons may not wish to disclose certain facts on their life, being afraid of condemnation and distribution of information among acquaintances.



However, it can be considered positively, that many institutions were able to identify their role as a consultant and a contact person for potential victims of trafficking in human beings. In total 43 orphan's courts (34%) and 47 social services (45%) provided a reply that in consultations with their clients they discuss the issues of trafficking in human beings. Thus, for example, Ventspils City Social Service noted that "The institution has had several cases, when client, upon receiving the information from the social worker regarding the nature of trafficking in human beings, has refused from "doubtful" job offers abroad and have been able to solve

financial difficulties in cooperation with social workers, without departing from Latvia”.<sup>77</sup> Also Vārkava Region Municipal Social Service indicated that if a client starts a discussion, the employee warns about the cases happening with job seekers abroad, in particular if they go to work for the first time and do not know, where they will settle down and what will they do.<sup>78</sup> In general such conduct from officials promotes compliance with the human rights and relates to the role of institutions as a support provider to persons. A small number of local government social services indicated also on the specific preventive activities educating the persons, who are identified within the territory of the local government as the ones belonging to vulnerable groups.

Besides, the intentions of several municipalities to draw special attention to the particular issue in the future, is to be observed as a positive trend. It is interesting to mark that such a reply was provided after mentioning some training attended recently. Thus, for example, Roja Region Social Service indicated in their reply that “before attending the workshop of the association “Shelter “Safe House”” we did not consider the topic seriously enough and did not sufficiently assess the risks, since we had not faced the cases of trafficking in human beings in the practice of the social service. Currently we have understood that it is necessary to perform preventive work in order to help people to avoid such cases of people becoming victims of trafficking in human beings.”<sup>79</sup> Also Mazsalaca Region Orphan’s Court indicated in their letter to the Ombudsman that after participation in the training course organized within the framework of the HESTIA project they plan to get involved in the education of persons, including minors, on the issues of trafficking in human beings. According to the Orphan’s Court, it would be more successful to educate persons in small groups, consisting of 5-6 persons.<sup>80</sup> Also Kuldīga Region Orphan’s Court has provided information that they are currently developing the schedule to educate the minors as well as employees of other authorities. The institution also notes the plan to use different methods for each audience, for example, mini-lectures, discussions, role play activities, videos and support groups.<sup>81</sup>

Although at the time of conducting the survey all branch offices of the State Employment Agency provided rather reserved replies with regard to their possible involvement in prevention of trafficking in human beings, at the end of 2016, when participating in the meeting of the working group on coordination of the implementation of “Guidelines On Prevention of Trafficking in Human Beings, 2014 -2020”, the representative of the State Employment Agency provided information that the State Employment Agency prepares a presentation on the basic principles and signs of trafficking in human beings and it is planned to organize a workshop for heads of regional units on how to protect job seekers from trafficking in human beings. Besides, it is planned also to prepare an informational booklet that will be placed in the branch offices of the State Employment Agency.<sup>82</sup> Such efforts of the institution

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<sup>77</sup> Letter No.1-9.4.1/1546e of the municipal authority “Ventspils City Social Service” of 4 October 2016.

<sup>78</sup> Letter No. VPN/3-I1 2 6/401 of Vārkava Region Municipality Social Service of 14 September 2016.

<sup>79</sup> Letter No.1- 13/107 of Roja Region Social Service of 4 October 2016.

<sup>80</sup> Letter No. 1-16/T-34/jur/273 of Mazsalaca Region Orphan’s Court, dated 27 September 2016.

<sup>81</sup> Letter No.1-14/1934 of Kuldīga Region Orphan’s Court, dated 4 October 2016.

<sup>82</sup>Minutes of the meeting of the work group for coordination of the implementation of “Guidelines On Prevention of Trafficking in Human Beings, 2014 - 2020” of 15 December 2016, page 6-7/

would be appreciated. Besides, such planned activity of the part of the management of the institution would also be effective, considering the centralized internal structure of the institution.

