



T-ES(2014)GEN-LT

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

LITHUANIA

Replies registered by the Secretariat on 29 January 2014

Additional reply to question 16 registered by the Secretariat on 2 January 2015

GENERAL FRAMEWORK

Question 1: Definition of “child”

- a. Does the notion of “child” under your internal law correspond to that set out in **Article 3, letter (a)**, i.e. “any person under the age of 18 years”?
- b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with **Article 11, para.**
- c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

Para a of Article 3 of the Convention stipulates that “child” shall mean any person under the age of 18 years, i.e. the end of childhood is related to the person's age (the age of majority) without any other possible criteria for defining the end of childhood. Bearing in mind the aforementioned provisions of the Convention, it should be noted that Article 2 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child stipulates that a child is a human being below the age of 18 years, unless otherwise established by laws, i.e. the end of childhood is related to the age of the child as well as other circumstances under which the child acquires full legal capacity.

“Article 2. Concept of the child

A child is a human being below the age of 18 years, unless otherwise established by laws.”

Provisions of the Civil Code of the Republic of Lithuania (hereinafter referred to as the CC) (Articles 2.5 – 2.9) relate the acquisition of civil capacity and accordingly the end of parents' rights and obligations with regard to their minor children to the age of majority of a person and his capacity (marriage, emancipation).

It is generally stipulated that a person acquires civil capacity at the age of majority (eighteen years of age), except for cases when the law provides for the possibility of a person to enter into marriage before he is eighteen and when a person has been declared capable (emancipation). It should be noted that a person having entered into marriage acquires full civil capacity at the moment of entering into marriage and does not lose it, if at a later date this marriage is dissolved or nullity of marriage is declared for reasons not related to the age of the parties to marriage. As far as declaration of capacity of a person (emancipation) is concerned, the court may annul the declaration of full capacity of a person.

„Article 2.5. Active civil capacity of natural persons

1. On attaining full age, i.e. when a natural person is eighteen years of age, he, by his acts, shall have full exercise of all his civil rights and shall assume civil obligations.

2. Where the law provides for the possibility of a natural person to enter into marriage before he is eighteen, the person, who has not yet come of the given age, shall acquire full active civil capacity at the moment of entering into marriage. If at a later date this marriage is dissolved or nullity of marriage is declared for reasons not related to the age of the parties to marriage a minor shall not lose his full active civil capacity.

Article 2.6. Prohibition to impose restrictions on the passive or active civil capacity of Natural Persons on the Grounds which are not Prescribed by Law.

1. Restrictions on the passive or active civil capacity may not be imposed on anyone in any other manner except by express provision of law.

2. Transactions, acts of public or municipality institutions or officials, which impose restrictions on the passive or active civil capacity, are deemed to be null and void except in cases where the said transactions and acts are prescribed by law.

Article 2.7. Active civil capacity of minors under fourteen years of age

1. Contracts on behalf and in the name of minor's under fourteen years of age shall be concluded by their parents or guardians.

2. Upon entering into contracts and enforcing them parents and guardians shall have to act exceptionally in the interest of minors. Rights and obligations of parents and guardians in administering the property of minors are laid down in the provisions of Book three of the given Code.

3. Minors under fourteen years of age shall enjoy the right to enter alone into contracts to meet their ordinary and usual needs, conclude contracts aiming at gratuitous personal gain, as well as conclude contracts related to the use of their own earnings or money provided by their legal representatives or other persons if the said contracts fail to have a prescribed notarial or any other specific form.

4. Liability of legal representatives for contractual obligations of minors, who are under fourteen years of age, shall be prescribed by law if they fail to prove that they are not at fault for the breach of the said obligations.

5. Where a contract concluded by a minor under fourteen years of age is not recognised to be null and void and where the said person becomes legally capable, the other party to the contract may apply in writing to the party to the contract, who has become legally capable, and request the approval of the contract within the time limits, which may not be shorter than one month, determined in the application. Where the person fails to notify about his refusal to approve the contract within the proposed time limits, he shall be deemed to have approved the contract.

Article 2.8. Active civil capacity of minors over fourteen and under eighteen years of age

1. Minors over fourteen and under eighteen years of age shall enter into contracts with the consent of parents or guardians. The form of consent shall have to correspond to the form of the contract concluded. Contracts concluded without the consent of legal representatives shall be deemed valid if the consent of the legal representative is given after the contract has been concluded.

2. Minors over fourteen but under eighteen years of age, apart from the rights laid down in paragraph 3 of Article 2.7, shall have the right to dispose of their income and property acquired for that income, implement copyright to their works, inventions, industrial design as well as the right to enter into contracts alone to meet their ordinary and usual needs.

3. Where there are sufficient grounds, the court may be called upon to rule on an application filed by child care institutions or other interested persons to impose restrictions on or divest minors, who are over fourteen but under eighteen years of age, of the right to dispose independently of their income and property.

4. The right of minors over fourteen but under eighteen years of age to make deposits in credit institutions and dispose of them shall be prescribed by law.

5. Minors over fourteen but under eighteen years of age shall alone be liable for their contractual obligations.

Article 2.9. Emancipation of minors

1. Where a minor is sixteen years of age the court may emancipate him after he or his guardian, parents, institutions of guardianship or he himself has filed a declaration to that effect with the court if there are sufficient grounds to believe that he may exercise all civil rights and discharge his obligations alone. In all cases a minor has to give his consent to be emancipated.

2. The court may annul minor's emancipation on the request of parents or child care institutions in the event that exercising his rights and discharging his obligations a minor causes damage to his own or other persons' rights or lawful interests."

Child-related authorisations, rights and obligations of divisions of the child rights protection of municipalities – institutions closest to the child and directly representing and protecting child rights and lawful interests, are related to the age of the child (the age of majority) and his capacity.

b) "Article 23. Protection of the Child from Sexual Exploitation

(...)

3. Where the age of the child is not established and there are grounds to believe that he is a minor until his age is confirmed, the child shall be provided with protection measures as a victim subject to sexual exploitation or sexual abuse."

c) Pursuant to the provisions of Paragraph 1 of Article 151¹ of the Criminal Code, sexual activities shall be considered unlawful if a person has not attained the age of 16 years:

“Article 151¹. Satisfaction of Sexual Desires by Violating a Minor’s Freedom of Sexual Self-Determination and/or Inviolability

*1. A person who has sexual intercourse or otherwise satisfied his sexual desires with a person under sixteen years of age in the absence of characteristics of a rape, sexual assault or sexual abuse
(...)*

The provisions of Paragraph 5 of this article specify the following:

“5. The actions specified in Paragraph 1 herein shall not constitute a crime, if there is no considerable difference between the age, spiritual and physical maturity of the parties to these actions.

Question 2: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in **Article 2**, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

As far as the principle of non-discrimination is concerned, the fundamental national law, i.e. the Constitution of the Republic of Lithuania, should be mentioned. Article 6 of the Constitution stipulates that the Constitution shall be an integral and directly applicable act. Everyone may defend his rights by invoking the Constitution. Paragraph 1 of Article 7 of the Constitution stipulates that any law or other act, which is contrary to the Constitution, shall be invalid.

Article 29 of the Constitution of the Republic of Lithuania stipulates the following:

“Article 29. All persons shall be equal before the law, the court, and other State institutions and officials. The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions, or views.”

The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions, or views. The principle of equality of persons supposes that human rights are natural and, therefore, persons are entitled to equal rights with regard to each other. The state is obliged to equally protect every person’s rights and freedoms and to assist in fulfilling them. Paragraph 2 of Article 38 of the Constitution specifies that childhood is under the protection and care of the state.

“Article 38.

The Family shall be the basis of society and the state.

Family, motherhood, fatherhood and childhood shall be under the protection and care of the state.

Marriage shall be concluded upon the free mutual consent of man and woman.

The State shall register marriages, births, and deaths. The State shall also recognise church registration of marriages.

In the family, the rights of spouses shall be equal.

The right and duty of parents is to bring up their children to be honest people and faithful citizens and to support them until they come of age.

The duty of children is to respect their parents, to take care of them in their old age, and to preserve their heritage.”

Paragraph 3 of Article 39 of the Constitution specifies that under age children shall be protected by law.

“Article 39.

(...)

3. Under age children shall be protected by law.”

Article 7 of the Code of Criminal Procedure provides for equal rights of the parties:

“Article 7. Adversarial Procedure

“1. Cases shall be heard in court on the basis of the adversarial principle.

2. During the hearing the defence and the prosecution shall be equally entitled to adduce evidence, take part in their examinations, make motions, challenge the arguments of the opponent and voice their opinion on any issue arising during the hearing and relevant for its fair disposition.”

The Criminal Code provides for liability for discrimination, for example: **Article 169.** Discrimination on Grounds of Nationality, Race, Sex, Descent, Religion or Belonging to Other Groups; **Article 170.** Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons; **Article 170¹.** Creation and Activities of the Groups and Organisations Aiming at Discriminating a Group of Persons or Inciting against it.

The key national legal act of the system of child rights protection is the Law on Fundamentals of Protection of the Rights of the Child. Both the mentioned above law and other legal acts establish the same legal status of the child and protection of his rights, freedoms and legal interests.

Paragraph 3 of Article 4 of the Law on Fundamentals of Protection of the Rights of the Child stipulates that parents, other legal representatives of the child, state, municipal government and public institutions and other natural and legal persons must abide by the principle that every child shall enjoy equal rights with other children and cannot be discriminated against for reasons of his parents' or other legal child representatives' gender, age, nationality, race, language, religion, convictions, social, monetary and family position, state of health or any other circumstances.

„4. Article 4. Parents, other legal representatives of the child, state, municipal government and public institutions and other natural and legal persons must abide by the following provisions and principles:

(...)

3. every child shall enjoy equal rights with other children and cannot be discriminated against for reasons of his or her parents or other legal child representatives' gender, age, nationality, race, language, religion, convictions, social, monetary and family position, state of health or any other circumstances.”

The principle is also reflected in codified legal acts for the law of the equality of persons, the court and other state institutions or officials. Paragraph 1 of Article 1.2 specifies that one of the principles of legal regulation of civil relationship is the principle of equality of subjects of this relationship.

“Article 1.2. Principles of legal regulation of civil relationships

1. Civil relationships shall be regulated in accordance with the principles of equality of their subjects' rights, inviolability of property, freedom of contract, non-interference in private relations, legal certainty, proportionality, and legitimate expectations, prohibition to abuse a right, as well as the principles of comprehensive judicial protection of civil rights.”

Article 6 of the Code of Civil Procedure establishes that in civil cases, justice is administered only by courts, which follow the principle of equality of all persons before the law and the court irrespective of their gender, race, nationality, language, origin, social status, religion, beliefs or opinions, type and nature of occupation and other factors.

“Article 6. Justice shall be administered only by courts following the principle of equality of persons before the law and the court.

In civil cases, justice is administered only by courts, which follow the principle of equality of all persons before the law and the court irrespective of their gender, race, nationality, language, origin, social status, religion, beliefs or opinions, type and nature of occupation and other factors.”

Article 17 of the Code stipulates that procedural rights of the parties shall be equal.

“Article 17. Procedural equality of the parties. Procedural rights of the parties shall be equal.”

The Law on Equal Opportunities for Women and Men assures the execution of equal rights of women and men established in the Constitution of the Republic of Lithuania and the prohibition of any gender discrimination, especially related to family and marital status.

Question 3: Overview of the implementation

Please indicate (without entering into details):

- a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;
- b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;
- c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

- a) Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child.

Article 10 of this Law specifies: “Rights of the Child to Personal Life, Personal Inviolability and Freedom”; Article 43 specifies: “General Provisions of Child Protection from Influence of Negative Social Environment”; Article 47 specifies: “Protection of the Child from Sexual Exploitation”.

- Republic of Lithuania Law on Social Services
- Republic of Lithuania Law on Protection against Domestic Violence

b) The Operational Plan of Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse (hereinafter referred to as the Plan), approved by Minutes No. 49 of the sitting of the Government of the Republic of Lithuania of 16–17 July 2012, is aimed at ensuring the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in Lithuania. This Plan is implemented by the Ministry of Social Security and Labour in cooperation with the Ministry of Justice, Ministry of Health, Ministry of Education and Science, Minister of the Interior and the Prosecutor General’s Office.

The following programmes, the content of which includes integrated measures related to child prevention and intervention with regard to protection of children from sexual exploitation and sexual abuse, should also be mentioned:

- 2013–2018 Child Wellbeing Programme approved by Order No. A1-547 of 3 December 2012 of the Minister of Social Security and Labour of the Republic of Lithuania;
- 2011–2015 National Programme for the Prevention of Violence against Children and Assistance to Children approved by Order No. A1-2 of 3 January 2011 of the Minister of Social Security and Labour of the Republic of Lithuania.
- Programme “Risk Group Children and Youth” of the Financial Mechanism of the European Economic Area, which provides for the implementation of Measure “Establishment of a Support Centre for Children Victims of Sexual Abuse” in 2014–2016;
- It should also be mentioned that a working group established by Order No. V-645 of 27 June 2013 of the Minister of Health drafted a plan of measures, which is aimed at the implementation of the Strategy of Mental Health and prevention of suicides. At present, the current draft is being harmonised with concerned institutions. One of the priority directions of the draft plan is strengthening of mental health of children, which covers support to children, who have suffered from sexual exploitation and sexual abuse.
- While assimilating the funds of EU structural support, Measure “Establishment of differentiated centres of complex psychiatric support to the child and the family” should be mentioned. The aim of the measure is to develop complex child and teenager mental health care services (ambulatory-consultation, day inpatient services, crisis intervention, inpatient services), what also covers support to children, who have suffered from sexual exploitation and sexual abuse.
- 2011-2013 Interinstitutional operational plan on the implementation of the Strategy for mental Health approved by Resolution No. 888 of 13 July 2011 of the Government of the Republic of Lithuania specifies the following measures:

“(...) to organise the drafting of the Children mental health concept project with regard to recommendations for Member States of the European Union specified in the international project “Child and Adolescent Mental Health in Enlarged EU – Development of Effective Policies and Practices” (CAMHEE); to organise elaboration of “Parenting Training and counselling programmes intended for families with at least one parent having mental disorders, families with at least one child having mental disorders, and other families facing mental health risk factors (...).”

- 2013–2015 Prosecutor’s Office strategic operational plan (www.prokuraturos.lt) was approved by Order No. I-36 of 8 February 2013 of the Prosecutor General of the Republic of Lithuania, which specifies criminal prosecution for sexual exploitation of children as a priority:

“Sexual exploitation is the gravest form of violence against children causing most severe consequences for the subsequent development of the child. Therefore, timely identification of a fact of sexual violence or sexual exploitation of a child and prevention of other similar criminal acts are very important. The measure of criminal

prosecution for criminal acts with regard to sexual violence or exploitation of children is a consistent continuation of previously implemented measures. The goal of this measure is to intensify pre-trial investigation; to shorten the term for collection of the material necessary for forensic analysis and initiation of forensic analysis; to implement the principle of “one” interrogation of a child; to reduce the share of pre-trial investigations accomplished within a period lasting for more than 12 months; the share of annulled orders to launch a pre-trial investigation (%); the share of annulled orders to suspend a pre-trial investigation on non-rehabilitating grounds; to increase the ratio of investigated criminal acts of this type by taking the case to court with regard to all registered criminal acts of this category; to ensure that prosecutors bring claims for indemnification of non-material damage; general trainings of investigators and prosecutors; to ensure the presence of a psychologist in the course of the child interrogation. “

c) In order to achieve efficient results in the field of criminal prosecution for criminal acts related to sexual exploitation of children, the 2013–2015 Prosecutor’s Office strategic operational plan provides for an increase in the number of pre-trial investigations of these types of criminal acts accomplished within 4 months from 42% to 46% in 2013, and a decrease in the number of pre-trial investigation lasting for more than 24 months from 8 to 6%.

Question 4: Child participation

- a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (**Article 9, para. 1**);
- b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (**Article 14, para. 1**).

Starting from 1996, the public organisation “Save the Children” has been implementing a project “Children Groups against Violence” in schools of Lithuania. The goal of the project is to create a safer school environment for girls and boys and to fulfil children’s rights to protection from violence. In 2012, 21 Lithuanian cities and regions had 122 groups, the activities of which involved more than 1200 girls and boys from various regions of Lithuania. Groups consist of 5 to 20 pupils and an adult person, i.e. the head of the group, who is a social pedagogue, a teacher or a psychologist working at this school. Activities of children groups against violence are based on children’s initiative and participation.

Groups participate in the development of strategies, programme and projects of their schools aimed at ensuring a safe school environment. They also cooperate with self-governance bodies of the school, local community institutions, inform the school administration, teachers and parents about violence in their schools, and receive claims and information from pupils suffering from or evidencing violence. Pupils participating in these groups also perform preventive activities, share their knowledge and solve problems, teach younger children to communicate without violence, organise trainings on the UN Convention of the Rights of the Child in schools, organise competitions, academic competitions, and create Internet websites. The Ministry of Education and Science supports activities of these groups and encourages creation of new groups.

On 31 January 2013, the public organisation “Save the Children” and the British Embassy presented a social campaign against human trafficking “Two Little Girls”. A short animated film was aimed at warning young girls on the perils of human trafficking, which are usually disguised behind attractive promises of a profitable job in a foreign country. The short film is

aimed at revealing the problems to the public and encouraging prevention of human trafficking. The short film “Two Little Girls” was created by Ruth Beni in 2007 after consultations with a group of women from Albany, who had become victims of human trafficking and were saved due to the project “Poppy” aimed at providing support to victims of human trafficking. The film “Two Little Girls” is used for preventive work with children and young people by discussing perils of human trafficking including sexual exploitation and teaching them to recognise those perils as well as encouraging public awareness of human trafficking with particular attention focused on trafficking in girls and young women.

The social campaign “Two Little Girls” was launched in autumn 2012: trainings were organised in various cities of Lithuania, and the film was demonstrated to children and discussion thereof were organised in child day care centres. In the first quarter of 2013 the film was broadcast by several TV channels, and the authors of the social campaign participated in radio broadcasts on human trafficking.

Taking into consideration children’s changing needs, it should be noted that by Order No. V-1159 of 18 July 2012 of the Minister of Education and Science of the Republic of Lithuania, the General Human Safety Programme was approved, and the themes of sexual exploitation and sexual abuse were included into the curriculum of primary, basic and secondary education according to girls and boys’ needs (fields of educational activities: “Psychological preparation for perils and dangers”) and children’s achievements. The General Health Education Programme approved by Order No. V-1290 of 31 August 2012 of the Minister of Education and Science of the Republic of Lithuania provides for pupils’ achievements (opinions, abilities, knowledge and perception) and the scope of the curriculum in the field of risk behaviour prevention in primary, basic and secondary education.

