









### Excerpt from the book:

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**Cautionary note:** The terms 'child prostitution' and 'prostituted children' are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

## LATVIA

	<b>POPULATION</b> 1,9 million		<b>GDP PER CAPITA</b> 15,594.3 USD
	<b>POLITICAL SYSTEM</b> Parliamentary Regime		<b>HUMAN DEVELOPMENT INDEX</b> 44 <sup>th</sup> rank among 187 countries
	<b>GENDER INEQUALITY INDEX</b> 41 <sup>st</sup> rank among 147 countries		<b>CORRUPTION PERCEPTIONS INDEX</b> 40 <sup>th</sup> rank among 180 countries

Latvia is a country of origin for human trafficking, and, to a lesser degree, transit and destination (ENM, March 2014). Yet, despite the extent of the phenomenon, few victims have been identified: 84 between 2014 and 2017, 81 of whom were Latvian; their main destinations being Ireland, the United Kingdom, Sweden, Cyprus, Germany, Greece, the United States and Brazil (GRETA, March 9, 2018). Since 2002, Latvia has been ranked in Tier 2 in the 2018 US Department of State report on Trafficking in Persons.

### Numerous Forms of Sexual Exploitation

The NGO *Resource Centre for Women MARTA* has reported that prostitution on the street and indoor (in massage parlors, hotels, brothels, via the internet, etc.) is omnipresent. Latvia is estimated to have between 15,000 and 20,000 prostituted people (Fondation Scelles, 2012). Sex tourism and child sex trafficking are also

reported to be on the rise (US Department of State, June 2018).

In 2016, more than 28% of the Latvian population was at risk of poverty or social exclusion (Eurostat, "People at risk of poverty of social exclusion", May 2018). These economic and social difficulties accentuate the vulnerability of those already most at-risk, particularly women and children, to prostitution and sexual exploitation (ECPAT International, 2017). Within these groups, non-Latvian speaking groups are more exposed to discrimination and exploitation risks. The high unemployment rate (between 6 and 17.5% since 2002) mainly affects women (United Nations Human Rights Committee, April 11, 2014). As the main victims of economic or social difficulties, they fuel the prostitution system. In 1995, 79% of Latvian women were engaged in prostitution activities in order to support themselves. This finding is confirmed by multiple recent studies (Bite et al., 2014).

## Exploitative Marriages of Convenience

“Marriages of convenience,” marriages between EU and non-EU nationals for the purpose of obtaining a residence permit, are on the rise (GRETA, March 23, 2017). This phenomenon is nowadays considered as a form of human trafficking that is very prevalent in European countries (US Department of State, June 2018). Trafficker’s main targets are young girls from disadvantaged backgrounds, who have low levels of education or mental disabilities (Bite et al., 2014). As a result, women from ethnolinguistic minority groups are targeted, particularly among the Roma community. Members of the Roma community are victims of discrimination and social exclusion in employment, access to housing, health care and education, and often live in precarious situations (United Nations Human Rights Committee, April 11, 2014). In 2014, the Police Anti-Trafficking Unit identified recruiters of Latvian women for marriages of convenience in Ireland, the United Kingdom and Cyprus, also involving criminals operating from Sweden (GRETA, March 23, 2017).

## Child Victims

According to the NGO *Resource Centre for Women MARTA*, 40% of prostituted people in Latvia are underage. The United Nations Committee on the Rights of the Child has reported cases of young girls involved in prostitution activities with truck drivers on motorways. Cases of child prostitution have also been reported in Riga (ECPAT International, 2017). Juvenile prostitution is a developing phenomenon, although the problem is often denied due to lack of data.

The situations are diverse: street children, children from disadvantaged backgrounds who are sold by families without means to support their education...

The *Resource Center for Women MARTA* reports cases of prostitution of children in state orphanages. These cases are particularly difficult to handle. Indeed, to deal with as these children are officially under state protection, the law on Victims of Trafficking and Sexual Exploitation cannot be applied to them (US Department of State, June 2018).