When looking at examples of good practice, the information provided in replies of certain municipalities should be highlighted.

Thus, for example, Alsunga Social Service has performed discussions and provided necessary information to youth, willing to look for the work abroad, on the possible risks to become victims of trafficking in human beings. At the same time the Social Service indicates that it would be more successful if it would be possible to organize a workshop for clients of the service on the topic.<sup>83</sup>

Sala region municipality has established the Children and Youth Centre, employing a youth affairs specialist with a duty to engage in preventive work with young people, which includes also education of youth on the problems and risks of trafficking in human beings.<sup>84</sup>

Viesīte Region Social Service works with adults from the groups at risk: discussions are conducted, materials are distributed so that each person could become acquainted with the topic thereof, at the speed and time preferred. It was specified in the reply that these issues in the borderland regions of Latvia are important due to the lack of job offers for people with low education levels in comparison with the opportunities available, for example, in Great Britain, and people look for any possibility to earn.<sup>85</sup>

Daugavpils Region Skrudaliena Orphan's Court in reply addressed to the Ombudsman provided information that the Orphan's Court educates students on the issues of trafficking in human beings by visiting the three schools located in the territory of the municipality. In particular they talk with the teenagers, who plan to work abroad during summer holidays (where to approach for help when being abroad).<sup>86</sup>

The Ombudsman believes, that any such initiative of institutions for implementation of educational activities is to be supported and appreciated and may provide the youth, job seekers and clients of social services the necessary knowledge not to become victims of trafficking in human beings. The Ombudsman would like to call municipalities to become acquainted with the experience and examples of good practice in other municipalities, and to consider the possibilities to implement such actions also within the territory of their local governments.

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<sup>83</sup> Letter No.1-5/164 of Alsunga Region Social Service of 11 October 2016.

<sup>84</sup> Letter No. 1-7/224 of Sala Region Municipality Social Service of 3 September 2016.

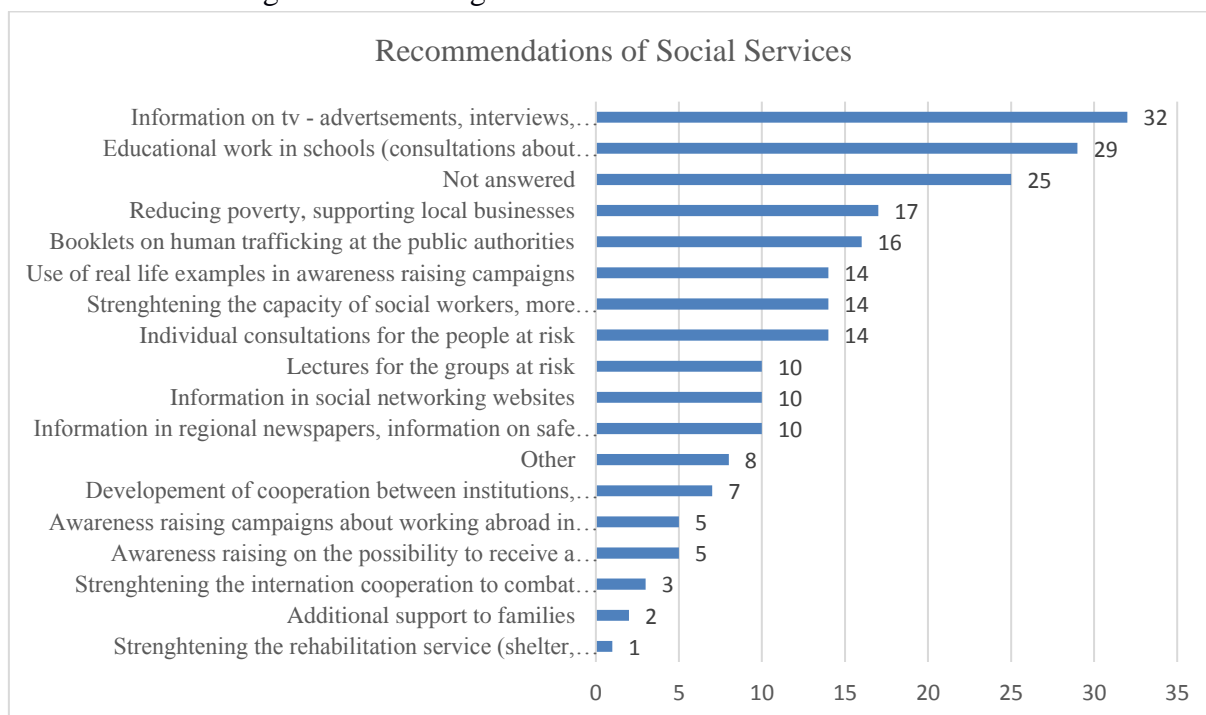
<sup>85</sup> Letter No. 1-14/127 of Viesīte Region Orphan's Court, dated 29 September 2016.