As far as the implementation of provisions of Article 14 of the Convention in Lithuania is concerned, it should be noted that in the course of the implementation of Order No. A1-2 of 3 January 2011 of the Minister of Social Security and Labour of the Republic of Lithuania, the continuous 2011–2015 National Programme for the Prevention of Violence against Children and Assistance to Children was approved. On the basis of measures of this programme, complex support (psychological, medical, social and legal) to children and their family members who have suffered from violence and sexual violence has been provided since 2005. This support is provided to victims with regard to their needs and interests by state and non-governmental organisations, which, in providing support to victims, follow national legal acts and their internal provisions/articles of association.

Question 5: Specialised bodies/mechanisms

- a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (**Article 10, para. 2, letter (a)**);
- b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (**Article 10, para. 2, letter (b)**);
- c. Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the

national authority in charge of the collection and storage of such data? (**Article 37, para. 1**).

As far as provisions specified in item a of Paragraph 2 of the Convention are concerned, it should be noted that monitoring and control of assurance and protection of the rights and lawful interests of the child as well as investigation of infringements of the rights and lawful interests of the child are delegated to the Ombudsperson for Children's Rights as specified in the Republic of Lithuania Law on the Ombudsman for Children and Paragraph 4 of Article 59 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child:

“Article 59. State Institutions and Protection of Rights of the Child

(...)

4. The Ombudsperson for Children's Rights, within his competence, shall be responsible for control and monitoring of the implementation of laws and other legal acts regulating protection of children's rights”.

The purpose of activities of the Ombudsperson for Children's Rights, his authorisations and other aspects of his activities are regulated by the Republic of Lithuania Law on the Ombudsman for Children. Apart from other principles, the activities of the Ombudsperson for Children's Rights are based on the principles of freedom, independence and autonomy of the activities stating that the Ombudsperson for Children's Rights shall be autonomous from state and municipal institutions, officials and other persons and shall act independently within his competence. No political, economic, psychological or social pressure or any other illegal actions that might influence the decision of the Ombudsperson for Children's Rights may be exerted on the Ombudsperson for Children's Rights.

b) While implementing Resolution No. 695 of 8 June 2004 of the Government of the Republic of Lithuania “On the Approval of the List of Indicators of Statistical Information on Children” as per the Strategic Partnership Agreement of 2005, the Ministry of Social Security and Labour of the Republic of Lithuania cooperates with municipality administrations of cities (regions) by developing social services and other measures of children's rights protection. Pursuant to this agreement, the children's rights protection service (division) of each municipality administration gathers and submits data on the implementation of children's rights protection in municipalities to the information system of the strategic partnership. Currently, it is the Information System of Social Support to Family. The State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour has been analysing data of reports formed by the Information System of Social Support to Family since 2006. It should be mentioned that the number of children and cases of possible violence against children are registered in reports of the Information System of Social Support to Family (<http://vitrinos.spis.lt:8080/vtas.html>). The above table presents statistical data on children who have suffered from violence (including sexual abuse) in a certain municipality and across the whole country. The number of children suffering from violence outside their close environment and the number of children experiencing violence in their close environment are highlighted. Statistical data about children who have suffered from sexual abuse in Lithuania are gathered and processed according to the gender of children.

The IT and Communications Department under the Ministry of the Interior is the registrar of the Departmental Register of Criminal Activities (Order No. 1V-36 of 26 January 2006 of the Minister of the Interior “On the Departmental Register of Criminal Activities”), and based on the data provided by the latter, the Department drafts statistical reports on criminal activities, results of investigations thereof, persons suspected (accused) of committing criminal acts and victims of criminal acts in the Republic of Lithuania. The purpose of the Register is to register

objects of the Register, gather, accumulate, process, systemise, keep, use and provide data and documents of the register to pre-trial investigation institutions, courts, other state institutions and organisations, natural persons and legal entities as well as to perform other activities related to the data administration of the Register. The goals of the personal data administration of the register is investigation and prevention of criminal activities, keeping records of suspected (accused) persons and victims, drafting of statistical reports, which present information on criminal activities, suspected (accused) persons and victims. Statistical records on suspected (accused) persons and victims indicate the numbers of men and women.

The IT and Communications Department under the Ministry of the Interior is the registrar and manager of the Register of Suspected, Accused and Convicted Persons. (Provisions of the Register of Suspected, Accused and Convicted Persons are approved by Resolution No. 435 of 18 April 2012 of the Government of the Republic of Lithuania “On the Approval of Provisions and Establishment of the Starting Date of Activities of the Register of Suspected, Accused and Convicted Persons”). The following suspected, accused and convicted natural persons and legal entities are objects of the register:

- 1) Natural persons and legal entities with regard to which a notice of suspicion has been drawn up.
- 2) Natural persons, who are given the status of a suspect, when they are hiding or whose whereabouts are unknown.
- 3) Natural persons and legal entities accused in a private prosecution.
- 4) Natural persons and legal entities, in respect of which procedural decisions are made during the pre-trial investigation and the court investigation in a criminal procedure.
- 5) Natural persons and legal entities, in respect of which procedural decisions taken in the criminal procedure are implemented.

The purpose of the Register is to register objects of the Register, gather, accumulate, process, systemise, keep, use and provide the data of the Register, information and documents of the Register and perform other actions aimed at administrating data and information of the Register. The Register personal data administration is aimed at the prevention of criminal activities, judicial investigation, implementation of rulings of the court, performance of direct functions of law enforcement and other state and municipal institutions and organisations as well as functions specified in legal acts.

It should be noted that the main provisions on protection of the right and freedom of every person’s private life while administering personal data are established in the fundamental national legal act – the Republic of Lithuania Law on Legal protection of Personal Data. Data related to the health and sexual life of a natural person as well as information on convictions of a person are considered to be special categories of personal data. The Law also establishes provisions on the register of personal data (including special categories of personal data) for statistical purposes.

It should be also noted that data about children, who have been issued health care certificates after experiencing or possibly experiencing sexual abuse are accumulated in the State Patient Fund Data Base SVEIDRA, and the summarised information – in the data base of the Health Information Centre of the Institute of Hygiene. Health care statistical data are insufficient enough to reflect the actual situation unless there are enough health care institutions providing specialised support to children, who have suffered from sexual abuse and their family members. Data are accumulated according to codes of the International Classification of Diseases: Y05 – attempted rape by bodily force; Y07 – other maltreatment: sexual abuse; Z

61.4 – problems related to alleged sexual abuse of child by primary support groups; Z 61.5 problems related to alleged sexual abuse of child by person outside primary support group.

Provisions governing the protection of personal data are established in the Republic of Lithuania Law on the Rights of Patients and Compensation for the Damage to their Health and Order No. 65 of 1 February 2001 of the Minister of Health “On the Approval of the Procedure for Provision of Information about the Patient to State Institutions and Other institutions”:

“Article 8. Pursuant to Laws and other legal acts of the Republic of Lithuania, a health care institution submits information about the patient on its own initiative (without a written request of an authorised institution to receive information about the patient) and without the patient’s consent in the following cases:

1. when there is a necessity to report about a crime;

2. to child rights protection devisions of municipalities according to the child's place of residence or the location of the health care institution immediately, if there is a necessity to protect the child's rights as well as of there are justified suspicions that the child's rights have been infringed;

3. in other cases”.

By Resolution No. 206 of 6 March 2013 of the Government of the Republic of Lithuania “On the Appointment of the Institution Responsible for the Implementation of the Provisions of Paragraph 1 of Article 37 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse”, the Government of the Republic of Lithuania appointed the IT and Communications Department under the Ministry of the Interior as responsible institution for the implementation of the provisions of Paragraph 1 of Article 37 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Question 6: National or local coordination, cooperation and partnerships

- a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (**Article 10, para. 1**);
- b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (**Article 10, para. 3**)? If so, please specify how;
- c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (**Article 15, para. 2 and Article 16**)?

a) While assessing the provisions of Paragraph 1 of Article 10 of the Convention, Resolution No. 194 of 6 February 2003 of the Republic of Lithuania “On the Assignment of the Field of Protection of Children’s Rights to the Competence of the Ministry of Social Security and Labour” should be mentioned. Pursuant to this resolution, the Ministry of Social Security and Labour is responsible for the field of child’s rights protection. The Government established that the Ministry of Social Security and Labour forms and implements the policy of child rights protection, and, together with other state and municipal institutions and enterprises,

ensures proper protection of children's rights as well as, together with the Ministry of Health, Ministry of Education and Science, Ministry of Justice and Ministry of the Interior, ensures accessibility of services to children and other matters.

Provisions of the Ministry of Social Security and Labour approved by Resolution No. 892 of 17 July 1998 of the Government of the Republic of Lithuania specify that the ministry coordinates the implementation of the policy of protection of children from various forms of violence, including sexual exploitation and abuse, and the international children's rights protection policy.

The above resolution stipulates that the Ministry of Education and Science is responsible for the implementation of educative measures aimed at protecting children from all forms of physical and psychological violence and other infringements of children's rights. The Ministry of the Interior, within its competence, drafts and implements programmes on child crime, violence against children, trafficking in children and other issues related to the prevention of violations of children's rights. The Ministry of Justice implements measures aimed at ensuring the provision of state guaranteed legal support to children. The Ministry of Health guarantees the accessibility of health care services to children, etc.

It should be noted that the system of children's rights protection institutions at state, municipal and non-governmental levels and general provisions with regard to institutions comprising this system are stipulated in Articles 58–62 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child:

“Article 58. Institutions for Protection of the Rights of the Child and Organisation of Their Activities

1. In the Republic of Lithuania, protection of the rights of the child is ensured by:

- 1) the state and its institutions;*
- 2) municipal institutions;*
- 3) public organisations, whose activity is linked to protection of the rights of the child.*

2. The state and municipal institutions shall encourage and support voluntary activity by public organisations and also by traditional and state-recognised religious communities, in the sphere of protection of rights of the child.

3. The state and municipal institutions shall establish and fund institutions (services) for protection of the rights of the child, and organise their activity,

Article 59. State Institutions and Protection of the Rights of the Child

1. Within their competence established by the Constitution of the Republic of Lithuania, the Seimas of the Republic of Lithuania, ministries, courts, the Prosecutor's Office, other state institutions shall implement the measures for protection of the rights of the child and in the realm of their defence.

2. In the field of protection of the rights of the child, the Government of the Republic of Lithuania shall:

- 1) draft laws and other legal acts and submit them for deliberation of the Seimas and approve programmes;*
- 2) implement this Law and other legal acts;*
- 3) pursuant to the established procedure, assign a field of child right protection to the competence of one ministry;*
- 4) establish the competences of other ministries;*

3. In the field of protection of the rights of the child, the Government of the Republic of Lithuania shall:

- 1) form and implement the policy of the child rights protection and, together with other state and municipal institutions, ensure proper protection of children's rights;*
- 2) provide methodological support to municipal institutions and establishments;*
- 3) implement other functions specified in the laws, legal acts and provisions of ministries;*

4. The Ombudsperson for Children's Rights, within his competence, shall be responsible for control and monitoring of the implementation of laws and other legal acts regulating protection of children's rights”.

Article 60. Municipal Institutions and Protection of the Rights of the Child

1. Protection of the rights of the child shall be guaranteed by the appropriate municipal board, municipal executive institutions, child rights protection institutions (services), police inspectors in charge of minors'

(youth) affairs, and also schools and other institutions, which prepare and implement measures for protection of the right of the child, and prevention of violations of children's right.

2. Corresponding laws and other legal acts shall establish the activity and competence of the institutions cited in part one of this Article.

Article 61. Public protection of the Rights of the Child.

1. Public protection of the rights of the child shall be implemented through co-operation of public organisations with state and municipal institutions while observing provisions of this Law, as well as other legal acts, which regulate protection of the rights of the child.

2. Child rights protection councils of municipality communities operate under councils of municipalities. These councils are composed and their provisions are approved by councils of municipalities. Childs rights protection councils of municipality communities are comprised of representatives of local self-governance institutions, child rights protection institutions (services), inspectors in charge of minors' (youth) affairs, representatives of education and child care institutions. These councils may also include representatives of child (youth) organisations or/and school councils, public organisations operating in the field of children's rights protection and/or traditional and state recognised religious communities and other institutions and organisations.

3. In the territory of municipalities, children's rights protection councils of municipality communities, within their competence, offer proposals to local governance institutions with regard to communities' policy on children's rights protection, the strategy formation and priority setting, with regard to the preparation and implementation of measures in the field of prevention of violations of children's rights as well as implement other functions specified in the regulations of these councils.

4. Child rights protection councils of municipality communities are entitled to receive information from state institutions and local self-governance institutions and municipal institutions in order to fulfil the functions specified in this Law and their regulations.

Article 62. Coming Into Effect and Implementation of the Law.

The Republic of Lithuania Law on the Procedure for Implementation of the Law on Fundamentals of Protection of the Rights of the Child shall establish the coming into force of paragraph 1 of Article 10, paragraph 3 of Article 13, Paragraph 3 of Article 21, Articles 23 and 25, Paragraph 2 of Article 35, Article 37, Paragraph 2 of Article 44, Paragraph 2 of Article 45, Articles 46, 47, 49, 53 and paragraph 3 of Article 59 and the procedure for implementation of the Law."

The key municipal institutions responsible for protection of the rights of the child at the municipal level are child rights protection divisions of municipalities. These institutions are delegated to ensure protection of children's rights and lawful interests and implementation of legal acts regulating children's rights and interests within the limits of their competence; to represent children's rights and lawful interests and protect them in courts, families, state, municipal and other institutions and organisations; to organise the implementation of protection of children's rights in municipal territories, and etc. The above provisions are regulated by Resolution No. 1983 of 17 December 2002 of the Government of the Republic of Lithuania "On the Approval of General Regulations of Child Rights Protection Divisions". Other state and municipality institutions, enterprises and public organisations (education, health care and social services institutions, police, etc.) in the territory of a given municipality, within the limits of their competence, also participate in the process of solving problems related to protection of children from sexual exploitation and sexual abuse.

Every school has a local school commission on children's wellbeing (Order No. V-579 of 11 April 2001 of the Minister of Education and Science "On the Establishment of Commissions of Wellbeing of Children in Schools and Approval of the Description of the Procedure for Organisation of Works of Commissions"), the purpose of which is to organise and coordinate preventive work, provision of education support, creation of a safe environment friendly for development of the child, and to perform other functions related to the wellbeing of children. One of the functions of these commissions is to ensure early identification of perils related to children's safety at schools, to analyse violations of children's behaviour rules, cases of violence, bullying, substance addiction, violations of law

and order, to offer schools to implement measures and programmes aimed at developing skills for life, prevention, health strengthening, employment, and to organise crisis management measures.

Each municipality administration has a commission on children's wellbeing, which is comprised of representatives of structural divisions of municipality administration, local police, territorial prosecutor's office, social services, health care and other institutions participating in preventive activities. These commissions are delegated to coordinate the implementation of social education, rehabilitation, prevention and other programmes in the municipality; to coordinate the implementation of cooperation of local institutions in the field of preventive work and activities of school commissions on children's wellbeing; to provide methodological and advisory support in the field of organisation of preventive work in schools and, together with police, health care and child rights protection institutions, pedagogical and psychological services, to establish measures by engaging business representatives, confessional and local communities, non-governmental organisations, children's lawful representatives, politicians, public figures into the organisation of preventive work; to evaluate the progress of implementation of preventive measures in education, health care, social services institutions; to control the efficiency of preventive work.

In implementing projects of the European Union structural funds, the Ministry of Education and Science, cooperates with non-governmental organisations working in the field of prevention of sexual abuse and provision of support to victims. In 2013, the Ministry of Education and Science, while implementing the measures of the Programme of the Government of the Republic of Lithuania and cooperating with the non-governmental sector, drafted a preventive Programme on Sexual Exploitation and Sexual Abuse of Children. This programme will be aimed at providing information to teachers and students' parents on forms of sexual exploitation, risks, preventive factors and consequences as well as at instructing on prevention of sexual exploitation and abuse of children and the ways to react in the event of sexual exploitation.

b) As far as provisions of Paragraph 3 of Article 10 of the Convention on encouragement of cooperation between various sectors in order to better prevent sexual exploitation and sexual abuse of children and combat manifestations thereof are concerned, it should be mentioned that general legal acts as well as legal acts regulating activities of specific institutions stipulate general provisions with regard to cooperation with state, municipal and public institutions, enterprises and organisations, society, etc.

The above mentioned Resolution No. 194 of February 2003 of the Government of the Republic of Lithuania "On the Assignment of the Field of Protection of Children's Rights to the Competence of the Ministry of Social Security and Labour and Other Ministries" specifies that the Ministry of Social Security and Labour together with other state and municipal institutions and enterprises shall ensure proper protection of children's rights, organise cooperation of municipal and state institutions and enterprises in the field of protection of the rights of the child, and, together with the Ministry of Health, Ministry of Education and Science, Ministry of Justice and Ministry of the Interior, take care of the accessibility of services to children, etc.

The regulation of the Ministry of Social Security and Labour specifies that, pursuant to the procedure established in legal acts, the ministry shall organise the cooperation of state and municipal institutions and enterprises in the field of protection of the rights of the child.

In order to improve the coordination of activities of state and municipal institutions and enterprises and their cooperation with non-governmental institutions, an Interdepartmental Council for Wellbeing of the Child is established by order of the Minister of Social Security and Labour. The Council consists of representatives of the Ministry of Social Security and Labour, Ministry of the Interior, Ministry of Education and Science, Ministry of Health and Ministry of Justice, State Child Rights Protection and Adoption Services under the Ministry of Social Security and Labour and the Association of Local Authorities, the Ombudsperson for Children's Rights, representatives of child rights protection divisions of municipalities, public organisations working in the field of protection of child rights and the Lithuanian School Students' Parliament.

Seeking more efficient cooperation in the field of protection of children's rights and lawful interests and representation of their interests in criminal proceedings, on 27 January 2011, the Prosecutor General's Office, the Ministry of Social Security and Labour and the Institution of the Ombudsman for Children Rights signed a cooperation agreement No. 17.3-40/D4-45/11-1. Having regard to the obligations stipulated in this agreement, the Prosecutor General, on 3 March 2011, adopted Order No. N-3 "On the Assurance of Child Rights in Criminal Proceedings" and, on 18 March 2011, by Order No. A1-138, the Ministry of Social Security and Labour approved Recommendations for Cooperation between Child Rights Protection Divisions and Local Prosecutors' Offices in the Field of Child Rights Protection.