There are also concerns about the development of child marriages. A minor may legally be married from the age of 16, with the consent of a parent or legal guardian (Article 33 of the Civil Code). These premature marriages can evolve into forms of sexual exploitation. Husbands have prostituted their wives, thus becoming their procurers. Sometimes, procurers marry their victims to make it easier to bypass the law. These cases are all the more difficult to deal with because, similarly to adults, they involve legislation on domestic violence and sexual slavery, with the addition of the legislation concerning minors (*Resource Center for Women MARTA*, 2016). The spread of online sexual exploitation and sex tourism involving children has led to the creation of a task force focused on a strategic plan “Prevention of sexual offenses against minors for the period 2017-2020” (ECPAT International, 2017).

## Victim Recruitment Methods

The most common method of recruitment is that of loverboys, or boyfriend procurer. The loverboy gradually acts to better convince the victim that he or she has decided freely to engage in prostitution (Bite et al., 2014). “A man cares for a woman,” explains Zane Zvingzdina, a lawyer at *Resource Center for Women MARTA*. “He supports her financially. One day, he announces that he needs money, and accustoms the woman to the idea of prostituting herself by saying it

could improve their financial situation. It's a very manipulative method" (*Baltic New Network*, February 13, 2018).

The loverboy, accompanied by his victim, regularly spends time with prostituted people to accustom her to the environment. Gradually, this environment becomes familiar, even "normal." By mixing almost exclusively with prostituted people, the victim gradually becomes aware of the possibility of making it her main occupation. A process of indebtedness (gifts and invitations) completes the process of manipulation, as the victim is increasingly indebted to the generosity of her "friends". The use of drugs at parties, accompanied by a debt to drug dealers, accelerates the phenomenon. Thus, even if the victim is not forced into prostitution, she cannot exercise free will, as this activity appears to be the only option to earn money (*Bite et al.*, 2014).

### **Legal but strictly regulated Prostitution**

Latvia has chosen to regulate the system of prostitution. On January 22<sup>nd</sup>, 2008, the Cabinet of Ministers introduced Regulations Regarding Restriction of Prostitution, new rules to regulate the practice of prostitution. These laws require that the prostituted person must carry out this activity only in their home, and are subject to certain conditions: the practice of prostitution is prohibited if the home is within 100 meters of a church or school, if a child is present in the apartment, or if one of the inhabitants of the residence objects to it (Article 4). The law also prohibits the formation of groups for the purpose of prostitution (Article 6). The keeping of a brothel as well as several prostituted persons living together are thus prohibited. The practice of prostitution in establishments for entertainment or leisure is prohibited (Article 7). Advertising of prostitution activities is prohibited on the internet, in the

press and via other mass media, with the exception of erotic media (Article 11). It is also prohibited to promote the prostitution of another person (Article 12). Measures are moreover aimed at preventing the spread of HIV/AIDS and sexually transmitted infections (STIs). Each person involved in prostitution receives a healthcare card prescribed by a specialized doctor (dermatologist or venereologist) (Article 2). This card must be updated monthly by a doctor (Article 8) and presented at the request of the sex buyer (Article 13). Prostituted people with STIs or who are HIV/AIDS positive should not participate in paid sexual activities. However, these health requirements are reportedly poorly enforced because prostituted persons have difficulty accessing the healthcare system (*Resource Centre for Women MARTA*, 2016). According to UNAIDS, the HIV/AIDS prevalence rate is reported to be 22% among prostituted persons, while the rate of condom use is 85.5% (*UNAIDS*, 2017).

Since 2014, Article 164 paragraph 2 of the Penal Code has aimed to protect the prostituted person and penalize sex buyers who behave "dishonestly," abusing trust "in bad faith, or by deceit, or by taking advantage of the dependence of the person on the offender or his or her state of helplessness." The penalty carries a maximum of five years' imprisonment or a fine of up to 120 times the monthly minimum wage<sup>1</sup>. The same article also criminalizes "buying sexual services from a prostituted person knowing that they are a victim of trafficking," and the buying the sexual services of a prostituted child, with penalties up to five years' imprisonment, community service or a fine.