<sup>86</sup> Letter No. 1-14/596 of Daugavpils Region Skrudaliene Orphan's Court of 2 December 2016.

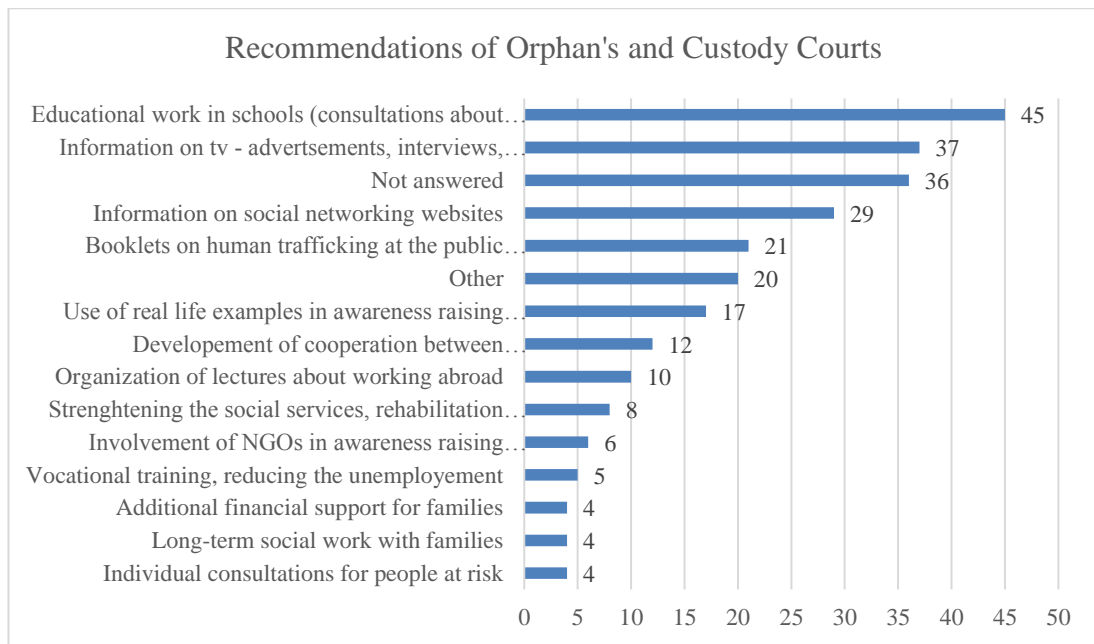
## Recommendations of Institutions for Prevention of Trafficking in Human Beings

European Union law stipulates that the Member States should establish and/or strengthen policies to prevent trafficking in human beings, including measures to discourage and reduce the demand that fosters all forms of exploitation, and measures to reduce the risk of people becoming victims of trafficking in human beings, by means of research, including research about new forms of trafficking in human beings, information, awareness-raising, and education. In such initiatives, Member States should adopt a gender perspective and a child-rights approach. Member States shall take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings. Member States shall take appropriate action, including through the Internet, such as information and awareness raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society organizations and other stakeholders, aimed at raising awareness and reducing the risk of people, especially children, becoming victims of trafficking in human beings.<sup>87</sup>

Considering the fact that the national anti-trafficking policy is developed on the state level, where representatives of ministries and authorities envision programmes and objectives that are to be implemented in practice to the whole territory of the state, the Ombudsman also wanted to hear the opinion of regional institutions - what activities they see as the best means to combat trafficking in human beings.