The Republic of Lithuania Law on the Ombudsman for Children stipulates that the Ombudsperson for Children's Rights, when implementing this law, shall cooperate with Lithuanian and foreign institutions, enterprises and organisations as well as with international organisations and other physical and legal persons. It also specifies that the Ombudsperson for Children's Rights shall encourage and support initiatives by natural persons and legal entities as well as public initiatives, which help implement protection of child rights and lawful interests.

The Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child specifies that state and local municipal institutions shall encourage and support volunteer activities of public organisations in the field of protection of the rights of the child, establish and finance child rights protection institutions and organise their activities. The provisions of this Law governing public protection of the rights of the child specify that this protection is implemented through the cooperation of public organisations with state and local municipal institutions.

It should be noted that on 13 September 2013 the Ministry of Justice organised a sitting of cooperating institutions on possibilities for complex on-spot examination of victims of sexual abuse. Representatives of the Ministry of Social Security and Labour, Ministry of Health, forensic experts, Ministry of the Interior and the Prosecutor General's Office participated in the sitting, during which it was decided to take measures ensuring that persons, including children, who have suffered from sexual abuse, receive prompt medical aid and at the same time a complex examination of victims is performed.

In implementing projects of the European Commission and UBS Optimus Foundation, the non-governmental organisation "Children Support Centre" provides support for children, who have suffered from sexual violence and abuse "Under One Roof". Implementing the projects and seeking more efficient support for children who have suffered from sexual exploitation

the Children Support Centre develops a wide network of social partners and encourages cooperation: Institution of the Ombudsman for Children Rights, ministries, municipalities. In implementing the project “Safe Home – Safe Children”, the Children Support Centre implemented the programme of prevention of sexual exploitation in 24 child care houses: the staff was trained, specialists were trained to teach children of safety, all children were trained on safety skills, i.e. how to identify and secure oneself from sexual and other types of violence. In the course of implementation of the project “The Child – a Witness with Special Needs” law enforcement specialists were trained on how to perform examinations of children, informative and methodological material was prepared, and a social campaign “The Child – a Witness with Special Needs” was accomplished. A research of court cases was performed in order to analyse the practice of children examination in cases of sexual abuse in Lithuania. The results of the research were presented at international conferences. In the course of the implementation of the project “Assurance of the rights of children victims of crimes to psychological assistance and friendly examination”, a social campaign aimed at protecting children from sexual exploitation “Bad Touch” was implemented. Children who have suffered from sexual exploitation want to stay invisible. Methodological publications for specialists and information material for parents and children were produced. In the course of implementation of the project “Prevention of sexual exploitation of children and intervention”, specialists were trained to provide support to victims of sexual violence, consultations were provided to specialists in regions, interdepartmental and interdisciplinary meetings of specialists took place, a social campaign “You Never Know What is There on the Other Side” aimed at preventing children from sexual abuse on the Internet was implemented. For nine years the Children Support Centre has been implementing a project “Childhood Without Violence” supported by the OAK foundation. Annual professional supervisions are provided to psychologists on how to provide support to children who have suffered from sexual exploitation, methodological publications are issued, foreign experts are invited to conduct trainings and supervisions for Lithuanian specialists, and the annual conference “Childhood Without Violence” is organised. The Children Support Centre has created a specialised Internet website www.vaikystebesmurto.lt, where specialists, parents and children can find all the necessary information, and citizens can report about suspicions with regard to exploitation and abuse of children.

c. The criminal procedure pays a great deal of attention to the assurance of protection of children’s rights and lawful interests. For closer cooperation of prosecutors and workers of Child Rights Protection Services aimed at assurance of proper representation of children in a criminal proceedings as well as seeking to ensure children’s rights and legal interests, on 27 January 2011, the Prosecutor General, the Ministry of Social Security and Labour and the Institution of the Ombudsman for Children Rights of the Republic of Lithuania signed a cooperation agreement.

See Question 7.

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (**Article 38, para. 4**)? Please give examples.

Paragraph 2 of Article 66 of the Code of Criminal Procedure obliges courts and prosecutor’s offices of the Republic of Lithuania to send requests to state institutions and organisations via the Ministry of Justice or the Prosecutor General’s Office of the Republic of Lithuania. In

urgent cases, requests by courts and prosecutors' offices of the Republic of Lithuania to other Member States of the European Union can be sent via the prosecutor of the Prosecutor General's Office – the Lithuanian National Member in EUROJUST (deputy national member of Lithuania in EUROJUST). In cases specified in international treaties of the Republic of Lithuania, courts, prosecutor's offices and pre-trial investigation bodies may send requests to foreign institutions and international organisations in a direct manner. Therefore, bearing in mind laws related to foreign institutions and international organisations and procedures specified in international treaties of the Republic of Lithuania, the Prosecutor General's Office plays the main role. After the Convention established by the Council in accordance with Article 34 of the Treaty on European Union on Mutual Assistance in Criminal Matters between the Member States of the European Union came into effect on 29 May 2000, county prosecutor's offices were appointed as competent institutions providing legal support, therefore, direct communication between Lithuanian and foreign prosecutors improved. Prosecutors of the Republic of Lithuania directly communicate with foreign prosecutors, other state organisations, take part in activities of international institutions, international conferences and seminars, and the integration into the European Union. The Prosecutor's Office has its own representative in the European Union's Judicial Cooperation Unit EUROJUST, which was established to enhance the fight against serious organised crime and terrorism, contact points in the European Judicial Network (EJN) for consultations on legal assistance in criminal cases, contact points in cases related to terrorism, genocide, crimes against humanity and war crimes. It also maintains direct contacts with the European Union's law enforcement agency EUROPOL, the European Anti-Fraud Office (OLAF) and participates in international projects. The Prosecutor General's Office coordinates contacts of prosecution services of Lithuania with prosecution services of other states, other organisations, communicates with institutions of foreign states and international organisations via the Division of International Relations and Legal Assistance, which: prepares drafts on improvement or facilitation of agreements with competent foreign law enforcement institutions regarding cooperation on the criminal matters;

- prepares and sends requests for legal assistance in the criminal matters issued by prosecutor's offices and pre-trial investigation bodies to foreign institutions and international organisations;
- prepares and sends requests for persons' extradition or surrender under the European arrest warrants to the foreign states, applies to the court with requests for extradition or surrender of persons from the Republic of Lithuania;
- examines foreign states' requests for transiting the persons extradited by foreign states through the territory of the Republic of Lithuania;
- examines requests for legal assistance sent by foreign institutions and international organisations, controls the execution of such requests in the territorial prosecutor's offices and pre-trial investigation bodies;
- examines foreign states and international organisations' requests for initiating or taking over criminal prosecution against persons who have committed criminal offence abroad and have returned to the Republic of Lithuania;
- issues certificates on property or evidence arrest warrants and requests that such warrants were executed in other Member States of the European Union;
- acknowledges the property or evidence arrest warrants issued by other Member States of the European Union and organises the execution thereof;
- Provides information about valid legislative acts of the Republic of Lithuania.

The number of legal assistance requests by foreign states and law enforcement institutions of the Republic of Lithuania increases every year, and the number of criminal acts committed in

foreign states is also growing. Requests for legal assistance the Prosecution Office receives require a more sophisticated legal assistance with regard to procedural actions as well as legal assistance of a wider scope, therefore, direct contacts of the Prosecution Office with the European Union's judicial cooperation institution EUROJUST, the Secretariat of the European Judicial Network, the European Anti-Fraud Office (OLAF), other institutions and bodies of the European Community, cooperation with the European Union's law enforcement agency EUROPOL and the International Police Organisation (INTERPOL) are significant.

PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

- a. Which legislative or other measures have been taken to:
 - ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (**Article 6, Explanatory Report, paras. 59-62**). Please also specify whether this information includes the risks of the use of new information and communication technologies (**Article 6, Explanatory Report, para. 63**);
 - encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (**Article 5, para. 1**);
 - ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (**Article 5, para. 2**).
- b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (**Article 8, para. 1**);
- c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (**Article 8, para. 2, Explanatory Report, para. 66**).

a) As far as the possibilities for implementation of Paragraphs 1 and 2 of Article 5 of the Convention is concerned, it is important to consider the fact that the latter paragraphs stipulate that persons who have regular contacts with children have to obtain adequate knowledge of sexual exploitation and sexual abuse of children and of the means to identify them. In Lithuania, the latter provisions are applied to persons who work with children in sectors of education, health care, social security, courts and judicial system as well as sectors of sports, culture and leisure activities. The provisions are applied to specialists working to children as well as to persons involved in volunteer activities with children.

Programmes for integration of general competences and life skills of the General Curriculum of primary and basic education of Lithuanian schools define a new content of education

significant for schools students and society. These programmes are aimed at promoting the education content of all subjects. One of the directions aimed at promoting the content of study subjects is support for school students in fostering health and healthy lifestyle (Programme for Integration of Health and Life Skills and Preventive Programme. Programme for Development of Life Skills, which specifies themes for children of different age groups: pre-school children, and students of 1–4 forms, 5–7 forms and 9–10 forms). Depending on the age of children, teachers have to provide them with respective information on risk situations, i.e. how to identify them, how to secure oneself and where to address for assistance. These programmes are aimed at developing school students' skills for problem solving, decision making, creative and critical thinking, communication, self-perception, stress combat as well as their abilities to refuse. Pre-school children are taught to: develop the ability to comprehend and identify risk situations: dangerous places, unsafe behaviour of their own and other persons' unsafe behaviour; to comprehend that in a dangerous situation, it is necessary to tell about it to somebody, to ask for help. Primary school students are taught to evaluate perils to safety as well as to comprehend the meaning of children abuse. Secondary school students are taught to evaluate perils to safety, to comprehend the meaning of children abuse, to ask for help, support. High school students are taught to resist to invitations or sometimes to pressure to have sexual intercourse, to perceive and identify expressions of harassment and abuse. The programme has been developed with regard to age groups, not with regard to gender. The aim of the programme is to prepare the youth for the life outside school, to provide them with relevant knowledge and skills with regard to their individual characteristics, needs, problems, possibilities and abilities.

The Programme for Preparation for Family Life and Sex Education implemented in schools has two purposes – an educative and a preventive purpose. The educative purpose is to prepare people for life, marriage, to provide knowledge about family <...>. Pursuant to Paragraph 36.4 of this Programme, according to the needs, separate themes can be discussed separately with girls and boys. The preventive purpose of the programme is prevention of early sexual relations and related problems, sexual exploitation and harassment, and gender discrimination. The content of the programme for pre-school children and pre-primary children integrates themes about personal safety with strangers: refusals to invitations, avoidance of touches, offers and other actions; search for support and assistance in cases of anxiety and danger. The theme on Physical, emotional and sexual abuse, assistance in case of abuse is integrated in the primary education curriculum. The basic education curriculum has them theme on sexual exploitation and human trafficking and pornography. The secondary curriculum integrates psychological, physical, sexual harassment and violence, their impact on health, personal limits, intimate relations, difficulties in freedom of choice, i.e. external and internal factors, as well as characteristics of a risk lifestyle and the ability to resist to negative impact of the environment.

In 2012, two new programmes were developed. In the General Human Safety Programme, the themes of sexual exploitation and sexual abuse are included into the general human safety programmes content for primary, basic and secondary education (field of education activities: “Psychological preparation for perils and dangers”) and students' achievements. The General Health Education Programme, while defining the field of health, provides for students' achievements (opinions, skills, knowledge and comprehension) and the scope of the content in the field of risk behaviour preventions in primary, basic and secondary education.

On persons working in the sector of education.

It is important to mention that study programmes, under which future teachers are trained, are developed. Pursuant to Article 7 of the Republic of Lithuania Law on Higher Education and Research, a higher education institution shall have the right to choose study fields and forms for the development of a person, prepare and approve study programmes which meet the requirements laid down by legal acts.

“Article 7. Autonomy and accountability of higher education institutions

1. A higher education institution shall enjoy the autonomy which covers academic, administrative, economic and financial management activities, and is based on the principle of self-government and academic freedom. Pursuant to the procedure laid down by the Constitution of the Republic of Lithuania, this Law and other laws the autonomy of a higher education institution shall be harmonized with the accountability to the public, founders and members of the legal person.

2. A higher education institution shall have the right to:

1) choose study fields and forms and the development of a person, research and experimental (social, cultural) development, professional artistic activity, cultural and scientific knowledge communication;

2) define a procedure of studies;

3) fix a tuition fee in accordance with the procedure laid down by this Law;

4) prepare and approve study programmes which meet the requirements laid down by legal acts;

5) provide other educational, qualification improvement, expert services;

6) publish study, scientific and other literature;

7) establish its own structure, internal working arrangements, staff number, their rights, duties and conditions of payment for work, position requirements, procedure of organization of competitions to fill positions and of performance evaluation of employees, adhering to laws and other legal acts;

8) admit and exclude students in accordance with the procedure laid down by its statute;

9) award students scholarships from its own or sponsors' funds;

10) set forms of cooperation with natural and legal persons of the Republic of Lithuania and foreign countries;

11) manage, use and dispose of assets in the manner prescribed by this Law and other legal acts;

12) pursue economic and commercial activities which are not prohibited by laws and which are inseparably connected with the objectives of activities thereof;

13) exercise other rights laid down by legal acts.”

Having regard to the above provisions, higher schools include knowledge about child rights and protection thereof, prevention of violence and abuse of children into respective study programmes. Pursuant to Paragraph 1 of Article 7 of the above Law on Higher Education and Research, a higher education institution enjoys the autonomy which covers academic, administrative, economic and financial management activities, and is based on the principle of self-government and academic freedom. Therefore, higher schools establish requirements for persons which they accept to study programmes. A higher school has the right to establish the procedure for studies, and to accept and expel students pursuant to the procedure established in its statute.

Article 52 of the Law stipulates that persons eligible to be admitted to the first stage or integrated study programmes of a higher education establishment shall be individuals having at least secondary education by way of competition, taking into account their performance, entry examinations or other criteria laid down by the higher education establishment. The list

of subjects according to subject areas and the principles of the admission grade, the minimum qualifying admission grade and other criteria, following evaluation of the students' representation, shall be approved by higher education establishments. Persons having a higher education qualification shall be admitted to a study programme of the second cycle in accordance with the procedure laid down by the higher education institution. Persons who enrol to study pursuant to informal education programmes or individual subjects (their sets), shall be admitted in accordance with the procedure laid down by higher education institutions.

“Article 52. Admission to a higher education institution

1. Persons having at least the secondary education shall be admitted by way of competition to a study programme of the first cycle and an integrated study programme in a higher education institution, taking account of learning results, entrance examinations or other criteria laid down by a higher education institution. A list of competitive subjects according to study fields and principles of composition of a competitive grade, a lowest passing entrance grade and other criteria shall, upon the evaluation by a students' representation, be set by higher education institutions and announced by them not later than two years prior to the beginning of an appropriate academic year.

2. A general number of student places shall be fixed by a higher education institution, taking into consideration the possibilities of quality assurance in studies.

3. Persons having a higher education qualification shall be admitted to a study programme of the second cycle in accordance with the procedure laid down by the higher education institution. Persons having a Professional Bachelor's qualification shall have the right to enter study programmes of the second cycle, if they meet the minimum requirements approved by the Ministry of Education and Science.

4. Persons who enrol to study pursuant to informal education programmes or individual subjects (their sets), shall be admitted in accordance with the procedure laid down by higher education institutions.”

One of the criteria for evaluation of the motivation of the students applying for the study programme specified in the Description of the Content of Motivation Assessment and Implementation Thereof (Order No. V-917 of 26 May 2011 of the Minister of Education and Science, which specifies the integral elements of the examination obligatory for persons entering education and upbringing study programmes of the first cycle, and who, upon the accomplishment of these programmes, will obtain the qualification of a teacher, as well as the content of these integral elements, the organisation of the examination and the procedure for the implementation thereof, principles of the composition of the examination commission and requirements for its members, and the registration of results of the examination) is the ability to justify one's choice on the basis of one's experience and to emphasise one's personal characteristics and personal opinions, to reveal one's perception about the dignity of any person and one's open attitudes towards various differences between people, and to reflect one's social activeness and its significance, etc.

“II. The content of the written questionnaire and the assessment criteria

12. It is accessed whether students applying for the study programme:

12.1. reason their choice with experiences, emphasise their personal characteristics and values;

12.2. reveal their perception about the dignity of each person and their open attitudes towards various differences between people;

12.3. reflect their social activeness and its significance;”

When a teacher starts to work in an education institution performing his functions as a pedagogue, apart from other duties, he, pursuant to Paragraph 2 of Article 49 of the Law on Education, must respect a learner as a personality, respect his rights and lawful interests, cultivate learners' firm moral growth, ensure learners' safety, good quality education, civic, national and patriotic attitudes, respect for parents, learners' cultural identity, assure

circumstances for their personal growth, observe the norms of Teacher's ethics as approved by legislative acts and documents establishing the school's internal rules of procedure.

“Article 49. Teacher's rights and obligations

2. Teachers must:

- 1) ensure their learners' safety and good quality of education;*
- 2) cultivate learners firm moral, civic, ethnic and patriotic positions, respect for parents, their cultural identity, assure circumstances for their personal growth, present the study content in a clear manner by using proper Lithuanian language, where legal acts provide for the study content to be presented in the Lithuanian language;*
- 3) observe the norms of Teacher's ethics as approved by legislative acts and documents establishing the school's internal rules of procedure;*
- 9) to respect a learner as a personality, to respect his rights and lawful interests;”*

Pursuant to the Description of the Teacher's Professional Competence, which regulates competence groups, competences and abilities of professional activities of teachers in respective study programmes of pre-school, pre-primary, primary, basic, secondary, special education, vocational training and informal study programmes, it is specified that teachers' cultural competence consists of the ability to respect learners' social, cultural, linguistics and ethnic identity, and to teach learners to adhere to humanistic values. Teachers' professional competences consist of the analysis of various fields, evaluation of environment, etc., which are related to creation of a friendly environment, perception of children, for example, the ability and skills to create a safe environment supporting the learner's emotional, social, intellectual and spiritual development, to create a change-friendly environment, where a learner feels safe and confident with regard to himself and others, to apply various psychosocial and educational interventions, which help manage conflicts and make decisions, to evaluate the learner's development, skills for perception and activities, to empathically identify the emotional difficulties and anxiety the learner faces, to identify exceptional cases of perils to the child's health and psychological development, etc.

