**Report of the Office of the High Commissioner for Human Rights on Child, Early and Forced Marriage to the Human Rights Council pursuant to resolution A/HRC/RES/24/23**

**Information on practice in the Republic of Latvia[[1]](#footnote-1)**

Child marriage in Latvia is almost non-existent practice with the certain specific exceptions to the general prohibition. In accordance with the Section 32 and 33 of the Civil Law of the Republic of Latvia marriage prior to the attaining of eighteen years of age is prohibited except in the case when a person who has attained sixteen years of age marry with the consent of his or her parents or guardians if he or she marries a person of age of majority. If the parents or guardians, without good cause, refuse to give permission, then permission may be given by an Orphan’s court for the place where the parents or appointed guardians reside. Furthermore a marriage shall be declared annulled if it has been entered into before the spouses or one of them have attained the age provided for in Sections 32 or 33. However such marriage shall not be declared annulled if, following the marriage, the wife has become pregnant or if both spouses have attained the specified age by the tune of the court judgment.

In addition the Criminal Law of the Republic of Latvia stipulates that any sexual acts with a person who has not attained the age of sixteen years are prohibited and shall be subject to a criminal penalty. In cases when the person is under the age of fourteen years it is considered to be a rape or forcible sexual assault. In accordance with the envisaged amendments to the Criminal Law, a criminal penalty for rape and forcible sexual rape will be applied in all cases of non-consensual sexual acts with a minor. Therefore sexual acts with a minor will be recognized as non-consensual also in the cases of forced marriages and they will be considered to be the Criminal Law offenses.

The Section 154 of the Criminal Law provides that human trafficking is the recruitment, transportation, transfer, concealment, accommodation or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent. The recruitment, transportation, transfer, concealment, accommodation or reception of a minor for the purpose of exploitation shall be recognized as human trafficking also in such cases, if it is not connected with the utilization of any of the means referred to previously. Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform labour or to provide services, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the illegal removal of a person’s tissues or organs. Therefore parents are considered to be criminally liable in the cases when they by mutual agreement or otherwise transfer their child to enter into a forced marriage.

**Marriages of convenience (sham marriages)**

Persons can enter into marriages of convenience with third country nationals voluntarily (most cases) or involuntarily (it is considered to be human trafficking in accordance with the conditions defined in the Section 154 of the Criminal Law). Cases of forced marriages in the context of human trafficking are rare in Latvia: 2 criminal proceedings were initiated in 2009; in 2010 – 1; in 2011 and 2012 – none. In recent years forced labour and marriages of convenience leading to exploitation have also emerged.

As regards human trafficking, Latvia is primarily a country of origin for trafficked persons. Latvia is a party to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery since 1992. In 2002 Latvia acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which criminalizes trafficking in human beings. All forms of trafficking in human beings are prohibited. The specific offence of trafficking in human beings was established in 2002 through the Criminal Law, which incorporates the requirements of the above mentioned and other relevant international instruments with regard to forced marriage.

National Programme for Prevention of Trafficking in Human Beings (2009-2013) was adopted by the Government of Latvia on 27 August 2009. It follows the previous National Programme for the years 2004 – 2008. Current Programme aims at improving legislation, when appropriate, and co-operation between government institutions (including between law enforcement and judiciary bodies) and NGOs. The Programme envisages preventive actions and improvement of support services for victims of human trafficking. According to the Informative report on the implementation of the National Programme for the Prevention of Human Trafficking for 2009-2013 in 2009 and 2010, implementation of the Programme in this period is considered to be successful and planned results have been achieved.

The Government of Latvia is currently drafting the new policy planning document – the National Guidelines for the prevention of human trafficking (2014 – 2020). The Guidelines aim to reduce the phenomen of human trafficking; to build the capacity of law enforcement agencies and competent partners; to promote public awareness on issues related to human trafficking and provision of assistance for the victims. The Guidelines has been developed in close collaboration with the relevant national and local authorities, law enforcement agencies and non-governmental organizations and recommendations of international organizations[[2]](#footnote-2) have been also taken into careful consideration.

In 2013 the amendments have been made in the Law on State compensation to Victims of the Republic of Latvia. In accordance with these amendments the scope of persons, who have the right to State compensation, namely, victims who have suffered from intentional criminal offence, have been extended, by adding the victims of human trafficking. In addition, the amount of compensation payable was increased, thereby improving public support mechanisms for victims of human trafficking.

Awareness-raising campaigns on issues related to human trafficking are carried out on a regular basis:

* Informative campaign on marriages of convenience “Fake marriages – a trap!” was carried out in 2011. The campaign aimed to inform the public about the risks of getting involved in fictitious marriages outside Latvia with third country nationals. During this campaign people were approached in railway and buss stations, airport etc. in order to find out whether people are informed about the risks of marriages of convenience.
* The campaign “Open your eyes!” took place from September 2011 till January 2012. The main goal of this campaign was to raise awareness on human trafficking problem. During the campaign the training of librarians as potential consultants in this area was carried out.
* On September 18, 2013, an informative campaign against human trafficking "Be Smart - Prevent Human Trafficking" was launched in 9 cities of Latvia. Everyone interested was given an opportunity to enter the informative trailer and see the exhibition installed within it, talk to experts and receive educational materials.

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1. Information has been prepared in the cooperation with the Ministry of the Interior and the Ministry of Justice of the Republic of Latvia [↑](#footnote-ref-1)
2. *Inter alia*, recommendations that Latvia received during its Universal Periodic Review process in 2011 and recommendations included in the report of the UN Independent Expert on the effects of foreign debt on human rights on his visit to Latvia (published in 2013). [↑](#footnote-ref-2)