<sup>87</sup>25th consideration and Article 18 (1) and (2) of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.



The replies provided by the institutions may be divided into several sections.

1. Raising awareness in society on trafficking in human beings.

Overwhelming emphasis in replies was put on awareness-raising activities, educating inhabitants on the possible risks of trafficking in human beings. Besides it was highlighted that educational work is to be performed with school youth. In the provided replies institutions have indicated on various aspects, where the attention should be paid to when implementing the activities of distribution of information. For example, it was advised to use real-life events and experiences in the informational campaigns, thus enabling to learn from the experience of other persons. With regards to students a proposal was made to develop educational documentary films, because this media has been successfully used on other social issues. Considering the fact that the issues of trafficking in human beings are included in the curriculum of the subject “Social Science”, the issues regarding development and distribution of certain teaching materials in educational institutions shall be solved in cooperation with the Ministry of Education. It corresponds with the recommendation, made by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings – GRETA in the latest report on Latvia, to strengthen their efforts to prevent trafficking in children, in particular by education programmes.<sup>88</sup> For example, in Viesīte region such educational activity is performed by the Social Teacher of the school and psychologist during classes, or by organizing a workshop for youth, where inspectors, police officers and other specialists are invited. The orphan’s court is invited, when the discussion is about the rights of children, their obligations and responsibility.<sup>89</sup>

Certain institutions indicated in their replies that the non-governmental organizations should be broadly involved in such awareness-raising activities. The legal norms of the European Union stipulate that the Member States should encourage and work closely with civil

<sup>88</sup>GRETA, “Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, Second evaluation round, 2016, p.17-18.

<sup>89</sup> Letter No. 1-14/127 of Viesīte Region Orphan’s Court, dated 29 September 2016.

society organisations, including recognised and active non-governmental organisations in this field working with trafficked persons, in particular in policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of anti-trafficking measures.<sup>90</sup>

It should be mentioned that several extensive awareness-raising campaigns have been conducted in the past, involving non-governmental organisations and informational materials have been developed within the framework of such campaigns that potentially might be used for public education. However, many institutions also indicated that such campaigns should be more regular. Institutions also proposed to use the local government newspapers for the distribution of information.<sup>91</sup> Riga Social Service also expressed an opinion that it is important to place the information in locations, where the persons of the vulnerable groups are gathering - in market areas, charity organisations, food distribution places, at medical institutions, in pre-school education institutions, public transportation stops, out-of-family care institutions etc.<sup>92</sup>

Replies often included also a proposal to provide certain education activities for groups at-risk, in particular, to educate persons about working abroad. Organisation of informational lectures on work abroad as well as provision of specialist consultations were specified as examples. Several institutions highlighted that it would be important to cooperate with the State Employment Agency for fulfilment of such functions, considering the broad knowledge of employees of the institutions on the issues of labour law.

