

Mandate of the Special Rapporteur on trafficking in persons, especially women and children

Ref.: UA GBR 4/2026
(Please use this reference in your reply)

14 January 2026

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolution 53/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning a Latvian national, identified as a victim of trafficking for forced criminality, who was charged with drug related offenses in his country of origin, and in relation to whom, an order of extradition to Latvia is due to be executed on 16 January 2026.

According to the information received:

██████████ is reportedly a victim of trafficking in persons for forced criminality in Latvia, where he was allegedly forced into committing drug offences in 2021. On 18 August 2025, the Single Competent Authority, Home Office, issued a Conclusive Grounds determination, accepting that ██████████ was a victim of modern slavery. It concluded that there was: "Forced criminality - Riga, Latvia, between 28/01/2021 - 10/03/2021 and an unknown date in approximately May 2021." His extradition from the UK is sought by Latvia on the basis of an accusation warrant concerning three offences alleged to have been committed in March 2021 when he was a victim of modern slavery/trafficking, according to the Conclusive Grounds determination by the SCA.

According to the information received, ██████████ is of Roma origin, and fled his country of origin out of fear of the Russian mafia with his wife and two twin boys, who are now aged 15 years old. If returned to Latvia, ██████████ fears being killed by the Russian mafia, re-victimized as a victim of modern slavery, or being re-exploited in prison.

Background information

On 19 October 2022, an Arrest Warrant was issued by Latvia and on 31 October 2022, Mr. ██████████ was arrested in Derby, United Kingdom. On 1 November 2022, he was produced before Westminster Magistrates' Court, where he did not consent to his extradition. He was remanded in custody. On 9 December 2022, he was granted bail with conditions and released on bail on 12 December 2022 upon payment of security. On 16 August 2023, Westminster Magistrates' Court handed down Judgment and Ordered extradition.

On 18 August 2025, Mr. ██████████ received positive Conclusive Grounds from the Home Office determining that he was a victim of modern slavery. It concluded

that there was, "Forced criminality - Riga, Latvia, between 28/01/2021 - 10/03/2021 and unknown date in approximately May 2021."

Despite efforts to appeal and contest the extradition and submission of fresh evidence to the UK courts, including the Conclusive Grounds determination, an expert report on modern slavery, and the Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 22 to 31 May 2024 (CPT/Inf (2025) 04), in an Order dated 2 December 2025, the High Court refused the application to re-open the refusal of permission to appeal.

While I do not wish to prejudge the accuracy of these allegations, I believe the circumstances of the case raise serious human rights concerns, specifically a potential failure by the State to comply with the obligation of non-refoulement, and a failure to discharge the positive obligations to assist victims of trafficking, ensure effective investigations into trafficking in persons, including trafficking for forced criminality, and to ensure non-punishment of victims of trafficking, as stated by the European Court of Human Rights in *VCL and AN v UK* (2021) 73 EHRR 9.

I highlight the obligations arising under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), ratified by your Excellency's Government on 9 February 2006, the International Covenant on Civil and Political Rights (articles 7 and 8), ratified by your Excellency's Government in 1976, and the Convention against Torture (article 3) in 1988. I further highlight the specific obligations to assist victims of trafficking, undertake effective investigations, and ensure non-punishment, arising under the Council of Europe Convention on Action against Trafficking in Human Beings, also ratified in 2008.

Given the serious concerns in relation to prison conditions in Latvia, and risks of reprisals against Russian ██████ there is a real risk of violations of the obligations arising under the European Convention for the Protection of Human Rights and Fundamental Freedoms, articles 3 and 4. I further highlight the obligation to ensure assistance and protection of victims of trafficking, without discrimination, arising *inter alia*, from the European Convention on Human Rights and Fundamental Freedoms, article 14, read in conjunction with article 4.

I am seriously concerned that if the extradition of ██████ to Latvia is executed, may lead to a failure to comply with the obligation of non punishment, as stated in the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), article 26. In addition, the execution of extradition order to Latvia may also result in denial to the right of protection and assistance to a victim of trafficking in persons, in particular not to be re-victimized, and to be assisted in their recovery, (as per articles 6 and article 8 of the Palermo Protocol and articles 10 to 14 of the Council of Europe Convention, as established by the European Court of Human Rights in *V.C.L. and A.N. v. United Kingdom*. Further, I highlight the obligation on the state to ensure that return of a victim of trafficking, should be due regard for the rights, safety and dignity of that person [...]and shall preferably be voluntary. (article 16(2)

Concerns regarding his situation as a potential victim of trafficking

In addition to concerns above I would like to reiterate the obligations emanating from article 16 of the Council of Europe Convention on Action against Trafficking in Human Beings, which explicitly calls States “When a Party returns a victim to another State, such return shall be with due regard for the rights, safety and dignity of that person and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary.”. I am concerned that the reported fear of reprisals expressed by Mr. [REDACTED] and risk of further victimisation, have not been adequately considered.

Regarding the application of the principle of non punishment, the Special Rapporteur highlights the importance of ensuring effective implementation of the non-punishment principle, and in particular the obligation to ensure the prompt and effective identification of victims of trafficking in order for the principle to be effectively applied. As reiterated by the Special Rapporteur on trafficking in persons, especially women and children in her report to the Human Rights Council in 2021, recalling the European Court of Human Rights, “effective implementation of the non-punishment principle is essential to ensuring that States’ duties to take protective operational measures of assistance and protection, including of non-refoulement, are met. In its decision in *V.C.L. and A.N. v. United Kingdom*, the European Court of Human Rights recognized that prosecution may conflict with the State’s duty to take operational measures to protect a victim, or potential victim, “where they are aware, or ought to be aware, of circumstances giving rise to a credible suspicion that an individual has been trafficked”. Highlighting a core purpose of the non-punishment principle, the Court held that it was “axiomatic” that prosecution would be injurious to a victim’s “physical, psychological and social recovery and could potentially leave them vulnerable to being re-trafficked in future” (A/HRC/47/34, para. 28).