Another very important aspect is that teachers improve qualification in the field of sexual exploitation and sexual abuse of children and child rights protection. Accredited programmes for teachers' qualification improvement have been prepared at the national and local levels, for example:

- 1) Social aspects of establishment of equal gender opportunities in society, Nr. 4918500143, Programme by the Centre for Educational Competence of the Institute of Educology of the Faculty of Social Sciences of Kaunas University of Technology;
- 2) Sex education in school, No. 3910101391, Programme by the Centre of Education and Pedagogical Psychological Support in Alytus;
- 3) Identification of sexual violence against children and organisation of support, No. 4913100146, Programme by Telšiai Centre of Education;
- 4) Interactive psychotherapy for teachers: gender differences, No. 2009012166, Programme by Kaunas District Education Centre;
- 5) Identification of cases of sexual exploitation of children and the first intervention, No. 3913110104, Programme by Marijampolė Education Centre;
- 6) Integrated education of the preparation of family and sex education, No. 3910101154, programme by the Centre for Special Needs Education and Psychology;
- 7) Psychological aspects of gender relations, No. 2090470059, Programme by the Modern Didactics Centre;
- 8) Education on respect to varieties and prevention of bullying at schools, No. 301090611579, Programme by the Centre for Equality Advancement;
- 9) Integration of provisions of equal gender possibilities in education institutions, No. 301090611580, Programme by the Centre for Equality Advancement.

Teachers also improve their qualifications by participating in trainings dedicated to prevention of violence and abuse: “How to identify cases of sexual exploitation of children”, “Support to children”, “Sexuality and sexual development of six year old children”, “Identification and prevention of bullying at school”, “Relevant issues in the field of preparation for family and sex education”, etc.

On persons working in the sectors of courts and law enforcement. Since 2006, the Lithuanian Police School has been conducting specialised trainings for police officers and psychologists working with children victims, which aimed at improving professional skills and qualification of police officers, pre-trial investigation officers interviewing children, criminal police officers and officers performing operational activities in the field of communication with children victims immediately after the criminal act. Officers also improve their qualification in the field of prevention of violence against children in families and in the field of support to children victims, including peculiarities of interviewing children who have suffered sexual violence and investigation of criminal activities against freedom of a person’s sexual self-determination and inviolability, in order to familiarise officers with the methodology of investigation of the above criminal activities, valid legal acts and legal practice related to investigation of these criminal acts. Seminars according to programmes of qualification improvement in the field of Juvenile Justice are organised for judges and police officers. Officers are familiarised with children’s development and abilities. Special attention is paid to children with special needs, etc.

Prosecutors specialising in the field of juvenile justice improved their qualification by participating in the inter-institutional programme for qualification improvement organised by the Training Centre of the National Courts Administration (25 academic hours’ seminar “Juvenile Justice” on 5–8 December 2011; 24 academic hours’ seminar “Juvenile Justice” organised on 19–22 March 2012 and 17–19 December 2012).

In the second half of 2013, the Prosecutor General’s Office together with the Lithuanian Police Training Centre and the National Courts Administration are planning to organise common trainings for specialised prosecutors, judges and pre-trial investigation officers on issues of sexual exploitation of children. These trainings will include trainings on the above matter.

In order to raise children’s awareness of perils of sexual exploitation and sexual abuse, the measures they can use to protect themselves as well as other legal issues, prosecutors visit schools and child care houses, where they communicate with school students, teachers. They also visit parents’ meetings, deliver lectures to school students and try to make students to seek legal knowledge. Activities of Panevėžys Prosecution Office while promoting legal knowledge to children should be mentioned: starting from 1996, in Panevėžys, a competition “Temidė” has been organised for students of 9–12 forms of secondary schools of education. Over this period, the competition has grown into a national competition and, each year, a final national tour is organised in the city of Panevėžys. This competition enhances students’ legal awareness, provides students with the opportunity to meet representatives of law enforcement institutions in an informal environment, and familiarises them with minors’ rights and obligations.

It should also be mentioned that in the course of the implementation of the measure of 2010–2014 National Programme of Equal Opportunities of Women and Men, in 2012, the Ministry of the Interior organised trainings for employees of institutions under the Ministry of the

Interior on themes of equal opportunities. 25 employees, out of whom 21 women and 4 men, improved their qualification.

On persons working in the sector of social security. It should be noted that pursuant to the Republic of Lithuania Law on Social Services (Official Gazette, 2006, No. 17-589), social care institutions, social care services of which correspond to norms of social care, can provide social care services.

Social care norms (Order No. A1-46) of 20 February 2007 of the Minister of Social Security and Labour) (Official Gazette, 2007, No. 24-931) are also applied with regard to child social care homes. Social care norms specify that the number and structure of personnel providing social support to children must be formed with regard to the number of children, their disability, social risk, and the satisfaction of the needs of the child must be ensured by a team of qualified specialists, who have personal characteristics suitable for work with children, have obtained necessary education, constantly improve their qualification and whose activities do not violate children's rights and lawful interests. It should be noted that a family taking care of children also has to correspond to requirements specified in legal acts and obtain a conclusion by the municipal child rights protection division on its suitability to take care of children. Starting from 2015, social care institutions (and large foster families) will have to obtain licence for provision of social care.

Social workers and their assistants' values, professional activities, knowledge, skills, personal characteristics necessary for implementation of professional tasks are governed by Qualification Requirements for Social Workers and Assistants Thereof (Order No. A1-92 of 5 April 2006 of the Minister of Social Security and Labour) (Official Gazette, 2006, No. 43-1569).

The Ministry of Social Security and Labour is implementing the programme "Risk Group Children and Youth" (hereinafter referred to as the Programme) of the European Economic Area Financial Mechanism 2009–2014. One of the measures under this Programme is Measure "Improvement of Qualification of Employees and Volunteers Working at Child Day Care Centres and Open Youth Centres". It is also planned to implement the Programme Measure "Establishment of Support Centres for Children Who Have Suffered Sexual Violence". One of the aims of this measure is, through cooperation with partners from Iceland, to create a specialised training programme for specialists working with children who suffered sexual exploitation and violence and their family members, to train the above specialists on the basis of the regional principles. It is assumed that specialists who have improved their qualification will be able to provide qualified support to children who have suffered sexual abuse in various regions of Lithuania.

On persons working in the sector of health care. It should be mentioned that paragraph 11.6 of section VI "Duties" of Lithuanian Medicine Norm MN 14:2005 "General Practitioner. Rights, duties, competence and responsibility" (Order No. V-1013 of 22 December 2005 of the Minister of Health) specifies that a general practitioner must notify the police about injuries with cold steel, firearms or other violent injuries, suspected negligence with regard to children, violence against children or persons under care in line with the procedure established in laws of the Republic of Lithuania. Section VII "Competence" specifies that a general practitioner must be well acquainted with basics of family health and social security and legal and social security of women and children's health. In order to improve qualification of health care specialists in the field of sexual exploitation and sexual abuse, in

2004, the Ministry of Social Security and Labour issued Methodological Recommendations for Identification of Violence against Children, information leaflets for general practitioners, which present brief information on actions to be taken if sexual exploitation is suspected. In the course of the implementation of the programme of qualification upgrading of health care specialists contributing to the reduction of morbidity from key infectious diseases (Order No. V-334 of 25 April 2008 of the Ministry of Health), in 2009–2013, projects under the Operational Programme for the Development of Human Resources were implemented. The training programmes of these projects included issues on violence, sexual exploitation and abuse and support to children. Kaunas clinics has been implementing a programme “Operational tactics in cases of suicide, violence and exploitation – the training programme for medics working in emergency divisions and first aid services of health care institutions of districts of Klaipėda, Telšiai, Tauragė, Marijampolė, Alytus and Kaunas”. The Child Development Centre has been implementing a programme “Selection of children under development and mental disorder risk factors and early diagnosis of disorders” for primary health care specialists. Public institution Republican Vilnius Psychiatric Hospital has been implementing the programme “Operational tactics in cases of suicide, violence and exploitation – the training programme for medics working in emergency divisions and first aid services of health care institutions of districts of Vilnius, Utena, Panevėžys and Šiauliai”.

b) As far as the implementation of Paragraph 1 of Article 8 of the Convention on the state policy aimed at promotion or implementation of public campaigns intended for general public, which provide information on sexual exploitation of children and sexual violence against children and about possible means of prevention, is concerned, activities of the Public Enterprise “Press, Radio and Television Support Foundation” (hereinafter referred to as the Foundation) should be mentioned. Pursuant to Resolution No. 1190 of 31 October 2007 of the Government of the Republic of Lithuania “On the Approval of the General Tender Provisions of the Partial State Financial Support for Cultural and Educational Projects as per Applications Submitted by the Press, Radio and Television Support Foundation to the Support Fund”, this institution, through a tendering procedure, allocates partial financial support (hereinafter referred to as the support) to cultural and educative projects implemented by public information producers. The projects are supported under programmes in the following fields: culture, art publications, educational publications, regional mass media, radio and television, internet mass media and cultural education of children and the youth. In 2012, the amount of LTL 8,938,000 was allocated from the state budget of the Republic of Lithuania to the Foundation for the implementation of projects prepared by producers of public information, which were aimed at the implementation of the above projects. Projects prepared by public information producers aimed at provision of information on the phenomenon of sexual exploitation and abuse of boys and girls and possible preventive measures can be partially financed from the above Foundation through a tendering procedure.

As far as public information campaigns on violence against children, including sexual exploitation and sexual abuse of children and prevention thereof, the National Programme for the Prevention of Violence against Children and Assistance to Children 2011–2015, approved by Order No. A1-2 of 3 January 2011 of the Minister of Social Security and Labour of the Republic of Lithuania, should be mentioned. The purpose of this programme is to provide for complex measures which would help eliminate violence against children and manifestations thereof. The measures of the programme are aimed at prevention of violence against children and intervention, covering all types and forms of violence, including sexual abuse of children. One of the objectives of the above programme is to organise public education on issues of violence against children. In the course of the implementation of various measures, campaigns

aimed at prevention of violence against children, sexual exploitation and sexual abuse of children are organised, and the campaign “NO to Violence against Children” is further developed. These activities have been implemented since 2005 and cover various themes: “The Week without Bullying”, “The Month without Violence against Children”, “May—the Month without Violence against Children”, “Be safe on the Internet”, “I Want to Be Safe on the Earth”, “Safe and Healthy at School”, etc. In addition, in the course of the implementation of the above programme, public intolerance of violence against children is formed: information on child rights is spread through mass media, for example, websites www.gelbvaik.lt, www.socmin.lt/vaikams provide information on various types of violence including sexual violence, ways to identify it and call for aid. Informative, methodological publications are produced and published, for example, informative campaigns published in children’s note books providing internet links to information on the provisions of the United Nations Convention on the Rights of the Child.

The law enforcement sector organises informative campaigns at institutions of education, disseminates legal information, and provides advice to children on how to protect themselves from various perils, including the peril of sexual exploitation, and how to search for help. With regard to peculiarities of children’s development, cartoon movies for younger school children highlighting issues of safety and self-defence have been developed. Since 2006, national police institutions have been implementing a preventive project “Safe and Healthy at School”, which covers legal education of children, their leisure activities, and encourages active participation of children while creating a safe environment in schools. It should also be mentioned that the national legal knowledge competition for pupils of schools of general education and vocational training institutions “Temidė” has been organised regularly since 1998. This competition helps develop youngsters’ legal awareness. Internet websites of the Police and other law enforcement institutions provide advice for children and parents on issues of self-defence and responsibility.

Public institution “Lions Quest Lietuva” administers and introduces in Lithuania an international programme for social and emotional development “Preventive Programme of Violence and Sexual Abuse of Children”, which is was approved by the research performed by the Norway Directorate for Health. This programme is a cycle of 14 exercises for children of 1-4 forms and their parents “We talk about violence and sexual exploitation”.

c) Paragraph 2 of Article 8 of the Convention mentions measures aimed at preventing the dissemination or prohibition of materials advertising sexual exploitation and abuse of children. In Lithuania, this provision is implemented through certain measures aimed at ensuring safe Internet and pursuant to requirements of relevant legal acts.

The Republic of Lithuania Law on Provision of Information to the Public stipulates that producers and/or disseminators of public information must ensure in accordance with the procedure established by the law that minors are protected from public information which might have a detrimental effect on their physical, mental or moral development, in particular that involves pornography and/or violence and disseminates information encouraging addictions (Paragraph 1 of Article 17). It should be noted that the concept of “a minor” established in legal acts valid in Lithuania (see Paragraph 3 of Article 2 of the Republic of Lithuania Law on Protection of Minors against Detrimental Effect of Public Information, Paragraph 1 of Article 2.5 of the Civil Code, etc.) is analogous with the concept of “a child” specified in Article 3 of the Convention.

Paragraph 1 of Article 14 of the Republic of Lithuania Law Amending the Law on Cinema specifies that the films exhibited in cinema theatres of the Republic of Lithuania shall be indexed according to the age rating of the audience thus ensuring protection of minors from information harmful to minors. Paragraph 11 of Article 14 of the Law on Cinema specifies the following film indexes according to the age rating of the audience:

- 1) *“V” for films dedicated to the audience of different ages;*
- 2) *“N-7” for films dedicated to the audience aged 7 and over;*
- 3) *“N-13” for films dedicated to the audience aged 13 and over;*
- 4) *“N-16” for films dedicated to the audience aged 16 and over;*
- 5) *“N-18” for films dedicated to the audience aged 18 and over.”*

The indexing of films according to the age rating of the audience is performed by the Film Indexing Commission, which is responsible for the evaluation of films according to episodes and scenes which may have a negative effect on the development of boys and girls. We also inform that public information is governed by the Republic of Lithuania Law on Protection of Minors against Detrimental Effect of Public Information and the Republic of Lithuania Law on Provision of Information to the Public.

The Republic of Lithuania Law on protection of Minors against Detrimental Effect of Public Information defines public information aimed at promoting sexual exploitation and abuse of minors as information having detrimental effect on the development of minors and prohibits the dissemination of such information. The implementation of provisions of this law is discussed in detail in Resolution No. 1121 of 21 July 2010 of the Government of the Republic of Lithuania “On the Approval of the Description of Procedure for Marking and Dissemination of Public Information Having Detrimental Effect on the Development of Minors”.

Article 214⁽¹⁹⁾ of the Code of Administrative Law Offences provides for administrative liability for violations of the provisions of the Description of Procedure for Marking and Dissemination of Public Information Having Detrimental Effect on the Development of Minors or for publication of prohibited public information having detrimental effect on the development of minors. The Code of Administrative Law Offences delegates the investigation of such cases to the Journalism Ethics Inspector investigating cases of administrative law offences specified in Paragraphs 1 and 2 of Article 214⁽¹⁹⁾ of the Code of Administrative Law Offences, the Radio and Television Commission of Lithuania investigating cases of administrative law offences specified in Paragraphs 3 and 4 of Article 214⁽¹⁹⁾, and the Information Society Development Committee under the Ministry of Transport and Communications entitled to draw protocols for offences specified in Paragraphs 5 and 6 of Article 214⁽¹⁹⁾ (Article 259⁽¹⁾).

It should be noted that in May 2008 Lithuania was accepted into the International Association of Internet Hotlines “INHOPE”, which was established in 1999 in the course of the implementation of the European Commission Action Plan for Safe Internet. “INHOPE” represents internet hotlines of 34 states combating sexual exploitation of children (children pornography) on the Internet. Their aim is to accept and investigate notifications on Internet activities of illegal and/or harmful content. These activities are aimed at informing general public, fighting against the dissemination of children pornography material at the international level, implementing prevention of human trafficking and sexual exploitation, preventing illegal activities aimed at promotion of racism and xenophobia on the Internet. The participation in activities of this association enables to send this information to hotlines of

other countries, when the illegal content is not related to information stored in Lithuania. You can notify about illegal or harmful Internet content via <http://www.draugiskasinternetas.lt/lt/main/report>.

Question 9: Recruitment and screening

- a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (**Article 5, para. 3**). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;
- b. Does the screening of candidates apply to voluntary activities (**Explanatory Report, para. 57**)?

a) Article 68² of the Criminal Code establishes a penal sanction, i.e. deprivation of the right to be employed in a certain position or to engage in a certain type of activities, which the court imposes in the cases where the offender commits a criminal act in the field of his occupational or professional activities or where, considering the nature of the criminal act committed, the court comes to the conclusion that the convicted person may not preserve the right to be employed in a certain position or to engage in a certain type of activities.

Having regard to the provisions of Paragraph 3 of Article 5 of the Lanzarote Convention, the Draft Law Amending the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child has been produced. Article 25 of the draft law establishes provisions with regard to restrictions of occupation of convicted persons:

“Article 25. Employment restrictions with regard to persons convicted for criminal acts against children’s freedom of sexual self-determination and inviolability

1. Persons declared guilty by an effective court judgement for criminal acts against children’s freedom of sexual self-determination and inviolability, purchase or sale of a child, use of a child for pornography, profiting from child prostitution, involvement of a child in prostitution and keeping of material of pornographic content, shall be prohibited from:

- 1) obtaining employment, irrespective of its functions, in child social, primary health care, educational and sport institutions, companies and organisations;*
- 2) obtaining employment in other institutions, companies or organisations, volunteering in these institutions, companies and organisations, if their functions are directly (permanently or temporarily) related to upbringing, teaching, maintenance of children and assurance of safety of children;*
- 3) engaging in individual activities, if these activities are directly (permanently or temporarily) related to upbringing, teaching, maintenance of children and assurance of safety of children.*

2. Before employing a person, the employer, in cases specified in items 1 and 2 of paragraph 1 of this Article, shall address the IT and Communications Department under the Ministry of the Interior of the Republic of Lithuania on the data the Register of Suspected, Accused and Convicted Persons has on persons declared guilty for criminal acts specified in Paragraph 1 of this Article.

3. Before issuing the authorisation for engagement in individual activities, in cases specified in item 3 of paragraph 1 of this Article, the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania shall address the IT and Communications Department under the Ministry of the Interior of the Republic of Lithuania on the Data the Register of Suspected, Accused and Convicted Persons has on persons declared guilty for criminal acts specified in Paragraph 1 of this Article.

It should be noted that currently the Seimas has launched the deliberation of the Draft Law Amending and Supplementing Articles 24, 56 of the Republic of Lithuania Law on

Fundamentals of Protection of the Rights of the Child and Supplementing the Law with Articles 47¹ and 56¹ (XIIP-321), one of which also offers to establish the above prohibition, including for persons engaged in volunteer activities.

b) The provisions are applied to specialists working with children as well as to persons involved in volunteer activities with children. Paragraph 3 of Article 9 of the third section of the Law on Volunteering specifies the following:

“Article 9. Organisation of Voluntary Activities

3. Taking into consideration the character of volunteering and requirements set out by legal acts, a volunteer organiser may require from individuals wishing to carry out voluntary activities to submit documents necessary to carry out such activities (a medical certificate, a criminal record certificate, etc.).”