However, these strict rules are rarely or ineffectively applied and do not prevent the development of the phenomenon, nor its extreme normalization. The authorities'

tolerance has made prostitution a societal norm like any other (Bite et al., 2014). A sign of this normalization, the *Centrālā Statistikas Pārvalde* (Central Statistical Bureau of Latvia) provides a budget line dedicated to prostitution in the household services expenditure, alongside the cost of hairdressers or object repair.

### **A New Law on Prostitution for 2019**

For several years, the government has been considering the possibility of changing the prostitution regime and transforming the current regulation adopted by the Council of Ministers into national law. NGOs have denounced the unconstitutionality of this modification (*Resource Centre for Women MARTA*, 2015). Thus, at the end of 2015, a working group under the authority of the Ministry of the Interior, bringing together various relevant bodies (Ministries of Health, of Justice, of the Interior, the police, the office of the Ombudsman, and NGOs such as *Resource Centre for Women MARTA*), has been established (*Resource Centre for Women MARTA*, 2016).

As a result of these exchanges, a law on the restriction of prostitution (*Prostitūcijas ierobežošanas likums*, VSS-946) came into force on January 1<sup>st</sup>, 2019. The aim is “to limit and reduce prostitution, to reduce the risk of human trafficking, to protect the health of individuals and of the public, to prevent children and young people from being involved in prostitution, to reduce the risk of violence against those involved in prostitution, to encourage the abandonment of prostitution...” (LV *Latvijas Vēstnesis*, October 19, 2017).

The law largely reiterates the requirements of the 2008 legislation. It also provides some new measures: raising the minimum age of prostitution from 18 to 25 years old, prohibiting the purchase of sexual acts by those under 25 years of age, prohibiting the purchase of sexual

acts from a victim of human trafficking, prohibiting prostitution outside authorized premises. The law also establishes exit and social reintegration programs for prostituted persons who wish to give up their activity. Finally, the State has a duty to provide information on these issues. It is now written in the law that courses on gender equality, the forms of exploitation of human beings and the consequences of prostitution will be added to school curricula. The ministries involved are committed to continuously informing the general public on these issues.

### **Human Trafficking: The Legislative Framework**

Human trafficking is defined by article 154(2) of the Penal Code as: “the recruitment, transportation, transfer, concealment, harboring or reception of persons for the purpose of exploitation, by means of violence or threats or by means of fraud, or by taking advantage of the person’s dependence on the trafficker or his or her situation of vulnerability or distress, or by the giving or obtaining material benefits or benefits to obtain the consent of another person on whom the victim depends”. Human trafficking is penalized with sentences of up to eight years in prison, between 3 and 12 years’ imprisonment if it is committed by an organized group, or if the victim is a child between 5 and 12 years’ imprisonment in the event of aggravating circumstances (*GRETA*, March 23, 2017).

The prosecutable forms of exploitation are specified in Article 154-2: “For the purposes of this article, ‘exploitation’ means to exploit another through prostitution or other forms of sexual abuse, coercion to perform, to provide services or to commit an offense, slavery or practices similar to slavery (debt slavery, serfdom or the compulsory transfer of a person into dependence upon another person), the

holding of a person in servitude and the unlawful removal of a person's tissues or organs." The exploitation of a person for the purpose of prostitution is punishable by a maximum of three years in prison, or a fine not exceeding 60 times the minimum monthly wage. If the victim is a minor over 16 years of age, the prison sentence is a maximum of six years. If the victim is under 16 years old, the prison sentence is between 5 to 12 years' imprisonment.

In addition, it is illegal to earn a living from the exploitation of a prostituted person, with penalties of 4 to 12 years in prison depending on the age of the victim and the level of organization involved in their exploitation (Article 165).

Article 154-2 was amended in 2014 "to include the coercion of a person to commit offenses as a form of exploitation and the abuse of a position of vulnerability as a means, as well as the definition of the term 'vulnerability'" (GRETA, March 23, 2017).

Article 165-1 punishes human trafficking for sexual exploitation purposes, even with the victim's consent, with penalties of 4 to 15 years in prison, depending on the age of the victim and the organization of the trafficking. According to the 2018 US Department of State report on Trafficking in Persons, Latvian authorities also implemented this article in order to prevent potential cases of human trafficking by indicting recruiters (US Department of State, June 2018).

