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LANZAROTE CONVENTION

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

Replies to the thematic questionnaire

LITHUANIA

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 20 November 2017

Question 1 Awareness-raising or educational activities/tools/materials/measures

1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

1. Awareness-raising or educational activities / tools / materials / measures

The Ministry of the Interior (hereinafter – the MoI) on 2017 June 19 has launched the information campaign on sexual extortion and coercion online. It was based on the material (two comic-style designs – ‘boy’s story’ and ‘girl’s story’) prepared by Europol under its Say No! campaign. The MoI involved all the Lithuanian authorities concerned, e.g. the Ministry of Social Security and Labour, the Ministry of Education and Science, local authorities / municipalities, etc. These institutions disseminated all the material including a short film in Lithuanian to their subordinate institutions, schools and other organizations that prepare and implement measures for the protection and prevention of the violation of children’s rights in order to raise the awareness of children, teachers and parents.

The Lithuanian Police has concluded an agreement on cooperation with Lithuanian Communications Regulatory Authority (of 31 December 2012 No. 5-IL-2142/(7.2)-1E-121) concerning the project “Lithuanian Awareness, Hotline and Helpline Actions for Safer Internet”. The website of the project www.draugiskasinternetas.lt presents the information in the Lithuanian language meant for children and parents about different threats in the internet. The internet “Hot line” www.draugiskasinternetas.lt. It has been operational since 2007, and since 2008 it has been a member of the international internet hot line association INHOPE.

There are no awareness raising or educational activities / tools / materials / measures specifically targeting children as bystanders / observers of other children producing and / or sharing self-generated sexually explicit images and/or videos or self-generated sexual content.

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;**
- b. self-generated sexual content?**

2. Civil society involvement

Every year the MoI organizes a contest on the best practice prevention projects within the specified theme. For example, in 2017 the projects focused on “Secure Cyberspace: Community-based Cyberspace Security Initiatives”. Entries can originate from number of key stakeholders including local/municipal authorities, associations, educational and science institutions, business community as well as civil society. Unfortunately, there were no projects submitted by the civil society in 2017.

After the Seimas of the Republic of Lithuania ratified the Lanzarote Convention, the Ministry of Education and Science sought to inform schools about the main provisions of the Convention and their implementation. Thus, in 2014, 10 seminars were organised in different Lithuanian regions for psychologists of municipal pedagogical-psychological services and schools, social pedagogues and representatives of child welfare commissions. 232 specialists of pedagogical-psychological services and schools were acquainted with the principles and provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and school possibilities of their implementation, provided with knowledge on the signs and consequences of sexual abuse of children, measures of protection of children against sexual exploitation, the main intervention principles in case of suspected sexual abuse of children; the role of school in implementing prevention and intervention of sexual exploitation of children and the principles of education of children of different age groups on the topic of prevention of sexual abuse were discussed.

In 2012–2014, while implementing the project “Development of efficiency and quality of assistance to pupils, stage II”, co-financed from the European Social Fund and the budget of the Republic of Lithuania, training “Sexual crimes against children, prevention and intervention at school” was organised (16 academic hours long) for psychologists and social pedagogues of pedagogical-psychological services and schools. Specialists’ professional competence was developed during the training by recognising and solving cases of sexual exploitation of children, the specifics of working with parents, and school possibilities of intervention and prevention of sexual exploitation. The training was attended by 250 psychologists and social pedagogues of pedagogical-psychological services and schools.

In 2015, while implementing measures under the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims 2014–2020, the Ministry of Education and Science of the Republic of Lithuania organised 15 seminars in various Lithuanian cities to the representatives of child welfare commissions in schools about recognition of domestic violence, including sexual exploitation and abuse, organisation and provision of assistance to child victims of violence. These seminars were attended by 404 pedagogues of pre-school institutions and schools as well as specialists of educational assistance.

Question 3. National curriculum Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