Question 10: Preventive intervention programmes or measures

- a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (**Article 7, Explanatory Report, para. 64**);
- b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (**Articles 15 to 17**). Please indicate in particular:
- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
 - how the appropriate programme or measure is determined for each person;
 - whether there are specific programmes for young offenders;
 - whether persons have a right to refuse the proposed programme/measures?

a) It should be noted that pursuant to Order No. 110 of 9 March 199 of the Minister of Health “On the Basic Price of the Primary Outpatient Mental Health Care Services, Provisions Thereof and Payment Procedure and the Sample Statute of a Mental Health Care Centre and Activities of its Specialists” (a person shall have an possibility of addressing directly (without an appointment card) a mental health care centre and receive primary mental health care services provided by psychiatrist, psychologist, with persons afraid of committing criminal act against children’s freedom of sexual self-determination and inviolability being no exception to that).

b) As far as the possibilities for the implementation of the Convention with regard to this issue are concerned, it should be noted that the Ministry of Social Security and Labour, while planning the European Union structural support project “Child Rights Protection 2014–2020”, specified the investing priority “8.4. Increase of Possibilities for Receiving Affordable, Sustainable and High Quality Services, including Health Care and Universally Important Services”. The following objective has been specified for the implementation of the above priority: to improve protection of children from sexual exploitation and sexual abuse, the implementation of which is planned to be performed through the following measures: “Introduction (application) of intervention programmes and/or measures for children who have committed criminal acts of sexual nature, with regard to their age, development needs, etc., and implementation thereof”, “Creation and application of a therapy programme for

minors who have committed sex offences”, “Creation and application of the methodology of the evaluation of the risk of second offence by minors who have committed sex offences”. It is expected that upon the implementation of these measures in Lithuania, specialised services for girls and boys who have suffered sexual exploitation and sexual abuse will emerge.

It should also be mentioned that in the course of the implementation of the 2008–2010 National Programme for the Prevention of Violence against Children and Assistance to Children Measure “To Provide Psychological Support to Persons at Imprisonment Institutions and Corrections Inspections, who Have Sexually or in any other Manner Exploited Children”, the Prison Department under the Ministry of Justice of the Republic of Lithuania adopted the SeNAT programme (Sex Offender Therapy Programme for Lithuanian Corrections). It is a unique programme both in Lithuania and Eastern Europe aimed at therapy provision for persons who have committed sexual offences against children, although the structure of the programme and the universality of applied methodologies based on the behaviouristic–cognitive paradigm can be applied with regard to persons who have committed sexual offences against adult persons. It can also be applied in group and individual therapy (female or male). The main goal of the SeNAT programme is prevention of second sexual offences and social reintegration of sex offenders. The main objective of the SeNAT programme is to help convicted persons and identify and manage their risk factors and to teach them how to control these factors in the future. The SeNAT programme is based on common principles of all rehabilitation programmes. Persons can participate in this programme *only upon their request*, and it is intended for women and men, since it is based on changes in schemes of thought and behaviour. The Programme also specifies several specific requirements: convicted persons who do not recognise they have committed a crime, persons who demonstrate very low risk of second offence, as well as persons whose psychopathisation level is very high (as per PCL:SV methodology) cannot participate in the programme. The risk of second offence by a sex offender is established in three categories: low, medium and high. In 2008–2009, institutions subject to the Prisons Department started applying risk evaluation methodologies STATIC-99 and SVR-20 (Sexual Violence Risk) with regard to persons who have committed sexual offences. These methodologies help identify second sexual offence risk. Second offence risk of participants of the SeNAT programme is measured before and after the programme. The second offence risk of persons who do not participate in the programme is assessed when a convicted person is planned to be released from a correction institution on conditional discharge before the term of release, and the results of the assessment are submitted to the court.

It should be noted that, currently, the programme SeNAT and the SRV-20 methodology for assessment of second offence risk are applied only with regard to imprisoned convicted persons. Possibilities of arrested persons for participation in group therapies are not specified in legal acts. Personality research (including risk assessment) is possible only upon the consent of an arrested person.

At present, the Prisons Department seeks to ensure continuous implementation of the SeNAT programme in correction inspections, which control persons released on conditional discharge before the term of release. As far as minors sentenced for imprisonment, Lithuania does not have any special programme for correction of thinking and behaviour of sexual offenders. A cognitive-behaviouristic correctional programme EQUIP aimed at correction of delinquent (and sexually offensive) behaviour is applied with regard to minors. In 2008–2010, data on actions of persons convicted for sexual violence against children were collected in all imprisonment institutions and analysed by applying the STATIC-99 methodology.

47 convicted persons were analysed. The application of the methodology for establishment of sexual violence risk (SRV-20) was also launched. 88 convicted persons were analysed. It should be noted that these methodologies were not applied to analyse women in 2010–2013. In 2010, a research of efficiency evaluation of the programme was performed in the Pravieniškės Correction House No. 2 – Open Prison Colony and Alytus Correction House. In the course of the research it was established that the Programme SeNAT helps increase the convicted persons’ self-awareness, self-control, develops their social skills and decision making strategy. The research showed that the analysis of the committed crime, feelings and thoughts helps the convicted persons to form positive early attitudes with regard to situation management and behaviour correction.

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

- a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (**Article 9, para. 2, Explanatory Report, paras. 68-73**);
- b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (**Article 9, para. 3, Explanatory Report, para. 74**);
- c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (**Article 9, para. 4, Explanatory Report, para. 75**). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (**Article 27, para. 5, Explanatory Report, para. 193**).

a) While discussing the implementation of Paragraph 2 of Article 9 of the Convention, “Safer Internet” should be mentioned. It is a programme aimed at illegal and harmful information on the Internet, related to such criminal offences specified in legal acts of the Republic of Lithuania as pornography, paedophilia, racism and xenophobia. A great deal of attention is particularly focussed on children and teenagers seeking to protect them from harmful Internet content. The programme is aimed at encouraging children to participate in various events and competitions (http://www.draugiskasinternetas.lt/lt/main/events/saugus_internete). Children are taught on safe behaviour in the Internet. A great deal of educational material is announced on the website of the Internet project “Safer Internet” www.draugiskasinternetas.lt. For that purpose, a documentary movie “The Web” (games1.one.lt/tinklas/) has been created, various leaflets have been published, as well as tours across Lithuania have been organised by the Safer Internet Academy (www.draugiskasinternetas.lt/lt/adult/kas_naujo?id=9729). There is also a youth forum of the Safer Internet (<http://www.draugiskasinternetas.lt/lt/youth/news?id=9404>). In addition, children are encouraged to report illegal Internet content via “Hot Line”, which is an effective measure helping prevent sexual exploitation of children and sexual abuse by removing pornography content from the Internet, reporting pornographic or paedophilic Internet content to competent law enforcement institutions.

The project “Safer Internet” is aimed not only at informing on sexual exploitation and sexual abuse of children by using Internet technologies, but also at involving children, civil society into the fight against sexual exploitation and sexual abuse of children on the Internet.” Pursuant to Paragraph 2 of Article 9 of the Convention, private sector subjects, i.e. such companies as UAB “Microsoft Lietuva”, the portal www.one.lt, AB TEO, LT and UAB “Omnitel”, as well as such associations as “Langas į ateitį” and “Infobalt” and other companies and organisations (<http://www.draugiskasinternetas.lt/lt/main/program/partneriai>) are partners of the project “Safer Internet” and contribute a lot to the organization of various events and preparation of various measures of this project, which are aimed at encouraging civil society to participate in the implementation of this project (for example, people are encouraged to report illegal Internet content via the hot line, various Safer Internet Day events are organized).

It should be noted that the Ministry of Social Security and Labour, while planning the European Union structural support project “Child Rights Protection 2014–2020”, specified the investing priority “8.4. Increase of Possibilities for Receiving Affordable, Sustainable and High Quality Services, including Health Care and Universally Important Services”. The objective of the implementation of this priority is to encourage the private sector, especially sectors of information and communication technologies, tourism and travel, banking and finance, as well as the civil society to participate in the preparation and implementation of the policy aimed at preventing sexual exploitation of children and sexual violence against children through the implementation of the provisions of the Lanzarote Convention. The accomplishment of this objective is planned to be implemented through the following measures: “Use of Information Technologies and Other Initiatives in Order to Prevent Sexual Exploitation of Children and Sexual Violence”. It is expected that the accomplishment of these measures will result in development of special services for children who have suffered sexual exploitation and sexual abuse in Lithuania.

b) The Lithuanian press is regularly informed about the process, events and results of the project “Safer Internet”. In addition, it announces a great deal of information on various researches, accidents related to Internet sexual exploitation and sexual abuse of girls and boys. Mass media also provides a great deal of information on the ways how to protect children from sexual exploitation and abuse on the Internet. It should be noted that mass media in Lithuania is independent and acts in accordance with the principle of freedom of press stipulated in Article 25 of the Constitution: “The human being shall have the right to have his own convictions and freely express them. The human being must not be hindered from seeking, receiving and imparting information and ideas. Freedom to express convictions, to receive and impart information may not be limited otherwise than by law“, for example, Section II of the Law on Provision of Information to the Public regulating freedom to receive and provide information, and other legal acts.

Pursuant to Article 4 of the Republic of Lithuania Law on the Lithuanian National Radio and Television governing requirements for broadcast radio and television programmes, establishes broadcasts dedicated to national culture, information, analyses, education as priority broadcasts on Lithuania TV and radio programmes. Such a legal regulation of broadcast priorities also contributes to the encouragement of mass media to present to the public broadcasts on the above themes.

c) While discussing the financial encouragement of the implementation of programmes and projects mentioned in Paragraph 4 of Article 9 of the Convention, which are aimed at preventing sexual exploitation of children and sexual violence against children, activities of the public institution “Press, Radio and Television Support Foundation” should be mentioned. As it has been already mentioned, cultural and educational projects of public information producers are supported through a tendering procedure according to regional mass media, radio and television as well as internet mass media and other programmes. It should be noted that while allocating partial state financial support, priority is given to projects aimed at forming public intolerance of violence, especially violence against children, and encouraging the dissemination of moral and spiritual values, and the civil, professional and legal education of the public. It is assumed that such a legal regulation of allocation of funds encourages mass media to provide relevant information on all aspects of sexual exploitation of children and sexual violence against them.

Question 12: Effectiveness of preventive measures and programmes

- a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;
- b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

a) The efficiency of preventive programmes and measures and their impact on the public in Lithuania is assessed in line with Order No. 1 K-281 of 16 August 2011 of the Minister of Finance of the Republic of Lithuania “On the Approval of the Methodologies for Programme Evaluation”. The methodology for budget programme evaluation is used to perform coherent assessments, which encourage constant improvements of programmes thus increasing operational efficiency, results, responsibility and accountability. When evaluating the programme, is it possible to answer such questions as “how to increase operational efficiency”, “how to achieve better results”, etc. The system of evaluation of these programmes promotes interest not only with regard to “absolute” results, but also in relation to evaluation of changes in social needs and improvement of operational activities.

b) See answers to questions 4, 10, and 11.

PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

- a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (**Article 12, para. 1, Explanatory report, para. 89**);

b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (**Article 12, para. 2, Explanatory Report, para. 91**). Please provide examples of good practice.

a) Taking into consideration the provisions of Paragraph 1 of Article 12 of the Convention, it should be mentioned that Paragraph 3 of Article 11 of the Law on Ombudsman for Children specifies that the Ombudsman for Children shall refer the material to a pre-trial investigation institution or the prosecutor of features of a criminal act have been established. Provisions of item 1 of paragraph 1 of Article 12 of the law specify that the Ombudsman for Children shall have the right to, having obtained the information about violations that was not specified in the complaints, initiate, on his own initiative, the investigation or transfer it to other competent state institutions for investigation.

The State Child Rights Protection and Adoption Service has approved the Description of the Procedure for Notifying of Exceptional Cases, which May be Related to Possible Violations of Child Rights (hereinafter referred to as the Description). The Description specifies exceptional cases as cases, during which mental and/or physical health of child was damaged (by active action or omission) (when a child is in need of medical examination and/or aid) or in cases of death irrespective of whether a child was injured, killed by another child or an adult person and this case is known to the police. The following cases are also considered as exceptional cases: cases related to child suicide or to possible sexual exploitation of children trafficking, in addition, all cases of accidents in child care homes, which resulted in child injuries. Pursuant to the above description, child rights protection divisions of cities (regions) and child care institutions must report to the State Child Rights Protection and Adoption Agency the possible (suspected) sexual violence against child.

Paragraph 1 of Article 3.250 of the Civil Code stipulates the obligation of employees of educational, health care, police and other institutions as well as any person in possession of any knowledge <...> of the necessity to protect a minor's rights and interests to notify immediately the State institution for protection of the child's rights of the child's district of residence or their own district. The above article presents only sample (non-finite) list of circumstances, when a person must notify a municipal child rights protection division on the necessity to protect a child's rights and interests. Pursuant to these provisions, a person suspecting that a child is suffering from sexual exploitation or sexual abuse shall report this to the child rights protection division of respective municipality.

Taking into consideration the provisions of Paragraph 1 of Article 3.250 of the Civil Code and Paragraph 1 of Article 12 of the Convention, the role of specialists of health care institutions and the existed practice (formed by the Ministry of Health) should be mentioned. The obligation of health care specialists to report to competent authorities on children who have suffered sexual exploitation is legally regulated. This obligation is stipulated in Paragraph 7 of Article 10 of the Republic of Lithuania Law on Medical Practice of Physicians:

“Article 10. The Professional Obligations of Physicians.

7) In line with the procedure established by laws, to inform the police and other law enforcement institutions about injured patients, who may have been crime victims”.

Order No. 55/42/16 of 28 January 2002 of the Minister of Health, the Minister of the Interior and the Prosecutor General “On the Information on Persons with Body Injuries, who May Have Been Crime Victims”, and Order No. 65 of 1 February 2001 of the Minister of Health “On the Procedure for Submission of Information on Patients to State Institution and Other Institutions”.

Article 9 “Specifics of the Rights to Privacy” of the Law on the Rights of Patients and Compensation for the Damage to their Health specifies that the patient’s right to privacy is ensured based on the provisions that the patient’s interests and wellbeing are of higher importance than public interests, however, the application of this provision can be limited in cases specified in the laws, where it is necessary for the protection of public security, crime prevention, public health or the rights and freedoms of other persons, and that health care institutions must notify law enforcement institutions of the injured patients to whom the injury could have been caused by a criminal act.

Notifications of the injured patients to whom the injury could have been caused by a criminal act are submitted to law enforcement institutions pursuant to Order No. 55/42/16 of 28 January 2002 of the Minister of Health, the Minister of the Interior and the Prosecutor General “On the Information on Persons with Body Injuries, who May Have Been Crime Victims”. It should be noted that in practice the indicated information is not submitted to the Child Rights Protection Division of the municipality, if no written request is received from this institution. Information on a child who has arrived to a health care institution with certain injuries or health disorders is not submitted to the Child Right Protection Division either. It is assumed that the indicated practice has formed due to different interpretation and explanation of the provisions of article 3.250 of the Civil Code. In the opinion of representatives of health care institutions, the above provisions of the Civil Code do not oblige health care institutions to notify municipal child rights protection divisions about every child with certain injuries or health disorders and these are not the data about the necessity to protect the child’s rights and interests. There is also a possibility of cases when law enforcement officers and specialists of municipal child right protection divisions do not receive information about a child who has suffered from sexual exploitation or sexual abuse due to specialists’ insufficient qualification and clinical diagnosis. In addition, the evaluation of each situation and decision making on notification of competent institutions depend on subjective circumstances (opinion of a health care specialist, etc.). It should be mentioned that specialists of the chain of primary health care usually send patients for further diagnosis with regard to suspected violence to specialised centres, and patients do not go to these specialists due to various reasons (social problems, fear of the fact that family violence will be revealed, distrust in specialists qualifications, etc.) and refuse services of an inpatient institution. This is the reasons cases of sexual exploitation or sexual violence against children are not revealed.

Having regard to the provisions of Paragraph 1 of Article 12 of the Lanzarote Convention, the Draft Law Amending the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child has been produced. Paragraph 1 of Article 30 of the Draft Law establishes the following:

Article 30. Obligation to report about violation of child rights

1. Employees of educational, personal health care, social services, law enforcement institutions and other institutions and non-governmental organisations, while performing their functions, upon receiving information on violation of child rights as well as about a child’s behaviour putting his health and life in peril or possible acts of violence against child, shall immediately report this to the Child Rights Protection Division or the Police.

b) Paragraph 4 of Article 43 of the Law on Fundamentals of Protection of the Rights of the Child specifies the obligation of every natural or legal person, who has become aware of a child in need of assistance, to report this to the police, institution for the protection of the rights of the child or another competent institution.

“Article 43. Child protection from Influence of Negative Social Environment”.

Article 238 of the Criminal Code provides for criminal liability for a failure to report a crime:

“Article 238. Failure to Report a Crime.

1. A person who, without a valid reason, fails to report to a law enforcement agency or to a court a grave crime known to him, either in progress or already committed, shall be punished by community service or by a fine or by arrest or by imprisonment for a term of up to one year.

2. The close relatives and family members of the perpetrator shall not be held liable for a failure to report a crime.

Paragraph 8 of Order No. 65 of 1 February 2001 of the Minister of Health of the Republic of Lithuania “On the Approval of the Procedure for Provision of Information about the Patient to State Institutions and Other institutions” stipulates that:

Pursuant to Laws and other legal acts of the Republic of Lithuania, a health care institution submits information about the patient on its own initiative (without a written request of an authorised institution to receive information about the patient) and without the patient’s consent in the following cases:

1. where there is a necessity to report a crime;

2. to child rights protection divisions of municipalities according to the place of residence of the child or the place of the health care institution immediately, where there is a necessity to protect the child rights and interests as well as in the event of justified suspicions of violations of child rights;

3. in other cases”.

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (**Article 13, Explanatory Report, para. 92**).

Through the implementation of the National 2008-2010 Programme on prevention of violence against children and support to children the Ministry of Social Security and Labour has introduced the following measure: „... initiate and implement a special free telephone helpline for children“. In cooperation with the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour and non-governmental sector the Helpline for children was introduced on 14 September 2009. The aim of the Helpline for children is to strengthen the protection of the rights of children in Lithuania, i.e. not only to provide the possibility for girls and boys to speak and be heard about their painful and difficult experiences they encounter, but also to ensure the provision of social services or any other necessary assistance to them, as well as to receive information from adults about children in need of assistance after the experienced violence, sexual abuse or rape.