The 2013 reform of criminal sanctions made it possible to impose alternative penalties (community service or fines) under Article 165-1. Since this reform, traffickers are more often sentenced to alternative sanctions rather than prison time under Article 154-1. The reform has reduced or even eliminated certain minimum penalties (GRETA, March 23, 2017). Following a case in 2015 regarding the sexual abuse of a minor whose perpetrator was only punished with community service and probation, the NGO

*Resource Centre for Women MARTA* carried out significant advocacy work with Parliamentarians to amend the Penal Code on this matter. In December 2015, the laws were amended to include more severe penalties and increase minimum sentences for crimes of sexual violence against minors (*Resource Centre for Women MARTA*, 2015).

## **The Fight against Human Trafficking and Sexual Exploitation**

### ***Rewarded Efforts***

Whatever the difficulties encountered, Latvia's fight against human trafficking is recognized and welcomed by international bodies. Thus, in 2017, GRETA emphasized the efforts made by Latvia since their first visit in 2014 to implement the measures provided for by the Warsaw Convention (GRETA, March 23, 2017). Similarly, since 2016, the US Department of State has honored a Latvian personality every year with the title of "Heroes of the Fight against Trafficking in Human Beings." Lasma Stabina, the national Anti-Trafficking Coordinator in Latvia, was awarded in 2016 for two international programs: "Preventing human trafficking and sham marriages: A multidisciplinary solution" and "Strengthening the role of municipalities in the work against trafficking in human in the Baltic Sea Region" (US Department of State, June 2016). Juris Jansons, Ombudsman of Latvia, was honored in 2017 for his prevention work and his 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" (US Department of State, June 2017). Finally, Andris Bidzans, Chief Inspector of the Latvian State Police, received the title of "Hero" in 2018, for his transnational investigations and his participation in international cooperation during joint investigations (US Department of State, June 2018).

### **Ongoing Plan of Action**

In 2014, the government approved a national plan of action, "Guidelines for the Prevention of Trafficking in Human Beings 2014-2020," which provides for 39 measures organized around four lines of action: prevention, protection of victims, investigations and prosecutions, cooperation between authorities at the national and international levels (the four P: Prevention, Protection, Prosecution, Partnership). A working group under the authority of the Ministry of the Interior oversees the implementation of the action plan. Among the first measures in place was the creation of a National Anti-Trafficking Coordination within the Ministry of the Interior, with functions equivalent to those of a National Rapporteur. A preliminary mid-term evaluation of the implementation of the action plan (June 2017) was launched by the government in 2017. Evaluations were sent to 119 municipal social services, 119 family courts and 28 regional offices of the National Employment Agency to assess the level of awareness of trafficking, training opportunities, institutional cooperation, etc. The Ombudsman also asked NGOs to draft a note about possible problems with the implementation of the action plan, the functioning of social reintegration services, and so on (GRETA, March 23, 2017).

### **The Fight Against Sexual Exploitation Online**

Actions specifically against sexual exploitation on the internet have been put in place. Indeed, most prostitution advertisements can be found on job sites, dating sites and online marriage proposals (Bite et al., 2014). In order to combat recruitment for prostitution and sexual exploitation, the police have set up a specialized anti-trafficking unit. Despite the NGO *Safe Net* providing ways to block child pornography, the unit's 20 police officers designated to the task are not

enough to combat the phenomenon (GRETA, March 23, 2017).