## 2. Elimination of risks of trafficking in human beings

The risks identified often related to the general economic situation in the state, emphasizing that the state could address the trafficking in human beings most successfully if establishment of work places would be facilitated in regions and entrepreneurship environment would be improved. With regard to financial issues certain municipalities also proposed to strengthen provision of support to families. Thus, for example, some of orphan's courts indicated in the reply that Latvia needs economic growth so that all nationals of the state could find well-paid work in their country, and the emigres would have a wish to return back.<sup>93</sup> The regularity, with which this reply was mentioned, confirms that trafficking in human beings is not to be discussed separately from the common social problems in the regions of Latvia, and the risks of vulnerability will remain very high without purposeful programmes for elimination of the risks of poverty and stimulation of economy. As Vecpiebalga Region Social Service indicated in the letter addressed to the Ombudsman - the timeliest assistance to victims of trafficking in human beings would be the prevention of the circumstances that facilitate the phenomenon.<sup>94</sup>

The replies also included proposals to draw attention to improvement of vocational skills

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<sup>90</sup>6th consideration of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

<sup>91</sup> Letter No.01/84 of Stopiņi Region Council Social Service of 3 October 2016.

<sup>92</sup> Letter No.RSD-16-2589-nd of Riga Social Service of 5 October 2016.

<sup>93</sup> Letter No. 1-14/596 of Daugavpils Region Skrudaliene Orphan's Court of 2 December 2016.

<sup>94</sup>Letter No.1-14/481 of Vecpiebalga Region Social Service of 13 October 2016.



and qualifications for inhabitants. Also, for example, the necessity to improve the knowledge of foreign languages was also indicated<sup>95</sup>.

3. Strengthening the system to combat trafficking in human beings and the provision of support.

It should be highlighted that many institutions also indicated the need to strengthen inter-institutional cooperation and to provide additional training for the employees of authorities. For example, some of the local governments indicated that in order to be able to ensure provision of assistance to victims of trafficking in human beings effectively and in a timely manner, fast exchange of information between all responsible authorities is of importance, so that each authority, upon receipt of information, could immediately act in accordance with the competency thereof and to prevent trafficking in human beings by cooperation.<sup>96</sup> Thus, for example, Aizkraukle Region Orphan's Court indicated in the reply provided to the Ombudsman that the information exchange about the parents traveling outside of the state and leaving their children under the supervision and in the care of other persons or traveling together with children should be improved. Institutions should receive information on events of trafficking in human beings, where, probably, also other families with children might be involved, to better assess the need for assistance and identify other cases of trafficking in human beings.<sup>97</sup>

In addition, also the provision of availability of informational materials in institutions must be noted. Although many authorities emphasized in their replies that they obtain information necessary for the work on internet, others stated that they would like to provide informational materials also for the clients of the authority<sup>98</sup>. Certain institutions indicated also the need for guidelines on how to provide support in cases of trafficking in human beings.

The importance of the social work was highlighted as well, identifying the need of long-term social work with families of high risk. Opinions on the need to strengthen rehabilitation services - crisis centres, psychological support, medical help and support groups also appeared in the replies of social services. For example, Liepāja City Council Social Service noted that, in order to provide a timely assistance to the victim of trafficking in human beings, it is necessary to inform people on the assistance opportunities, authorities and employees to approach for assistance. Each local government should develop a range of services, which the local government can primary provide to the victim of trafficking in human beings, before the victim can receive the state funded social rehabilitation services or during the post-rehabilitation period.

Finally, one has to agree with the opinion made by Valmiera Orphan's Court that any means (awareness-raising in society, organized training for specialists, exchange of information in various cooperation levels, penal policy etc.) may be and are effective if they help to prevent, diminish or create obstacles for trafficking in human beings.<sup>99</sup>

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<sup>95</sup> Letter No.1-14/596 of Daugavpils Region Skrudaliene Orphan's Court of 2 December 2016; letter No.1.8./453 of Smiltene Region Council Social Service of 14 October 2016.

<sup>96</sup> Letter No.1-14/386 of Valmiera Orphan's Court, dated 3 October 2016.

<sup>97</sup> Letter No.1-15/ 498 of Aizkraukle Region Orphan's Court, dated 3 October 2016.

<sup>98</sup>For example, Letter No.1-15/ 498 of Aizkraukle Region Orphan's Court, dated 3 October 2016.

<sup>99</sup> Letter No.1-14/386 of Valmiera Orphan's Court, dated 3 October 2016.