Pursuing for providing complex assistance (emotional, psychological and social) to a child as soon as possible, cooperation agreement between the governmental and non-governmental sectors was signed in 2010 on mutual cooperation in providing support to children by the common short telephone number all over Europe 11 61 11 and the funding from the state budget means.

Aiming at better accessibility to support for children, the State Child Rights Protection and Adoption Service in cooperation with the Department of Youth Affairs is implementing the EU project “Provision of information and counselling services to children and young persons in the public e-space” for streamlining the management of in-coming calls, as well as developing the provision of electronic counselling (through various communication means). The internet page of the State Child Rights Protection and Adoption Service www.pagalbavaikams.lt provides exhaustive descriptions of physical and sexual violence, sneering, alcohol and drug abuse, as well as other related topics with the indicated major features and ways, helping children to avoid tricky situations or encouraging them to address adults for support. Pursuing to assist minors in recognizing their problems, audio format for this type of the web page was introduced in Lithuania for the first time. It helps the child to understand what is not appropriate with regards to his rights and interests. In 2011 the internet page www.pagalbavaikams.lt has been announced the winner of the international smart e-content competition World Summit Award (WSA) under the category “e-involvement – reduction of electronic exclusion and participation”. As an exceptional achievement of internet web page designers and producers it has been highly evaluated under one of the eight categories of the contest organized by the United Nations every second year.

Pursuing for more active cooperation with Lithuanian residents in disclosing and preventing criminal acts and any other offences, as well as improving the actions of police in the registration and investigation of residents’ reports received through the hotline, and aiming at proper organization of the procedure for providing information to police by electronic means and the management of the information thereafter at the Police Department under the Ministry of Interior and other subordinate police institutions, the Police Department is following orders of the Lithuanian Police General Commissioner (referred to further below) regulating the said cases accordingly:

- 1) Order of 30 June 2010 No. 5-V-546 concerning the “Approval of Rules on the management of data of interim reports to police by electronic means”, (Official Gazette, 2010, No. 81-4259);
- 2) Order of 29 April 2008 No. 5-V-218 concerning the “Approval of Rules on providing services to persons at the Police Department under the Ministry of Interior” (Official Gazette, 2008, No. 52-1945);
- 3) Order of 19 August 2004 No. V-401 concerning the “Approval of Rules on the registration and investigation of residents’ reports received through the hotline of the Police Department under the Ministry of Interior” (Official Gazette, 2004, No. 1111-171). The hotline of the Police Department is managed at the Operational management unit of the Police Information Board (hereinafter – the Operational management unit). The hotline calls are answered by an official of the Operational management unit or the responder. Anonymous hotline telephone numbers are indicated on the web page of the Police Department under the Ministry of Interior: www.policija.lt.

Question 15: Assistance to victims

- a. Please indicate which types of assistance described in **Article 14** are provided to victims of sexual exploitation and sexual abuse of children. (**Explanatory Report paras. 93-100**)
Please specify:
- how the assistance is adapted to the victims' age and maturity;
 - how due account is taken of the child's views, needs and concerns;
 - if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.
- b. Please specify if and to what extent internal law provides for the possibility of removing (**Article 14, para. 3, Explanatory Report, para. 99**):
- the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;
 - the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.
- c. If internal law does provide for this:
- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?
 - are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (**Article 11, Explanatory Report, paras. 87-88**).
- d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (**Article 38, para. 2, Explanatory Report, paras. 258-259**).

a) Speaking about the implementation of Article 14 of the Convention in Lithuania, attention should be given to the approved succession of the National 2011-2015 Programme on the Prevention of violence against children and support for children, following the Order No. A1-2 of 3 January 2011 of the Republic of Lithuania Minister of Social Security and Labour. On the basis of this Programme complex support (psychological, medical, social and legal) is provided since 2005 to victims of sexual exploitation and sexual abuse of children, as well as to their family members.

It should be also mentioned with regards to the provision of long-term assistance that the Republic of Lithuania Ministry of Social Security and Labour while elaborating the programme “Children and Youth at Risk” under the European Economic Area Financial Mechanism, is planning to implement in 2016 a measure “The Establishment of Help Centre for victims of sexual exploitation and sexual abuse of children”. The establishment of such centre in Lithuania would enable the provision of specialized complex assistance to victims of sexual exploitation and sexual abuse of children, as well as to their family members, including the quality interviews and other services. The purpose of the centre is to prevent the repeated traumatizing of victims of sexual exploitation and sexual abuse of children, by reducing to a maximum the secondary possibility of injury and assisting in getting through the consequences of the experienced trauma, provide efficient complex services to victims of sexual exploitation and sexual abuse of children and their close relatives. A rehabilitation system would also be developed providing for long-term and short-term measures of social and psychological support to victims of sexual exploitation and sexual abuse of children, as well as to their family members.

Non-governmental organisation “Help Centre for Children” provides complex assistance (psychological, social and legal) to victims of sexual exploitation and sexual abuse of children, as well as to their family members through the implementation of national and

international projects. In the average every kind of complex long-term assistance is provided annually to more than 160 children, including one third of them victims of sexual exploitation and sexual abuse of children. In the established interview room for children approximately 50 interviews per year are carried out with victims of sexual exploitation and sexual abuse of children.

In the system of Education the provision of psychological assistance to victims of violence against children and sexual exploitation of children is regulated following the Description of Procedures in providing psychological assistance to pupils, which defines one among other activities of a psychologist working in the municipality pedagogical psychological service, i.e. “counselling: identifying personality and educational problems of a pupil (child), spotting the direct methods of influence, working with a pupil (child) with the help of psychological counselling techniques, cooperation with parents (guardians), teachers and other individuals involved in the development of a child and giving recommendations to them, as well as group counselling of pupils (children), who have experienced traumas (loss, violence, suffering from addictions, etc.)”.

In the system of Health Care a short-term specialised in-patient assistance to victims of violence against children is regulated in the Health Minister Order No. 730 of 14 December 2000 concerning the “Description of Principles in organising the provision of psychiatric and psychological services to children and adolescents, and the requirements for providing such services”, Annex 6 “The requirements for providing in-patient intervention services in the case of crisis of children and adolescents”. Assistance is provided by a team of specialists: child and adolescent psychiatrist, psychologist, social worker, nurse, and, if needed, a gynaecologist, or a child surgeon. In 2011 such services were provided only by one child and adolescent crisis intervention unit at the Children Hospital, a branch of the Vilnius University Hospital, Santariskiu clinics. Through the implementation of the Measure “The establishment of Centres for providing differentiated complex psychiatric assistance to children and the family” under the 2007-2013 Cohesion Promotion Operational Programme, 5 specialised assistance centres are planned to be established in 2012-2013, including Child and adolescent crisis intervention units: at the Republican hospital in Klaipeda (in the branch of Psychiatrics), at the hospital in Šiauliai, at the hospital in Panevėžys, at the Children Hospital, a branch of the Vilnius University Hospital, Santariškiu clinics, and the Kaunas clinics of the Lithuanian University in Health Sciences. The centres will provide not only in-patient services, but also day-care or episodic services, including other specialised ambulant services for victims of sexual abuse and sexual exploitation of children. The primary ambulant psychiatric and psychological assistance will be further provided at the centres of mental health development of a child according to the place of residence. Health care institutions cooperate with non-governmental organisations in providing assistance to victims. The cooperation is aggravated by the limited accessibility of services provided by NGOs in most of the regions of the republic, as well as the short-term funding of NGO services.

b) Article 132¹ of the Republic of Lithuania Code of Criminal Procedure stipulates for the preventive measure – obligation to live apart from the victim, i.e. the suspect may be charged to live apart from the victim, given it is reasonably considered that while living together with the victim the suspect might illegally make impact on the victim, or make new criminal acts against the victim or other persons living together with the victim. In imposing the obligation on the suspect of living apart from the victim, the suspect may also be bound to keep away from communicating and from seeking relations with the victim, as well as with persons living together with the victim, also from visiting the indicated areas, which the victim or

persons living together with the victim attend. The victim stays in the dwelling, where the suspect and the victim were permanently residing (Article 132.1 of the Criminal Procedure Code).

Attention should be paid that provisions of this article are partly be related with the legal regulation stipulated in the RL Law on Protection from domestic violence, which has been enforced as from 15 December 2010. It is supposed that provision stipulated in par. 3 of Article 14 of the Convention providing for a possibility to remove the suspected perpetrator, where the parents or persons caring of the child are related with sexual exploitation or sexual abuse of the child, is in line with provisions set in Article 5.1-2 of the Law on Protection from domestic violence providing for measures aimed at ensuring the protection of a victim of violence – obligation for the perpetrator to move out temporarily from the place of residence, given he was living with the victim of violence, as well as the obligation to keep away, avoid communication and seeking of contacts with the victim of violence. Following the provisions of the above Law, such protection measures are imposed by the ruling of the judge of pre-trial investigation, following the establishment of the fact of physical, sexual, mental, economic or any other type of domestic violence, irrespective of the age of the victim. The Law on protection from domestic violence also stipulates the provision of specialized complex assistance and long-term support services for all victims of domestic violence, irrespective of their age. It should be noted that legal regulation of the Law shall cover only the cases of domestic violence, i.e. among persons, who are or were related by matrimonial, partnership, brother-sister-in-law or any other close relations, also when they are/were living together or managing joint household.

According to par. 3 of Article 56 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child, when parents or any other legal representative of the child by violence or any other acts causes danger to a child or otherwise abuse parents' rights leading to a real threat for the health or life of the child, the state children rights protection institution solely or jointly with the police are entitled (have the duty) to take immediately the child from the parents or any other legal representatives of the child and transfer for further care (attendance) of the child in the procedure set by the Civil Code.

“Article 56. Liability of parents and other legal representatives of the child”

(...)

3. when parents (a father or a mother) or any other legal representative of the child by violence or any other acts causes danger to a child or otherwise abuse parents' rights leading to a real threat for the health or life of the child, the State children rights protection institution solely or jointly with the police are entitled (have the duty) to take immediately the child away from the parents or any other legal representatives of the child and deliver the child for further care (attendance) in the procedure set by the Civil Code. In such cases police officer shall have the rights as provided in par. 1.3. of Article 18 of the Republic of Lithuania Law on Police Actions. Having taken the child the State children rights protection institution shall immediately inform the parents or other legal representatives of the child thereof.”

c) Article 6 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child provides for the basic guarantees of the Rights of child protection, including the establishment of corresponding state and municipal institutions in charge of implementing the protection of the rights of a child; also the development and implementation of special programmes and measures, etc.

“Article 6. Basic Guarantees of the Rights of Child Protection
Rights of the child shall be protected and guaranteed as follows:

1) parents or other legal representatives of a child must create conditions suitable for a child to live and grow up within a family and to take care of him;

- 2) laws and other legal acts shall be adopted and implemented;
- 3) appropriate state and municipal institutions shall be created and tasked with the implementation of protection of rights of the child;
- 4) special programmes and measures shall be prepared and implemented;
- 5) preventive educative measures shall be applied: way shall be barred for criminal activity and other violations of law;
- 6) state and municipal institutions shall allot funds to prepare and implement protection measures for protection of the rights of the child;
- 7) funds and other material valuables derived for children, through charity sources, would be utilised expediently;
- 8) appropriate social activity, in public organisations, traditional and state-recognised religious communities, relevant to protection of rights and freedoms of the child, shall be encouraged and supported. “

The key goal of the National 2011-2015 Programme on Prevention of violence against children and support for children, the coordination of which and the control of the implementation of which is delegated to the Ministry of Social Security and Labour, is aimed at reducing all types and forms of violence against children through prevention and intervention of violence against children, covering all types (physical, emotional and sexual) and forms of violence. Having in mind the provisions of Article 11.1 of the Convention, it should be mentioned that the tasks of this programme are aimed at providing services to victims of violence against children; at improving skills of specialists working with children in the issues of prevention and support to children.

One section of the Programme covers the list of operational measures related with the provision of services to the victims of violence against children and their family members, including the provision of complex services to victims of violence against children or victims of indirect domestic violence (witnesses) and their family members; following the assessment of the need, change the status or establish social rehabilitation institutions providing services for victims of violence against children.

Having assessed the provisions of Article 11.1 of the Convention, it might be stated that provisions of general nature concerning the support for a victim of sexual exploitation or sexual abuse of a child and his family members are available in the laws, by-laws and other legal documents.

Following the said article of the Convention, a system for providing complex services to victims of sexual exploitation and sexual abuse shall be developed, where the responsible services/offices (the state child rights protection service, police) having received information/reports about the possible sexual abuse would know, where to refer the victim for examination and assistance. The system of mental health services for children has been developed in Lithuania, according to which the Child and adolescent crisis intervention units (as from 2012 there should be 5 such units in operation in Lithuania) perform the primary assessment, provide a short-term specialised complex assistance and family counselling, develop a further long-term support plan (the Health Minister Order No. 730 of 14 December 2000 concerning the “Description of Principles in organising the provision of psychiatric and psychological services to children and adolescents, and the requirements for providing such services” (Official Gazette, 2000, No. 109-3489, Annex 6). In some cases allegation for sexual abuse of children are not proved. For most children further mental assistance is not required. The required psychological and social services for long-term assistance are provided in cooperation between the state and non-governmental institutions, health care, educational and social support institutions close to the place of residence of the child. The supply and the quality of such services, as well as inter-institutional cooperation in providing assistance to

victims of sexual abuse of children are so far insufficient in Lithuania. The organisation of providing services is going to be improved by introducing the position of a coordinator of the inter-institutional cooperation (Joint Order No. V-2068/A1-467/V-946 of 4 November 2011 of the Ministers of Education and Science, Social Security and Labour, and Health Care, concerning the “Approval of the Description of the Procedure for the provision of complex educational assistance, social support and health care services to pre-school children and their parents (guardians)” (Official Gazette, 2011, No. 134-6387), by establishing the Help Centre for victims of sexual abuse of children and through the implementation of other measures. The development of complex (interdisciplinary) services would help to collect more explicit information on the support provided to children and the efficiency thereof.

Protection of minor (under-aged) victims of crime is regulated following the Prosecutor General Directions No. 143 of 16 October 2002 concerning the “Activities of prosecutors to ensure the protection of the rights of children, and the defence of the rights and vested interests of victims of violence against children”, and No. 2 of 10 May 2008 concerning the “Investigation and prosecution of crimes and misdemeanours against the freedom of sexual self-determination and the inviolability of an individual, where minors are the aggrieved party”, as well as the General Prosecutor’s Order No. I-126 of 16 September 2009 concerning the “Recommendation for the interrogation of under-aged witnesses and victims”, including further amendments (Order No. I-297 of 8 November 2011).

Pursuing for strengthening the protection of victims from various perpetrations against children and witnesses thereof during the process of legal procedures, public institution “The Support centre for children” jointly with the General Prosecutor’s office and the Ministry of Justice have coordinated and adopted in 2010 Guidelines for the Protection of Children - victims/witnesses of misdeeds against children.

In assessing the legal regulation and practical implementation thereafter, it is considered that the actually provided assistance to victims and their close relatives or any other persons responsible for the care of children is inadequate.

d) Provisions defined in par. 2 of Article 66 in the Code of Criminal Procedure provide that Courts and Offices of Prosecutors of the Republic of Lithuania are obliged to send requests to foreign state authorities and organisations through the Republic of Lithuania Ministry of Justice or the Republic of Lithuania Office of General Prosecutor. Consequently, the Office of General Prosecutor plays the role of the central liaison body in keeping communication with foreign state authorities and international organisations in accordance with the procedure established by laws and international treaties of the Republic of Lithuania. Following the enforcement of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between Member States, ratified by the Council in accordance with Article 34 of the Treaty on European Union, regional offices of prosecutors have been appointed as competent institutions in providing legal assistance, therefore direct cooperation between the offices of prosecutors of Lithuania and foreign states has significantly improved. The Republic of Lithuania Office of General Prosecutor cooperates with offices of prosecutors of foreign states, other state authorities and organisations, participating as well in the activities of international institutions, international conferences and seminars, and the process of integration into the European Union. The Office of General Prosecutor has its representative in EUROJUST, a unit for judicial cooperation set up for reinforcing the fight against serious organised crime and terrorism, also contact points at the European Judicial Network (EJN) for consultations of legal assistance in criminal cases, as well as contact points for consultations

concerning cases of terrorism, genocide, crime against humanity and war crimes. In addition, the Office of General Prosecutor maintains direct contacts with the European Police Office (EUROPOL), the European Ant-Fraud Office (OLAF) and takes part in various international projects. The Office of General Prosecutor coordinates relations between the Lithuanian offices of prosecutors and offices of prosecutors in foreign countries, other organizations and keeps in contact with foreign institutions and international organizations via the Division of International Relations and Legal Assistance, which undertakes the following activities:

- prepares drafts on the improvement or facilitation of agreements with competent foreign law enforcement institutions regarding cooperation in criminal matters;
- prepares and sends requests for legal assistance in criminal matters issued by offices of prosecutors and pre-trial investigation bodies to foreign institutions and international organizations;
- prepares and sends requests to foreign states concerning the extradition or conveyance of persons under the European arrest warrants, applies to court with the request for extradition or conveyance of a person from the Republic of Lithuania;
- examines the requests of foreign states for transiting persons extradited by foreign states through the territory of the Republic of Lithuania;
- examines requests for legal assistance sent by foreign institutions and international organizations, controls the execution of such requests in the territorial offices of prosecutors and pre-trial investigation bodies;
- examines the requests of foreign states and international organizations for initiating or taking over criminal prosecution against persons who have committed criminal offence abroad and have returned to the Republic of Lithuania;
- issues certificates on property or evidence arrest warrants and requests that such warrants were executed in other Member State of the European Union;
- acknowledges the property or evidence arrest warrants issued by other Member State of the European Union and organizes the execution thereof;
- provides information about the valid legislative acts of the Republic of Lithuania.

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;
- b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;
- c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;
- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

a) Sexual abuse

1. Yes.

Article 151¹ of the Criminal Code. Satisfaction of sexual desire by violating the freedom of sexual self-determination and/or the inviolability of an under-aged individual.

2. *An adult person having sexual intercourse or otherwise satisfying his sexual desire with an individual under sixteen years of age, provided there were no signs of rape, sexual abuse or sexual intercourse by force, shall be punished by imposing a fine or restriction of freedom, arrest or imprisonment up to three years.”*
3. *Yes. Rape of a child is punishable in Lithuania. (pars. 3 and 4 in Article 149 of the Criminal Code), also sexual assault (pars. 3 and 4 on Article 150 of the Criminal Code), and coercion of a child for sexual intercourse (par. 2 in Article 151 of the Criminal Code).*

„Article 149. Rape

1. A person who has sexual intercourse with an individual against his will by using physical violence or threatening the immediate use thereof or by otherwise depriving of a possibility of resistance or by taking advantage of the helpless state of the victim shall be punished by imprisonment for a term of up to seven years.