The Special Rapporteur highlights the obligation to ensure that, “the principle of non-punishment is applied to: (a) All forms of trafficking, including for the purpose of sexual exploitation, labour exploitation and forced criminality, as well as to both cases of international trafficking and cases of internal trafficking; (b) Any unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation regardless of the gravity or seriousness of the offence committed; (c) Criminal, civil, administrative and immigration offences, as well as other forms of punishment, [...]; (d) Any situation of deprivation of liberty, including immigration detention and detention pending removal, transfer or return proceedings.” (A/HRC/47/34, para. 57).

In addition, I wish to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, issued by the Office of the High Commissioner for Human Rights in July 2002, complemented by an accompanying Commentary published in 2011. In particular, I would like to refer to principle 7 regarding non punishment of victims for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons as well as principle 8 and 9 regarding adequate protection and assistance, including access to adequate and unconditional physical and psychological care, as well as legal assistance for the duration of any criminal, civil or other actions against suspected traffickers.

Concerns regarding the principle of non refoulement

I am concerned that the deportation of Mr. ██████ may constitute a violation of the obligations of non-*refoulement* arising under international human rights law and customary international law. Article 3 of the Convention against Torture and other Cruel, Inhuman and Degrading Treatment (CAT), states: “No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” As per general comment no.4 (2017) of the Committee against Torture states that trafficking in persons may constitute torture (as included in a non-exhaustive list of human rights situations that may constitute an indication of a risk of torture), to which the principle of non-*refoulement* should be applied. This includes whether the person concerned would be deported to a State where he or she was subjected to or would run the risk of being subjected to slavery and forced labour or trafficking in human beings.

The prohibition of torture is, as explicitly contained in article 2, paragraph 2, absolute and non-derogable. The Convention emphasizes that no exceptional circumstances whatsoever may be invoked by a State Party to justify acts of torture in any territory under its jurisdiction. In the context of the prohibition against torture and other forms of ill-treatment, the principle of non-*refoulement* is applicable to all situations with no exceptions, and to all human beings, without discrimination.

In this regard I would like to draw the attention of your Excellency’s Government to the report of the Special Rapporteur on trafficking in persons, “Refugee Protection, Internal Displacement and Statelessness”, (A/HRC/53/28), which states that the obligation of non-*refoulement* also applies to risks of trafficking in persons arising from non-State actors, where the State is unable or unwilling to provide protection. (A/HRC/53/28, para. 30). Such protection must include specialized assistance measures for victims of trafficking and persons at risk of trafficking. (A/HRC/53/28, para. 35).

I recall principle 11 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking regarding safe return to her country of origin, if the victim so wishes, or alternatives to repatriation if there is a concern for her safety. recalling the international legal rights of trafficked persons as victims of human rights violations to adequate and appropriate remedies, including compensation. Finally, principle 13 of the Principles and Guidelines states that "States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or non-State actors".

I also recall the Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 22 to 31 May 2024 (CPT/Inf (2025) 04): “The findings of the 2024 visit show that, due to the persistence of the root causes of interprisoner violence, as well as a lamentable lack of trust by the prisoners in the staff’s ability to guarantee their safety, the Latvian authorities are still far from fully implementing their duty of care and effective investigation obligations. These root causes of inter-prisoner violence are described in detail in the chapters below (informal prisoner hierarchy, illicit drug use, and extremely low staff presence inside detention areas, in the broader context of a largely prevailing dormitory-type accommodation).”

Non-Discrimination

██████████ is of Roma origin, and as such, may be at heightened risk of further human rights violations, if the extradition order is executed. The increased vulnerability to trafficking in persons, due to discrimination, has been recognised by the European Court of Human Rights in the CASE OF F.M. AND OTHERS v. RUSSIA, (*Applications nos. 71671/16 and 40190/18*). I highlight the obligation of non-discrimination, including on grounds of ‘race’, and its application to the rights of victims of trafficking and modern slavery, and the obligations arising under article 14 ECHR, read in conjunction with Articles 3 and 4, and other international human rights and anti-trafficking law instruments.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response as soon as possible on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would also be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information of any measures taken to ensure the principle of non punishment of victims of trafficking in persons is adequately and promptly applied as soon as there are reasonable grounds that a person is a victim of trafficking, and especially in cases of trafficking in persons for forced criminality;
3. In view of the urgency of the matter, I would appreciate a response on the steps currently considered by your Excellency’s Government to safeguard the above-mentioned person in compliance with international instruments and human rights norms.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge the authorities to re-consider the case of Mr. ██████████ taking into account the elements and circumstances of the case and in line with the effective application of the principle of non punishment, and halt the extradition process.

Any public expression of concern from my part would indicate that I have been in contact with your Excellency’s Government’s to clarify the issue/s in question.

Please be informed that a copy of this letter has also been sent to Latvia.

Please accept, Excellency, the assurances of my highest consideration.

Siobhán Mullally

Special Rapporteur on trafficking in persons, especially women and children