## Summary

- Municipal institutions across the whole territory of Latvia may face trafficking in human beings. The collected information confirms that cases of trafficking of human beings have been identified in many municipalities of Latvia, and contrary to the replies of several municipalities, it is not possible to draw less attention to the topicality of trafficking in human beings in certain regions. Trafficking in human beings is not to be discussed separately from the common social problems in the local governments of Latvia, and the risks of trafficking in human beings will remain very high without deliberate programmes for elimination of risks of poverty and stimulation of economy. At the same time, considering the groups of risk identified by the institutions themselves and the recommendations provided, appropriate provision of social assistance, education of persons and strengthening of cooperation between institutions in Latvia is of high importance, as well.

- In total 63 victims of human trafficking were identified in the country during the time period from 2014 - 2016. 8 minor victims of trafficking in human beings exposed to trafficking inside the state were identified during the time period since 2012. According to the results of the survey only 13 local social services and 13 orphan's courts have had previous experience concerning human trafficking in the local municipalities. It is also to be concluded from replies of the surveyed authorities that the available support in local governments differs. Besides, the models of conduct also differ upon receiving information on the case of trafficking in human beings.

- The research data confirms that not all institutions are equally successful in mapping the institutions that are part of the support system for victims of trafficking in human beings, and the low recognition of non-governmental organisations among employees of municipal services is worrying. When collecting replies of the survey, a conclusion is to be made that a large number of institutions find their role only as the information provider to the police for the investigation of a criminal offense. Upon perceiving their role in this way, the aspect of social support is forgotten that would have the most urgent role in accordance with the competency of the particular surveyed institutions. Such a circumstance, along with the information provided about the models of conduct of authorities, confirms that not all institutions understand the system for granting social rehabilitation services to the victims of trafficking in human beings in Latvia.

- Training of state officials is to be acknowledged as fragmentary and is generally performed only within the framework of certain projects and initiatives. Currently, the attendance of training depends on the geographical availability, financial abilities of the authority, information about the training opportunities and the institution's director's perception on the topicality and significance of the training. Besides, the majority of municipal training courses are attended only by one employee of the authority, often - the head of the institution. Accordingly, there are doubts on how many of such training programmes available for a certain employee affect the total level of knowledge of employees of the authority, in particular, considering that only rarely such trainings put an emphasis on further distribution of information in the local government. In turn, the employees of the State Employment Agency have not participated in the training on identification of trafficking in human beings at all.

- Institutions have different perceptions of their involvement in educating the clients of the institutions on the possible risks of trafficking in human beings. While several municipalities have implemented preventive activities, counselling the identified groups at-risk, other institutions indicated that awareness raising of society including the clients of institutions is not part of their competence and mandate. I cannot agree with such opinion, because trafficking in human beings is both a crime as well as a violation of human rights, and it is also a duty of social workers, employees of orphan's court or the State Employment Agency to inform their clients on the protection of the rights of a person.

- A comparatively small number of institutions may provide informational materials in local governments. In total, approximately 35% of municipal social services indicated that there are some booklets, posters or other informational materials on the topic of trafficking in human beings available in the institution. Only 15% of orphan's courts confirmed the availability of such materials. Considering the above mentioned, in most of the institutions there is no information available for clients to become acquainted with, without approaching the employees of services. Internet is not equally available to people from various groups of risk, which may delay the acquisition of information regarding the possibility to receive social rehabilitation service and to initiate criminal proceeding.

- Since 2014 useful methodological materials have been created within the framework of several projects and initiatives, but additional attention should be paid to the promotion of these materials among the responsible institutions. Additionally, several examples of good practice were collected from local governments of Latvia, but often such information regarding the activities implemented in certain local governments and informational materials is not distributed elsewhere in Latvia. Considering the above mentioned, the exchange of information and good practice should be facilitated among local governments of Latvia.