### **Effective Police Cooperation but Insufficient Prosecution**

As part of the international fight against human trafficking, there have been several agreements concluded amongst 28 countries. There has been police cooperation with INTERPOL and EUROPOL offices. In 2017, the *National Anti-Trafficking Coordination unit* opened investigations into 7 cases involving four suspects (compared to 4 cases for three suspects in 2016). 3 traffickers were prosecuted in 2017 (compared to 11 in 2016). There were 4 convictions (3 suspended sentences of imprisonment and 1 fine). Under article 165-1, the authorities investigated 8 new cases, prosecuted 5 suspects and convicted 6 in 2017 (compared to 10 cases, 4 prosecutions and 10 convictions in 2016). In 2017, none of the convictions resulted in a prison sentence (US Department of State, June 2018). Since 2014, 40 people have been sentenced to suspended prison sentences; only 12 prison sentences were handed down, 4 of which were for less than 1 year (GRETA, March 9, 2018). International experts call on Latvia to intensify its efforts in prosecuting traffickers and to impose penalties commensurate with the severity of the crimes committed. GRETA stresses the importance of imposing effective, proportionate and dissuasive sanctions. It also stresses the need to enshrine in the law the fact that the victim's consent cannot justify the absence of convictions, which would make possible, for example, to try cases even when the victim does not dare to file a complaint against their traffickers (GRETA, March 23, 2017). Some experts are also concerned about cases of human trafficking in the legal sector of prostitution in Latvia, with police simply imposing fines for non-compliance with prostitution

regulations rather than seeking to identify potential victims.

### ***The Identification and Protection of Victims: A System to be Improved***

In 2017, 20 victims of human trafficking were identified by the police and the multidisciplinary commission of experts (which is comprised of several NGOs), including 8 victims of sexual exploitation and 7 victims of forced marriages (compared to 11 in 2016, including 14 victims of trafficking for the purpose of sexual exploitation and 1 for forced marriage) (GRETA, March 9, 2018). Civil society plays an important role in victim identification. Emergency hotlines allow everyone to report potential situations of trafficking and sexual exploitation. The State has mandated the NGOs *Resource Center for Women MARTA* and *Shelter "Safe House"* (respectively in 2015 and 2017) to take charge of the victims' assistance actions, with a budget allocated by the Ministry of Social Affairs. GRETA notes, however, that the budgets granted cover only assistance for a few persons, and the mandated NGOs have to cover the additional costs. Similarly, there are no specialized centers for victims of trafficking. Mandated NGOs must establish agreements with other NGOs to benefit from reception centers or rent apartments (GRETA, March 23, 2017). A victim assistance program has been implemented by the State and NGOs for the period of 2017-2018. It includes medical and psychological assistance, legal representation, housing assistance and reintegration (US Department of State, June 2018).

### ***The Case of Migrants***

Border police officers have indicated that Latvia is most likely a transit country for human trafficking, although no foreign victims have been identified as of this moment. Yet, migrants are particularly

vulnerable due to their very precarious situations. These migrants are not identified as victims of trafficking, but are rather considered irregular migrants and are held in detention until deportation. In cases involving the absence of identity documents, detention can last from ten days to a year. The application of deportation procedures and the lack of training of officials and sworn interpreters all prohibit the identification of victims among migrants. Thus, 463 migrants were detained in 2015 (139 in 2014, 171 in 2013) but none were identified to be victims of human trafficking, although European legislation regulating the right and recognition of victims of trafficking is effective (ENM, March 2014). Moreover, in cases of identification, the issuance of a residence permit is conditional on the victim's participation in investigations or criminal proceeding (GRETA, March 23, 2017). In 2017, the Code of Administrative Offenses and article 58 of the Criminal Code were amended to ensure that victims of human trafficking who commit criminal acts under duress are not prosecuted. However, during GRETA's evaluation visit, members of civil society revealed the case of a 14-year-old Lithuanian girl who was a victim of human trafficking and who had been punished for theft, as the trafficking was committed in Lithuania and the theft in Latvia.

### ***Training and Awareness-Raising for Professionals and the Public***

Since 2012, training has been provided for the national police, border police, the Office of Citizenship and Migration Affairs, judicial institutions, schools, the Ministry of Social Affairs and Labor Inspection. 690 border police officials participated in the training, and 681 specialists attended the program by the Ministry of Social Affairs (GRETA, March 23, 2017).