(...)

3. A person who rapes a minor shall be punished by imprisonment for a term of three up to ten years.

4. A person who raped a young child shall be punished by imprisonment for a term of five up to fifteen years.

(...)

Article 150. Sexual assault

1. A person who, against the will of an individual, satisfies his sexual desires through anal, oral or interfemoral intercourse by using physical violence or by threatening the immediate use thereof or by otherwise depriving the victim of a possibility of resistance or by taking advantage of the helpless state of the victim shall be punished by arrest or by imprisonment for a term of up to seven years.

(...)

3. A person who carries out the actions provided for in paragraph 1 of this Article in respect of a minor shall be punished by imprisonment for a term of two up to ten years.

4. A person who carries out the actions provided for in paragraph 1 of this Article in respect of a young child shall be punished with imprisonment for a term of three up to thirteen years.

(...)

“Article 151. Sexual abuse

1. A person who, by threatening to resort to violence, using other mental coercion or by taking advantage of a person's dependency, compels the person to have sexual intercourse with or otherwise satisfy sexual desires of the offender or a third person shall be punished by arrest or by imprisonment for a term of up to three years.

2. A person who carries out the actions provided for in paragraph 1 of this Article in respect of a minor shall be punished by imprisonment for a term of up to five years.

(...)“

Article 151¹ of the Criminal Code. Satisfaction of Sexual Desires by Violating a Minor's Freedom of Sexual Self-Determination and/or Inviolability

(...)

2. A person who had sexual intercourse or otherwise satisfied his sexual desires with a minor upon offering, promising to provide or upon providing to him in consideration money or a consideration of another form, in the absence of characteristics of a rape, sexual assault or sexual abuse, shall be punished by community service or by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to three years.

3. A father, mother, guardian, custodian or another lawful representative of a child or another person holding statutory powers in respect of a minor who had sexual intercourse or otherwise satisfied his sexual desires with that minor, in the absence of characteristics of a rape, sexual assault or sexual abuse, shall be punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to four years.

(...)“

Prostitution of children

1. The applicable provisions of the Criminal Code of the Republic of Lithuania stipulate for the liability of any involvement of a child in prostitution. Moreover, the draft of the Criminal Code suggests enforcing criminal liability also for the recruitment of a child.

„Article 308 of the Criminal Code

(...)

2. A person, who (...) **in any manner involves in prostitution a minor** shall be punished by imprisonment for a term of two up to seven years.

(...)“

It is suggested in the draft Criminal Code to formulate par. 3 of Article 308 in the following way:

“ 3. A person, who was recruiting, coercing into prostitution or in any manner involving in prostitution a minor, shall be punished by imprisonment for three up to ten years.“

2. The applicable provisions of the Criminal Code stipulate for criminal liability of gaining profit from prostitution of children. It is suggested in the draft Criminal Code to enforce criminal liability for coercing a child into prostitution, as well as for any other exploitation of a child on purpose of prostitution.

„Article 307 of the Criminal Code. Gaining profit from prostitution of another person

(...)

3. A person, who **gains profit** from prostitution of a minor (...) shall be punished by imprisonment for the term of two to eight years.“

It is suggested in the draft Criminal Code to amend par. 3 of Article 307 and formulate it in the following way:

„3. A person, who (...) **in any other manner exploited a minor on purpose of prostitution**, shall be punished by imprisonment for the term of **three to ten** years“.

3. No.

Pornography of children

1. Yes. Article 309 of the Criminal Code. Possession of pornographic material

(...)

2. A person who **produces**, (...) pornographic material displaying a child or presenting a person as a child shall be punished by imposing a fine or by imprisonment for a term of up to two years.”

2. It is suggested in the draft Criminal Code to enforce criminal liability for offering the pornography of children, as well as to punish for the supply of the pornography of children. *It is suggested to supplement par. 2 of Article 309 of the Criminal Code with the offer of acquiring the pornography of children:*

„2. A person, who (...) **offered** (...)“

It is suggested to supplement par. 2 of Article 309 of the Criminal Code with the presentation of the pornography of children by any means:

„2. A person, who (...) **with the help of information and communication technologies or any other means acquired or provided access to subjects of pornographic content displaying a child or presenting a person as a child** (...)“

3. Yes. *Article 309 of the Criminal Code. Possession of pornographic material*
(...)

2. A person, who (...) **distributed** pornographic material displaying a child or presenting a person as a child.
(...)“

4. Yes. *Article 309 of the Criminal Code. Possession of pornographic material*
(...)

2. A person, who (...) **acquired** pornographic material displaying a child or presenting a person as a child
(...)“

5. Yes. *Article 309 of the Criminal Code. Possession of pornographic material*
(...)

2. A person, who (...) **keeps** pornographic material displaying a child or presenting a person as a child
(...)“

6. Deliberate acquisition of the link to the pornography of children through the means or information and communication technologies is suggested to be bound by criminal liability in the draft Criminal Code.

Article 309 of the Criminal Code. Possession of pornographic material
(...)

2. A person, who (...) **with the help of information and communication technologies or any other means acquired or provided access to subjects of pornographic content displaying a child or presenting a person as a child** (...)“

Participation of a child in pornographic performances

1. The applicable provisions of the Criminal Code stipulate for criminal liability of persons involving a child in pornographic performances. It is suggested in the Draft Criminal Code to impose criminal liability on persons for recruiting a child to participate in such performances .

Article 162. Use of a child for pornography

1. A person, who involves a child in pornographic events (...), shall be punished by imposing a fine or arrest, or by imprisonment for a term up to five years.

It is suggested in the Draft Criminal Code to impose criminal liability on persons for recruiting a child to participate in such performances, i.e. to supplement par. 1 of Article 162 with the following formulation:

*1. A person, who **recruited**, (...) a child for participating in pornographic performances (...).“*

2. The applicable provisions of the Criminal Code stipulate for criminal liability of persons for profiting from pornographic performances involving the participation of children. It is suggested in the Draft Criminal Code to impose criminal liability on persons for coercing a child or otherwise exploiting a child for such purposes.

3. „Article 162. Use of a child for pornography

*1. A person, who (...) **profited** from such activity of a child (...).“*

It is also suggested in the Draft Criminal Code to impose criminal liability on persons for recruiting a child to participate in such performances, i.e. it is suggested to supplement par. 1 of Article 162 in the Criminal Code as follows:

*1. A person, who (...) **recruited** a child to participate in pornographic performances, **or otherwise exploited a child for such purposes (...).***

3. It is suggested in the Draft Criminal Code to impose criminal liability on persons for deliberate participation in pornographic performances involving the participation of children.

„Article 162. Use of a child for pornography

2. A person, who participated in pornographic performance involving the participation of children, shall be punished by imposing a fine or arrest, or imprisonment for up to two years.

Corruption of children

Yes.

„Article 153. Sexual molestation of a child

A person, who molests a child shall be punished by a fine or by restriction of liberty, or by arrest, or by imprisonment for a term of up to five years.

Enticement of children for sexual purposes

It is suggested in the Draft Criminal Code to criminalize the enticement of children for sexual purposes by introducing the following new Article in the Criminal Code:

„Article 152¹. Enticement of a child under sixteen years of age

1. An adult person, who invited a child under sixteen years of age to have a date with the intentional purpose of sexual intercourse or otherwise satisfying sexual desires with the child, or exploiting the child for the production of pornographic material, given the proposal was followed by specific acts leading to the actual meeting, shall be punished by imposing a fine, restriction of freedom, arrest or imprisonment up to one year.

2. Legal persons shall also be held liable for the acts stipulated in this article.“

Aiding or abetting and attempt

1. Yes.

„Article 24 of the Criminal Code. Complicity and Types of Accomplices:

1. Complicity shall be the intentional joint participation in the commission of a criminal act of two or more conspiring legally capable persons who have attained the age specified in Article 13 of this Code.

2. Accomplices in a criminal act shall include a perpetrator, an organiser, an abettor and an accessory.

3. A perpetrator shall be a person who has committed a criminal act either by himself or by involving legally incapacitated persons or persons who have not yet attained the age specified in Article 13 of this Code or other persons who are not guilty of that act. If the criminal act has been committed by several persons acting together, each of them shall be considered a perpetrator/co-perpetrator.

4. An organiser shall be a person who has formed an organised group or a criminal association, and has been in charge thereof or has co-ordinated the activities of its members or has prepared a criminal act or has been in charge of the commission thereof.

5. An abettor shall be a person who has incited another person to commit a criminal act.

6. The accessory shall be a person who has aided in the commission of a criminal act through counselling, issuing instructions, providing means or removing obstacles, protecting or shielding other accomplices, who has promised in advance to conceal the offender, hide the instruments or means of committing the criminal act, the traces of the act or the items acquired by criminal means, also a person who has promised in advance to handle the items acquired or produced in the course of the criminal act.

Article 26 of the Criminal Code. Criminal Liability of Accomplices

1. Accomplices shall be held liable solely for the criminal acts as committed by the perpetrator, which are covered by their intent.

2. Where a perpetrator's criminal act was discontinued at the stage of preparation for committing or an attempt to commit it, an organiser, an abettor and an accessory shall be held liable for complicity in preparation or attempt to commit the criminal act.

3. Where there are the circumstances eliminating, mitigating or aggravating the liability of one of accomplices, they shall not be taken into account when determining the criminal liability of other accomplices.

4. An organiser, an abettor or an accessory shall be held liable under an article of the Code which provides for liability for an act committed by a perpetrator and under paragraph 4, 5 or 6 of Article 24 of this Code.

5. Members of a criminal association shall be held liable under Article 249 of this Code as perpetrators regardless of their roles in the commission of a criminal act which is covered by their intent.

2. Yes.

Article 21. Preparation for Commission of a Crime

1. Preparation for the commission of a crime shall be a search for or adaptation of means and instruments, development of an action plan, engagement of accomplices or other intentional creation of the conditions facilitating the commission of the crime. A person shall be held liable solely for preparation to commit a serious or grave crime.

2. A person shall be held liable for preparation to commit a crime according to paragraph 1 of this Article and an article of this Code providing for an appropriate completed crime. A penalty imposed upon such a person may be commuted under Article 62 of this Code.

Article 22. Attempt to Commit a Criminal Act

1. An attempt to commit a criminal act shall be an intentional act or omission which marks the direct commencement of a crime or misdemeanour where the act has not been completed by reason of the circumstances beyond the control of the offender.

2. An attempt to commit a criminal act shall also occur when the offender is not aware that his act cannot be completed, because his attempt is directed at an inappropriate target or he is applying improper means.

3. A person shall be held liable for an attempt to commit a criminal act according to paragraph 1 or 2 of this Article and an article of this Code providing for an appropriate completed crime. A penalty imposed upon such a person may be commuted under Article 62 of this Code.

c) Provisions of Article 157 of the Criminal Code regulate the criminal liability of persons for the purchase or sale of a child, i.e. for offering to buy or otherwise obtain a child, for selling or purchasing a child, or otherwise conveying, acquiring, recruiting, transporting or keeping a child in captivity, being aware or seeking exploitation of the child, irrespective of his interests, *inter alia* in prostitution, pornography or any other forms of sexual exploitation.

Provisions of par. 1 in Article 162 of the Criminal Code stipulate *inter alia* for criminal liability of persons for the exploitation of a child in producing pornographic material.

Provisions of par. 3 in Article 307 of the Criminal Code stipulate *inter alia* for criminal liability of persons for organising and managing prostitution of minors.

Provisions of par. 2 in Article 309 of the Criminal Code stipulate *inter alia* for criminal liability of persons for the demonstration and promotion of pornographic material displaying a child or presenting a person as a child.

d) In defining criminal liability for particular criminal acts against the freedom of sexual self-determination and the inviolability, the age of a child is taken into consideration. For example, given the rape or sexual abuse is committed against a juvenile child (under 14 years of age) the punishment shall be heavier than in the case of a similar crime against a minor (under 18 years of age). Subsequently, rape and sexual abuse against a juvenile is considered a more dangerous criminal act. In other cases (for example, in the case of pornography or prostitution of children) similar punishment for criminal acts against children in general is defined. However, punishment is always imposed *INTER ALIA* with regards to the individual peculiarities of the victim.

As regards **Article 23**, it should be emphasized that the Law on the Amendment of the Criminal Code was adopted on the 13th March of 2014 and Lithuania criminalized initial (ANISIL) composition of individual actions aimed at some of the crimes committed as foreseen in the Convention, i.e. online communication with the child on intimate topics, asking of pornographic photos and so on, when after such communication in cyberspace adult offered a child to meet and all the following actions showed that s/he reached for such a meeting, for example, come to an agreed place.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with **Article 26**? Please specify under which conditions.

Provisions in Article 20 of the Criminal Code (CC) stipulate for the criminal liability of legal persons. Par. 1 of Article 20 of the Criminal Code provides that a legal entity shall be held liable solely for the committed criminal acts as provided for in the Special Part of this Code. Criminal liability of a legal entity is defined for the rape of a juvenile or a minor (Par. 6 of Article 149 of the CC), sexual abuse (par. 6 of Article 150 of the CC), coercion of a minor to sexual intercourse (Par. 4 of Article 151 of the CC), satisfying sexual desires by violating the freedom of sexual self-determination and/or inviolability of the minor (Article 151¹), purchase

or sale of a child (par. 3 of Article 157 of the CC), exploitation of a child for pornography (Article 162 of the CC), profiting from prostitution of another person (par. 4 of Article 307 of the CC), the involvement in prostitution (par. 3 of Article 308 of the CC), disposal of pornographic material (par. 5 of Article 309 of the CC). It is suggested to impose criminal liability on legal entities also for criminal acts proposed for criminalization in the Draft Criminal Code, as well as for corruptive actions (Article 153 of the CC)).

A legal entity shall be held liable for criminal acts committed by a natural person only in the cases, when the natural person committed the criminal act for the benefit or in the interests of the legal entity, acting individually or on behalf of the legal entity, given the natural person in performing his duties in the legal entity was entitled to: 1) represent the legal entity, or 2) take decisions on behalf of the legal entity, or 3) control the activities of the legal entity (par. 2 of Article 20 of the CC). A legal entity may also be held liable for criminal acts in such cases, when criminal acts for the benefit of the legal entity were committed by an employee of the legal entity or an authorised representative thereof as a result of insufficient supervision or control by the person referred to in par. 2 of this Article (par. 3 of Article 20 of the CC).

Question 18: Sanctions and measures

a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (**Article 27, Explanatory Report, paras. 182-193**);

b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (**Article 29, Explanatory Report, paras. 203-208**).

a) Following the provisions of Article 42 of the Criminal Code, the following penalties may be imposed on natural persons: 1) community service (Article 46 of the CC), 2) a fine (Article 47 of the CC), 3) restriction of liberty (Article 48 of the CC), 4) arrest (Article 49 of the CC), 5) fixed-term imprisonment (Article 50 of the CC), 6) life imprisonment (Article 51 of the CC). Penalties that may be imposed on natural persons finding them guilty are indicated in each article of the Special part of the Criminal Code. There is a possibility to impose fixed-term imprisonment on natural persons for all criminal acts referred to in the Convention. Moreover, along with the penalty of the restriction of liberty, alternative penalties for an easier type of crime are usually indicated.

Following the provisions of Article 43 of the Criminal Code, the following penalties may be imposed on legal entities: a fine, restriction of operation of the legal entity, liquidation of the legal entity. Also, for criminal acts referred to in the Convention, the following penal sanctions may be imposed (considering the nature of the crime and the necessity): 1) prohibition to exercise a special right (Article 68 of the CC), 2) incapacitate from public rights (Article 68¹ of the CC), 3) incapacitate from performing a certain type of work or being engaged in particular activities (Article 68² of the CC), 4) Compensation for or elimination of property damage (Article 69 of the CC), 5) unpaid work (Article 70 of the CC), 6) contribution to the fund of crime victims (Article 71 of the CC), 7) confiscation of property (Article 72 of the CC), 8) prohibition to approach the victim (Article 72¹ of the CC), 9) participation in the programmes addressing violent behaviour (Article 72² of the CC), 10) expanded confiscation of property (Article 72³ of the CC). The provision of par. 3 in Article

67 of the Criminal Code stipulates that prohibition to exercise a special right, incapacitation from public rights, incapacitation from performing a certain type of work or being engaged in particular activities, confiscation of property, prohibition to approach the victim, participation in the programmes addressing violent behaviour, and the expanded confiscation of property may be imposed in conjunction with the penalty.

Chapter V of the Republic of Lithuania Civil Code deals with the restriction of the power of parents. Article 3.180 provides for the conditions, means and consequences with regards to the restriction of the power of parents, when parents are avoiding to perform their duties of educating their children, misuse the power of parents, brutalize their children, make deleterious influence on children by their unmoral behaviour, and do not take care of children, the Court may pass a resolution on temporary or a termless restriction of the power of parents.

b) In 2010 the Draft Law on amending and supplementing Articles 7, 25, 26, 27, 97, 196, 197, 217, 218, 250, 250¹, 251, 252, 253, 254, 256, 257¹, 267, 267¹, 270, 270¹, 271, 277¹, 288, 295, 310 of the Republic of Lithuania Criminal Code, as well amending and supplementing the Annex to the Code and supplementing the Code with Articles 224¹, 249¹, 250², 250³, 250⁴, 250⁵, 252¹ and 270², was registered at the Republic of Lithuania Seimas (reg. No. XIP-892(2)). It is suggested in par. 1 of Article 5 of the Draft Law to amend par. 1 of Article 97 of the Criminal Code by expanding the list of persons with previous convictions, i.e. it is suggested to recognize persons with previous convictions not only persons, who were sentenced for committing a crime under the judgement of the Republic of Lithuania, but also under the judgement of the court of other member states of the European Union. It is also suggested to recognize persons, who have committed a crime and were sentenced in a third country outside the European Union, as persons with previous convictions, provided information was received on the basis of International Treaties of the Republic of Lithuania, that the conviction of the court of the country in question has come into effect.

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (**Article 25, Explanatory Report, paras. 165-176**).

