



LAW
ON AMENDMENT OF ARTICLES 1, 43, 47 AND SUPPLEMENT OF THE LAW ON
FUNDAMENTALS OF PROTECTION OF THE RIGHTS OF THE CHILD OF THE
REPUBLIC OF LITHUANIA WITH ARTICLE 57¹ AND ANNEX

20 October 2015 No. XII-1965

Vilnius

Article 1. Amendment of Article 1

To supplement Article 1 with Paragraph 3, as follows:

"3. The provisions of this Law are aligned with the legal act of the European Union specified in Annex to this Law".

Article 2. Amendment of Article 43

To amend Article 43 and to set it forth as follows:

"Article 43. General provisions of child's protection from influence of negative social environment

1. State and municipal institutions and other natural and legal persons must protect the child from negative social environment influence.

Propagation of a healthy lifestyle and law-based education of children constitute fundamental directions of state social policy and activity.

2. Administrative or criminal liability established by the laws shall be applied for demonstration of physical or mental violence to children and their inclusion into criminal or other illegal types of activity.

3. Necessary assistance (health care, social, legal, etc.), support and protection should be rendered to a potential child victim or child victim of sexual exploitation or other forms of violence, exploitation in pornography or prostitution, and child's purchase or sale or child victim of other criminal activity, in order that the child or his lawful representatives may regain their health following the physical or mental trauma they have experienced and reintegrate into the social environment.

4. Upon becoming aware of a child who is a potential victim of criminal activities and therefore needs assistance, a natural or legal persons must report this to the police and/or division for the protection of the rights of the child of municipal administration.

5. In order to protect the child from any form of violence, the child's legal representatives will provide the child with necessary information in accordance with his age and development".

Article 3. Amendment of Article 47

To amend Article 47 and to set it forth as follows:

"Article 47. Protection of the child from sexual exploitation, exploitation in pornography or prostitution, child's purchase or sale

1. Child must be protected from criminal activities listed in Chapter XXI of the Criminal Code, child's exploitation in pornography, child's purchase or sale, profiting from child's prostitution, involving child into prostitution or possession of materials of pornographic nature, featuring a child or imaging a person as a child.

2. Criminal liability in accordance with the laws shall be applied for criminal activities indicated in Paragraph 1 of this Article.

3. Upon receipt of substantiated information about potential criminal activities committed against the child, as specified in Chapter XXI of the Criminal Code, and about child's exploitation in pornography, child's purchase or sale, profiting from child's prostitution, involving child into prostitution or possession of matters of pornographic nature, featuring a child or imaging a person as a child, without observing the confidentiality rules, workers of educational, personal health care, social services, law enforcement and other institutions and establishments, non-governmental organisations, when performing their **direct job** functions related with children, or other persons without any delay must report of this to the division for the protection of the rights of the child of municipal administration and/or police.

4. Assistance, support and protection stipulated in Paragraph 3, Article 43 of this Law must be immediately provided to the potentially child victim of the criminal activities specified in Paragraph 1 of this Article and until the child is in need of it. If the victim is a person of unknown age, but there are reasons to believe him to be minor, assistance, support and protection must be ensured until his age is established".

Article 4. Supplement of the Law with Article 57¹

To supplement the Law with Article 57¹:

"Article 57¹. Job restrictions for persons found guilty for criminal activities

1. Persons found guilty by the effective conviction for activities specified in Chapter XXI of the Criminal Code or for other activities related with child's sexual exploitation, child's pornography or prostitution, i.e. for child's exploitation in pornography, child's purchase or sale, profiting from child's prostitution, involving child into prostitution or possession of matters of

pornographic nature, featuring a child or imaging a person as a child, and for analogous activities stipulated in the criminal laws of other countries, notwithstanding if conviction is spent or abolished, are barred from:

1) working or volunteering in children's social, educational, sports institutions, companies and organisations, and institutions, companies and organisations providing health care services for children;

2) **working in** the institutions, companies or organisations, other than specified in Point 1, Paragraph 1 of this Article, and volunteering in them, provided such work or volunteering is directly (on continuous or temporary basis) related with child's upbringing, teaching, care or assurance of his safety;

3) carrying out sole proprietorship activities, if such activities are directly (on continuous or temporary basis) related with child's upbringing, teaching, care, or assurance of their safety.

2. Teachers are additionally subject to work restrictions established in the Law on Education.

3. The Government of the Republic of Lithuania or its authorised institution approves the list of jobs, activities and services, specified in Points 2 and 3, Paragraph 1 of this Article, which persons found guilty by the effective conviction for criminal activities specified in Paragraph 1 hereof are barred from holding, carrying out or providing due to direct contacts with children.

4. Persons intending to work in the institutions, companies or organisations specified in Point 1, Paragraph 1 hereof, or to hold jobs included into the list specified in Paragraph 3 of this Article, prior to employment must submit to the employer a certificate on the data held about the natural person by the Register of suspected, accused and convicted persons.

5. Persons willing to volunteer in the institutions, companies and organisations specified in Point 1, Paragraph 1 of this Article or to carry out volunteering activities included into the list specified in Paragraph 3 of this Article, before starting volunteering and/or signing volunteering agreement with the volunteering work organiser must submit a certificate on the data held about the natural person by the Register of suspected, accused and convicted persons.

6. The recipient of services included into the list specified in Paragraph 3 of this Article, when signing an agreement with the person engaged in sole proprietorship activities on provision of services for a child, has the right to request the service provider, and the service provider must present a certificate on the data held about the natural person by the Register of suspected, accused and convicted persons".

Article 5. Supplement of the Law with Annex

To supplement the Law with the following annex:

Annex to the Law on Fundamentals of Protection of the Rights of the Child

EUROPEAN UNION LEGAL ACT UNDER IMPLEMENTATION

Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children, and children's pornography replacing the Council's framework decision 2004/68/JHA (OJ 2011, L 335, page 1).

Article 6. Validity, application and implementation of the Law

1. Article 4 of this Law shall come into force on 1 January 2016.

2. Persons found guilty by the effective conviction for criminal activities specified in Article 4 of this Law, set forth in Paragraph 1, Article 57¹ of the Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania (hereinafter – Law on Fundamentals of Protection of the Rights of the Child), on the day the Article 4 of this Law comes into effect holding jobs or carrying out volunteering activities specified in Points 1 and 2, Paragraph 1, Article 57¹ of the Law on Fundamentals of Protection of the Rights of the Child, must immediately cancel the employment agreement or stop volunteering.

3. Employer or organiser of volunteering activities must request persons, who on the day of entry into force of Article 4 of this Law are holding jobs or carrying out volunteering activities specified in Points 1 and 2, Paragraph 1, Article 57¹ of the Law on Fundamentals of Protection of the Rights of the Child as set forth in Article 4 of this Law, to present a certificate on the data held about the natural person by the Register of suspected, accused and convicted persons to the employer or the organiser of volunteering activities. If a person fails to present the above-mentioned certificate within the term established by the employer, he will be removed from job or volunteering activities. If a person fails to present the above-mentioned certificate within the period of one month from his removal from job or volunteering activities, such person's employment agreement will be cancelled or his volunteering activities will be stopped.

4. Recipient of services included into the list specified in Paragraph 3, Article 57¹ of the Law on Fundamentals of Protection of the Rights of the Child as set forth in Article 4 of this Law and provided for a child on the day of entry into force of Article 4 of this Law has the right to request the service provider.

5. The Government of the Republic of Lithuania or its authorised institution shall adopt legal acts implementing this Law until 31 December 2015.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

President of the Republic

Dalia Grybauskaitė