Conferences are regularly organized to raise public awareness and to provide information on the phenomenon of human trafficking and sexual exploitation. An informative forum on the social consequences of sex trafficking was organized in 2014 by the Ministry of the Interior with the support of the Nordic Council of Ministers. The forum included the participation of representatives from eight northern European countries and the Russian Federation (GRETA, March 23, 2017). In 2015, Shelter “Safe House”, Resource Centre for Women MARTA as well as the Ministry of the Interior participated in conferences on human trafficking. However, the 2018 US Department of State report on Trafficking in Persons recommended that Latvia strengthen its training programs for civil servants, judges and magistrates in particular, to help them understand the different aspects of trafficking and to better enforce existing anti-trafficking laws, as the low number of convictions is a sign of officials’ lack of knowledge regarding the phenomenon (GRETA, March 23, 2017).

Several initiatives involving the private sector have also been launched, notably with Air Baltic and the Latvian State Tourism Agency, to prevent trafficking and sex tourism through the implementation of prevention programs on trafficking and sex tourism (ECPAT International, 2017).

Several actions are being carried out in schools to raise awareness of trafficking and sexual exploitation. A book, illustrated by trafficking survivors, has been published for schools’ use (GRETA, March 23, 2017). Similarly, Hanuka Lohrengel, a former social worker, wrote a comic book retracing her journey and experiences working with prostituted persons. The book was published in 2016 with the funding of the Nordic Council. Some passages in the document lead readers to reflect on the situation of prostituted persons: “Prostitution rarely is a choice, unless you consider poverty as a

choice. Prostitution is an act of survival,” and, on the purchase of sexual acts: “What is a rapist? It is a person who exerts an unwanted sexual act on someone. In prostitution, a person gets paid for having unwanted sex. If it was wanted, the act would not need to be paid” (Lohrengel, 2016).

On the occasion of the European Anti-Trafficking Day (October 18), awareness-raising events are organized in the country. Every year, the Municipality of Riga updates and distributes a brochure on the prevention of trafficking to Latvian social welfare institutions, schools, universities and Latvian diplomatic missions (more than 10,000 brochures in Latvian and 3,600 in Russian in 2015) (GRETA, March 23, 2017).

In conclusion, despite clear progress, the fight against sexual exploitation has its limits. The new prostitution law that will come into effect in 2019 will not change this situation, since, after months of debate over the possibilities of moving towards a total prohibition of prostitution or towards the Nordic model of penalizing the purchase of sexual services, Latvia has chosen to not substantially change its approach to the problem.

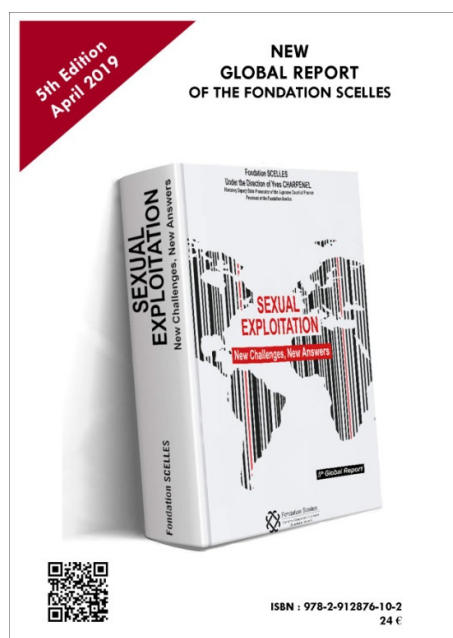
The main obstacle is still a deep ignorance or a too stereotyped vision of these problems. GRETA also recommend combating sexist prejudices in order to limit the trivialization of prostitution and sexual exploitation. The US Department of State is calling upon Latvia to expand public awareness efforts to educate at-risk groups about these phenomena. It is also recommended that education on trafficking for specialized bodies be made mandatory in order to increase the prosecution and conviction of criminals. The culture of impunity, still omnipresent, must be broken and Latvia must continue its efforts in this direction.

<sup>1</sup> The minimum salary was USD 483.47 on January 1<sup>st</sup>, 2018 (EURES, 2018).



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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

## CONTACT

**Sandra AYAD, Head of the International Observatory on Sexual Exploitation**  
[sandra.ayad@fondationscelles.org](mailto:sandra.ayad@fondationscelles.org)

14 rue Mondétour  
75001 Paris - France



[www.fondationscelles.org](http://www.fondationscelles.org)  
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