General rules of the Criminal Code on jurisdiction are applied on criminal acts referred to in the Convention, i.e. the principles of territory and citizenship are applied in investigating such criminal cases (Article 4 and 5 of the CC correspondingly). The territorial principle means that persons, who have committed criminal acts on the territory of the Republic of Lithuania or on ships or airplanes carrying the flag or the trademark of Lithuania, shall be held liable under the Republic of Lithuania Criminal Code. The principle of citizenship means, that nationals of the Republic of Lithuania and other permanent residents of Lithuania shall be held liable for criminal acts committed abroad under the Republic of Lithuania Criminal Code. It is suggested in the Draft Criminal Code to introduce a new par. 3 to the Article 8 of the Criminal Code regulating disregard of the rule of double punishment, i.e. it is suggested to punish a citizen of the Republic of Lithuania or any other permanent resident of Lithuania, who have committed criminal acts related with sexual exploitation of children, pornography and prostitution abroad, irrespective of whether such acts are subject to punishment under the Criminal Code of the place of committing the crime.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in **Article 28**, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (**Explanatory Report, paras. 194-202**).

Aggravating circumstances referred to in pars a), b), c), e), f) of Article 28 of the Convention are considered as aggravating circumstance in Lithuania as well (pars 11, 4, 6, 1, and 2 correspondingly of Article 60.1 in the Criminal Code). Following the adoption of the Draft Criminal Code, criminal acts against minors making use of their dependence or misusing their trust, by authority or influence shall be treated as aggravating circumstances as well (Article 3 of the Draft Law). Previous conviction of a person for similar crimes referred to in par. g of Article 28 of the Convention, is the circumstance, according to Article 54 of the Criminal Code, which is considered by the court in imposing the punishment for an individual person.

„Article 60 of the CC. Aggravating circumstances

1. The following shall be considered as aggravating circumstances:

1) the act has been committed by a group of accomplices. Taking into consideration the nature and the extent of participation of each accomplice in committing the criminal act, a court shall have the right to disregard this circumstance as aggravating;

2) the act has been committed by an organised group;

(...)

4) the act has been committed by torturing the victim or subjecting him to taunting;

(...)

6) the act has been committed against a person in a helpless state owing to an illness, disability, old age or for other reasons, in the absence of the person's request;

(...)

11) the committed act has caused grave consequences;

(...)

2. When imposing a penalty, a court shall not take into consideration an aggravating circumstance which is provided for in a law as constituting the body of a crime.”

Article 54 of the CC. Basic Principles for imposing penalty

1. A court shall impose a penalty according to the sanction of an article of the Special Part of this Code providing for liability for the committed criminal act and in compliance with provisions of the General Part of this Code.

2. When imposing a penalty, a court shall take into consideration:

1) the degree of dangerousness of the committed criminal act;

2) the form and type of guilt;

3) the motives and objectives of the committed criminal act;

4) the stage of the criminal act;

5) the personality of the offender;

6) the form and type of participation of the person as an accomplice in committing the criminal act;

7) mitigating and aggravating circumstances.

3. Where imposition of the penalty provided for in the sanction of an article is evidently in contravention to the principle of justice, a court may, taking into consideration the purpose of the penalty, impose a commuted penalty subject to a reasoned decision.“

The currently applicable par. 6 of Article 60.1 is going to be supplemented in the Draft Criminal Code as follows:

6) the act has been committed against a person in a helpless state owing to an illness, disability, old age or for other reasons, in the absence of the person's request, or the act has been committed against a minor making use of his/her dependence or misusing his/her trust by authority or influence;“

Question 21: Measures of protection for the child victim

- a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (**Article 31, para. 1, letter (a) and para. 2**). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;
- b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (**Article 31, para. 1, letter (c)**);
- c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (**Article 31, para. 1, letter (d)**);
- d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (**Article 31, para. 1, letter (e)**);
- e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (**Article 31, para. 1, letter (f)**);
- f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (**Article 31, para. 1, letter (b)**);
- g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (**Article 31, para. 1, letter (g)**);
- h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (**Article 31, para. 3**).

a) provisions of Article 45 of the Criminal Procedure Code obligate the pre-trial official, the court and the prosecutor to inform the participants of the proceedings (including the child victim) about their procedural rights and provide the possibility to take advantage of them. The rights of the victim are listed in par. 2 of Article 28 of the Criminal Procedure Code. The minor victim may avail of the respective rights independently or through his/her representatives as set by the Law.

Provisions of par. 4 in Article 166 of the Criminal Procedure Code stipulate that the person, who submitted the claim, statement or notification shall be informed about the start of the pre-trial investigation. Par. 3 in Article 168 of the Criminal Procedure Code stipulates that a copy of the judgement for refusing to start the pre-trial investigation shall be sent to the person, who submitted the claim, statement or notification. In general, the victim in the criminal procedure shall be informed about any changes in the criminal procedure, about passing over to another stage, about the place of carrying out procedural actions, etc. For example, it is regulated in par. 3 of Article 214 of the Criminal Procedure Code that information about the

interruption of the pre-trial investigation or the resolution of the pre-trial investigation judge to disapprove the judgement of the prosecutor concerning the interruption of the pre-trial investigation *inter alia* shall be delivered to the victim by sending copies of resolutions. Par. 1 of Article 218 of the Criminal Procedure Code stipulates that prosecutor, being convinced that sufficient data has been collected during the pre-trial investigation for validating the guilt of the suspect concerning the commitment of the criminal act, shall *inter alia* inform the victim about the end of the pre-trial investigation and the entitlement to study the material of pre-trial investigation and submit requests for supplementing the pre-trial investigation. Par. 1 in Article 236 of the Criminal Procedure Code indicates, that participants of the investigation in court (including the victim) are invited to the court session by a citation providing details, *inter alia*, where to arrive and to whom, the date and the hour of arrival (par. 1 in Article 182 of the Criminal Procedure Code).

It is stipulated in par. 2 of Article 8 of the Criminal Procedure Code that participants of the criminal proceedings, who do not know the Lithuanian language, are entitled to make statements, give evidence and explanations, submit appeals and claims, and speak before the court in their native language or any other language they know. In all the above cases, as well as in studying the pre-trial material, participants of the procedure are entitled to make use of interpretation services as set in the Criminal Procedure Code. Par. 3 of the same article stipulates that the documents of the case, which in the set cases by the Criminal Procedure Code are submitted to the suspect, the defendant or the convict, as well as to other participants of the procedure, shall be translated into their native language or into any other language they know.

b) the victim (including also the child victim) is entitled to exercise his right to be heard, i.e. is entitled to give evidence, submit requests, to declare removals, participate in the investigation of the case at court, appeal against the actions of the pre-trial investigation official, prosecutor, pre-trial investigation judge and the court, as well as to appeal against the court judgement or resolution; to deliver the concluding speech (par. 2 in Article 28 of the Criminal Procedure Code). Moreover, the victim is obliged to give evidence (par. 3 in Article 28 of the Criminal Procedure Code).

It is regulated in par. 1 of Article 53 of the Criminal Procedure Code that legal representatives of the victim are, *inter alia*, entitled by law to participate in the process and defend the interests of the represented participants of the procedure, given they are minors, except in the cases contradicting the interests of minors. It is stipulated in par. 2 of the same article that legal representatives of a minor may be his/her parents, foster parents, guardians, carers or institutions taking care or fostering the minor victim, and other authorised persons. A legal representative is usually taking part in the procedure together with the represented person (par. 3 in Article 53 of the Criminal Procedure Code). Legal representative is entitled to participate in carrying out procedural actions, where the represented person is taking part in, by assisting him/her to take advantage of his/her rights granted by law (par. 1 in Article 54 of the Criminal Procedure Code).

c) See par b) of this question.

d) The basics in applying anonymity for the victim are listed in Article 199 of the Criminal Procedure Code and are related with the real danger to life, health, freedom or property, as well as business, service or any other vested interests of the victim, witness or their family members and close relatives; when evidence of the victim or the witness are of great

importance in criminal proceedings; when the victim or the witness participate in the proceedings of a very serious, serious or less-serious crime. It should be noted that anonymity is granted in the case all basics listed in this article are present. Article 1991 of the Criminal Procedure Code provides for the possibility to grant partial anonymity (i.e. classify only some data of the victim). Interrogation of a witness (and the victim), to whom anonymity is granted, is carried out in the closed court session creating acoustic and visual barriers impeding other participants to recognise the identity of the person under interrogation (par. 2 in the Article 282 of the Criminal Procedure Code).

Data of pre-trial investigation are off the record. Such data may be disclosed before the investigation of the case at court only with the consent of the prosecutor and only to the admitted extent. It is prohibited to disclose data about suspected minors and minors victims (par. 1 in Article 177 of the Criminal Procedure Code). It is indicated in par. 2 of Article 181 of the Criminal Procedure Code that it is prohibited to make copies of the pre-trial investigation material while familiarizing with the pre-trial investigation material, containing data, *inter alia*, about minor victims aggrieved because of criminal acts against the freedom of sexual self-determination and inviolability.

See also the response of par. a) to question 13 of the Questionnaire and par. c) of question 14 with regards to Sexual abuse against children in domestic environment.

e) Provisions provided for in par. 1 of Article 4 of the RL Law on protection against criminal impact of officials participating in criminal procedures and criminal intelligence of the Republic of Lithuania, as well as judicial and law enforcement institutions, stipulate that protective measures against criminal impact may be applied for persons participating in criminal proceedings: witnesses, victims, experts, practitioners and advocates (representatives), legal representatives, suspects, defendants, convicts, exculpated persons and persons, the investigation of the case (pre-trial) of whom is discontinued. Following the provisions of par.1 in Article 15 of the Law, protective measures against criminal impact for the above persons may be applied upon the reasoned recommendation of the Head of the institution of the pre-trial investigation, or the Regional Office of Prosecutors, and the Head of the sub-unit at the Office of General Prosecutor. Joint decision concerning the application of protective measures against criminal impact no later than within 5 working days from the receipt of the reasoned recommendation shall be taken by the Republic of Lithuania Prosecutor General and the Police Commissioner General of Lithuania or the Director of the Prisons Department. Provisions stipulated in par. 4 of Article 183 and par. 6 of Article 279 of the Criminal Procedure Code provide that the interrogation of a witness, for whom protective measures against criminal impact are applied in the legally set order, may be interviewed through the remote audio and video transmission means. Similar procedure would be applied for the victim as well (Article 185 and par.2 of Article 283 of the Criminal Procedure Code).

See also par. d) under this question.

f) Prosecutor or the officer of the pre-trial investigation are obliged to inform the victim about the arrest of the suspect and find out whether the victim is willing to be informed about the future release of the suspect. It is not required to inform the victim about the arrest of the suspect in the case the place of residence of the victim is unknown. In the case of many victims, it is sufficient to inform about the arrest of the suspect the person/(-s) representing the interests of the victims. On the notification of the victim a protocol shall be written. In the case the victim is willing to be informed about the future release of the suspect, prosecutor or

the official of pre-trial investigation shall write a reference note. Such note shall be sent by the prosecutor or the official of pre-trial investigation to the place of custody of the suspect. The suspect and his advocate are denied access to the content of this note (par. 4 in the Article 128 of the Criminal Procedure Code).

When the real punishment of arrest or imprisonment is imposed on the convict following the judgement, the Chairman of the court session must clarify whether the victim is willing to be informed about the upcoming release of the convict. Given the victim did not participate in the court session, such information shall be clarified within 5 days after the announcement of the judgement. Clarification is not required in the case the place of residence of the victim is unknown. In the case of many victims, it is sufficient to clarify this information through the person/(-s) representing the interests of the victims. In the case the victim is willing to be informed about the upcoming release of the suspect, the Chairman of the court session shall write a reference note. Upon the enforcement of the judgement this note and a copy of the judgement shall be sent to the institution of executing the punishment in the procedure set in Article 342 of the Criminal Procedure Code. The suspect and his advocate are denied access to the content of this note (Par. 5 in Article 308 of the Criminal Procedure Code).

Given the punishment execution institution has received the note that victim is willing to be informed about the upcoming release of the convict, the head of the punishment execution institution or the deputy head are obliged to inform the victim about the release of the convict. The victim shall be informed about the release of the convict no later than three days before the release of the convict. In the cases, when the convict is due to be released right after the receipt of the judgement, resolution or decree concerning the release of the convict, the victim shall be informed immediately after the release of the convict. The victim shall not be informed about the release of the convict provided the convict serves the imposed punishment of arrest on the days-off. (par. 8 in Article 180 of the RL Law on execution of punishments).

g) See the response to par a) of question 13 and par. c) of question 14 on Sexual abuse of children in the domestic environment.

h) All citizens of the Republic of Lithuania, as well as nationals of other EU member states, also other natural persons legally residing in the Republic of Lithuania and other EU member states, and other individuals referred to in International Treaties of the Republic of Lithuania are entitled to the free of charge primary legal assistance (legal information, legal consultations, advice on out-of-court dispute resolution, actions leading to peaceful resolution of the dispute and preparing peace agreement), [par. 1 in Article 11 of the RL Law on State Guaranteed Legal Assistance].

Following the provisions of par. 2 in Article 12 of the above Law, victims in the cases of the indemnification of damage as a result of the crime, including cases, where damage indemnification is addressed in the criminal case, are entitled to secondary legal assistance (in preparing documents, representation in the case and the remuneration of costs related with the investigation of the civil claim stated in the criminal case) irrespective of the property and income. The entitlement of such person to the secondary legal assistance shall be proved by the resolution of the pre-trial officer or prosecutor, or the ruling of the court, where the person is recognised a victim, and/or by the court judgement (par. 3 in Article 13 of the above Law).

Question 22: Investigations and criminal measures to protect the child victim

- a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (**Article 30, para. 2, Explanatory Report, paras. 211-215**);
- b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (**Article 32, Explanatory Report, para. 230**);
- c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with **Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b**, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (**Article 33, Explanatory Report, paras. 231-232**);
- d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (**Article 31, para. 4**). Please also describe under which conditions it is possible;
- e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (**Article 31, para. 5**). Please specify under which conditions, if so required;
- f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (**Article 30, para. 5**);
- g. Please also describe what techniques have been developed for examining material containing pornographic images of children (**Article 30, para. 5**).

a) See response in par. a) to question 13 on sexual abuse of children in close/domestic environment.

b) See response in par. b) to question 14 on sexual abuse of children in close/domestic environment.

c) Provisions stipulated in par. 5 of Article 95 of the Criminal Code state that limitation of the term shall not apply for certain criminal acts against minors (including the referred to in the Convention) earlier than before the victim reached twenty five years of age.

d) It is allowed for the legal representative to participate in the proceedings upon submitting a written or verbal request, when the pre-trial investigation officer or prosecutor passes the decision, and the court – the judgement. The legal representative is usually participating in the proceedings together with the person he represents. It may be refused by the decision of the pre-trial investigation officer or prosecutor, or by the judgement of the court to allow the legal representative to participate in the proceedings as the representative of the person in question, provided it is contradictory to the interests of a minor or an incapable person. In such cases the pre-trial investigation officer, prosecutor, or the court shall ensure the participation in the proceedings of another legal representative, and through absence of such possibility – to

appoint temporarily, until the issue of the new legal representative is addressed, as a representative any other person adequate of properly representing the interests of a minor or an incapable person (par. 3 in Article 53 of the Criminal Procedure Code).

f) Following the provisions of par. 1 in Article 154 of the Criminal Procedure Code, where upon the request of the prosecutor the ruling of the pre-trial investigation judge is adopted, the pre-trial investigation officer may listen to the conversations of persons transmitted via electronic communication networks, make recordings, control any other information transmitted via electronic communication networks, fixing and collecting such material, given there are grounds for considering that such measures would help to obtain more data about the planning, committing or committed already grave, serious or less serious crime, and about easy offences referred to in certain Articles of the Criminal Code. Almost all offences referred to in the Convention fall under the above provisions allowing to listen to the conversations of persons transmitted via electronic communication networks, make recordings, control any other information transmitted via electronic communication networks, fixing and collecting such material.

It is stipulated in par. 1 of Article 158 of the Criminal Procedure Code, that in investigating criminal offences, the pre-trial investigation offices may carry out the investigation without disclosing their identity. They may perform actions imitating criminal acts.

It is stipulated in par. 1 of Article 159 of the Criminal Procedure Code, that prosecutor, upon the receipt of information from an individual about the proposal to that person to commit a crime or participate in committing the crime, may apply to the judge of the pre-trial investigation with the request of letting the said person to simulate the criminal act with the purpose of identifying other persons committing crimes.

Provisions in par. 1 of Article 160 of the Criminal Procedure Code stipulate that the pre-trial investigation judge upon the request of the prosecutor may impose surveillance of persons, transport means or objects.

Also, the commitment of criminal offences referred to in the Convention may be followed by the criminal intelligence investigation, under the following conditions (and provided there is information available about the planning, execution or the commitment of certain crimes): 1) the suspect, the defendant or the convict are hiding; 2) a person is missing; 3) protection of persons from the criminal impact is applied (par. 1 of Article 8 in the RL Law on Criminal Intelligence).

Question 23: Child friendly interviewing and proceedings

a. Please describe how interviews (**Article 35**) with child victims are carried out, indicating in particular whether:

- they take place without unjustified delay after the facts have been reported to the competent authorities;
- they take place, where necessary, in premises designed or adapted for this purpose;
- they are carried out by professionals trained for this purpose;
- the same persons are, if possible and where appropriate, conducting all interviews with the child;
- the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;

- the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (**Article 36**).

a) The Office of Prosecutor General has drafted Recommendations concerning the interrogation of minor witnesses or victims, approved by the Republic of Lithuania Prosecutor General in the Order No. I-126 of 16 September 2009 (amended by the Order No. I-297 of 8 November 2011), (Official Gazette, 2009, No. 112-4806), where peculiarities of the interrogation of a minor witness or a victim are discussed in detail. Considering the newly adopted laws and the intended amendments in the Law on the Criminal procedure regulating the interrogation of children, the Office of Prosecutor General is getting ready to prepare recommendations to the actual edition.

It should be also noted that the Republic of Lithuania Ministry of the Interior has ordered the psychology experts to prepare psychological recommendations for pre-trial investigation officers dealing with minors (Grigutytė N., Čėsniėnė I., Karmaza E., Valiukevičiūtė J. „Psychologinės rekomendacijos ikiteisminio tyrimo pareigūnams, dirbantiems su nepilnamečiais“, Vilnius, 2006 m. /Psychological recommendations for pre-trial investigation officers dealing with minors/).

b) Publicity of court proceedings is one of the principles of a state of the rule of law, stipulated in the Republic of Lithuania Constitution (Par. 2 of Article 31, par. 1 of Article 117), and the Republic of Lithuania Criminal Procedure Code (par. 1 of Article 9).

See also par. a) of the General Questionnaire and Question 21.

See the response to par. a) of question 13 about sexual abuse against children in the close/domestic environment

c) See the response par. c) of question 14 about sexual abuse of children in the close/domestic environment.