- Currently there is a lack of informational materials, explaining the possible inter-institutional cooperation models for the orphan's courts of Latvia, and there is a comparatively small number of materials on the issues of trafficking in human beings, in particular in relation to minors. Besides, considering the conclusions of the research, it is necessary to perform additional research in relation to identification of trafficking in human beings and social rehabilitation for persons in out-of-family care.

## Recommendations

Regulatory enactments and policy planning initiatives are developed on a national level, involving the cooperation between representatives of several ministries, state and law enforcement authorities, however a smaller role is allocated to the local governments in the development of anti-trafficking policies. This fact appears counter-intuitive since the local governments and employees thereof are professionals who know the most about the local inhabitants, their issues and needs. Moreover, both the potential victims of trafficking in human beings as well as persons who have already been exposed to trafficking in human beings approach the professionals of local governments. It may depend on the competency and resources of these professionals whether the person will receive the necessary support that Latvia has undertaken to provide upon implementing Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims (..). After evaluating the replies provided by the institutions and hearing the opinions of the employees thereof, I would like to provide the following recommendations.

- Considering that the risk of poverty is one of the most significant reasons why persons are exposed to trafficking in human beings, the Saeima and the Cabinet should take care for the implementation of a deliberate policy to leverage the most significant social differences in society and to guarantee a sufficient standard of living to each group of inhabitants.
- The Ministry of the Interior in cooperation with the working group for coordination of implementation of Guidelines On Prevention of Trafficking in Human Beings 2014 - 2020, should consider the need to develop a formal National Referral Mechanism in the form of a specific document that would be regularly improved in accordance with changes in regulatory enactments and practice.
- The Ministry of the Interior and other responsible institutions should facilitate the promotion of recognition of the current informational materials and, in particular, the State informational resource on the topic of elimination of trafficking in human beings and current events in Latvia – in local governments of Latvia, including ensuring the availability of the informational materials at the municipality authorities' institutions. At the same time the drafting of separate guidelines for the employees of orphan's courts and other officials for work with minor persons is to be considered in particular.
- The Ministry of Welfare should facilitate the recognition of non-governmental organisations - social rehabilitation service providers in Latvia's regions, or provide the necessary resources for the non-governmental organizations to conduct this informational work individually.
- With regard to the organization of training, the research of the Ombudsman has provided a review on the current training provision, showing municipalities where training has not been implemented at all. Considering the above mentioned, I invite the responsible ministries in cooperation with local governments to find an opportunity to provide training in these local governments as a priority. Additionally, I recommend appointing a coordinator who would further on collect information on training options in order to educate employees of institutions in the Latvia's regions in a more successful and deliberate manner.

- I invite the State Employment Agency to provide training on the identification of victims of trafficking in human beings for employees of institution, as well as to consider the need to include the issues of trafficking in human beings in lecture programmes provided for job seekers.
- I invite local governments to improve cooperation models between institutions within the framework of local governments. Appropriate solutions could include the establishment of inter-institutional working groups, facilitating information exchange for solving the issues of trafficking in human beings and a purposeful and comprehensive analysis of the situation within the framework of local governments. I also invite the local governments to perform regular periodical assessment on the efficiency of the inter-institutional cooperation mechanism in local governments, gathering information on the issues identified in practice.
- I invite local governments to develop a “basket of services” for the implementation of social support for victims of trafficking in human beings during the period before and after receipt of social rehabilitation services.
- Considering the results of the research, I recommend all municipalities, their social workers, employees of orphan’s courts and employees of branch offices of the State Employment Agency in accordance with their competency to assess the possibilities of implementing preventive activities for education of clients on the risks of trafficking in human beings.
- Additionally, I invite the relevant stakeholders to consider a possibility to expand the inter-institutional working group for coordination of implementation of the Guidelines on Prevention of Trafficking in Human Beings 2014 – 2020 to also include the State Inspectorate for Protection of Children’s Rights, considering its' competency for the provision of methodological support to orphan’s courts of Latvia.

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