In 2017, the Ministry of Education and Science started the General Programme of Health and Sexuality Education and Getting Ready for Family Life in order to combine the provisions of the General Programme of Health Education and the Programme of Getting Ready for Family Life and Sexuality Education into one integral whole and update the content of these programmes on the basis of the requirements of the World Health Organisation as well as proposals of scientists and health specialists. The draft programme envisages the provision of knowledge to children and development of their competences to recognise various forms of exploitation and abuse and protect from them, recognise internet threats and not to become victims of trafficking in human beings. Concerning primary education, children will be taught to recognise the situations of social pressure, distinguish between proper and improper touches and behaviour, know the main principles of safe internet usage, and ask adults, whom they trust, for help when needed. Concerning basic education, children will be acquainted with the forms of physical, mental and sexual abuse, internet threats of trafficking in human beings, gender stereotypes created by the media; their critical thinking skills as well as the skills of resistance to risky behaviour, safe and respectful behaviour in the internet and public space, and ability to ask for help when needed will be developed. Concerning secondary education, children will be taught to be able to resist pressure or provocation to behave in a risky way as well as threats of online grooming and trafficking in human beings, withdraw from dangerous situations themselves and help others to do this, critically evaluate and resist the stereotypes thrust by mass culture, stigmatisation, discrimination on the grounds of sex, form the world outlook based on humanistic values, consciously follow safe internet usage rules and take actions to stop dissemination of information that offends human dignity, assume moral responsibility for dissemination of information in public space. The programme will be implemented by integrating its content components into the content of other subjects in the primary education curriculum, into all subjects and informal education in the basic and secondary education curricula. Moreover, special courses encompassing the programme will be organised with respect to health and sexuality education as well as getting ready for family life for at least one school year in each stage of education: grades V–VIII, IX–X and XI–XII.

Question 4. Higher education curriculum and continuous training Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

Question 5. Research

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:
a. self-generated sexually explicit images and/or videos? b. self-generated sexual content?

5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:

- a. self-generated sexually explicit images and/or videos as children have been shared online?**
- b. self-generated sexual content as children has been shared online? → Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.**

Question 6. Assistance to victims

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?

b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?

b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

In accordance to the provisions of the Law on Health Insurance children (persons under the age of 18) permanently residing in Lithuania are insured by the state (the state pays health insurance contributions on their behalf) and the necessary medical treatment (health care services, reimbursed medicines or medical aids) are provided free of charge. Hereby it is ensured that all children permanently residing in Lithuania have access to all preventive programmes implemented in Lithuania, medical rehabilitation services, medicines and medical aids in the hospitals, purchased according to centralized procedure by National Health Insurance Fund under the Ministry of Health or by hospitals themselves. Children having mental health problems together with their families can address to the primary mental health care center form psychologist help.

In order to recognize violence against children, diagnose it and provide necessary help as soon as possible, during 2016-2017 the Ministry of Health, with the help of specialists of university hospitals and subordinate institutions, created the `Methodological Recommendations for Diagnosing Violence Against Children` and published on MoH's website

http://sam.lrv.lt/uploads/sam/documents/files/Veiklos_sritys/Asmens_sveikatos_prieziura/Diagnostikos_metodikos_ir_rekomendacijos/Rekomendacijos/SMURTO%20PRIES%20VAIKUS%20DIAGNOSTIKOS%20METODIN%C4%96S%20REKOMENDACIJOS.pdf).

In order to increase access to help for children, the State Child's Rights Protection and Adoption Service, working together with the Youth Affairs Department under the Ministry of Social Security and Labour, is implementing an EU project 'Provision of Youth and Children Consulting and Information Services in Public e-Environment' under which the call management sequence will be optimised and the e-consultancy services will be developed (by various means of communication).

The website of the State Child's Rights Protection and Adoption Service www.pagalbavaikams.lt publishes detailed descriptions on the subjects of physical and sexual violence, bullying, alcohol and drugs use etc., providing their main characteristics and methods of avoiding difficult situations and approaching adults. In order to help teenagers to identify issues, for the first time in Lithuania an audio feature has been added to a website of this type, helping the child to understanding what is not appropriate in terms of his rights and interests. In 2011, the www.pagalbavaikams.lt website was declared the winner in the World Summit Award (WSA) international e-content contest, in the category 'e-inclusion – reducing e-seclusion and participation'. The website as an extraordinary achievement of website designers and producers has been awarded in one of the eight categories of the contest organised by the United Nations on a biannual basis.

- The new redaction of law on Education was adopted in October 28 of 2016. The main changes was targeted to violence prevention at school: the new forms of violence was validated (such as bullying, cyber bullying and neglect), as well as anti-violence actions in education system; an obligation for the school to provide immediate and free of charge psychological assistance for student who experienced violence at school and his family (parents, guardians) in 5 days after the fact of school violence was adopted. Another positive change made by this law is that every educational institution must enable each student to participate in at least one continuously coherent, long-term preventive program developing social and emotional competencies. The recommendations for the implementation of violence prevention in schools was adopted in March 22 of 2017.

On 14 February 2017 the Seimas adopted amendments to *the Law on the Fundamentals of Child Rights Protection* (hereinafter – “the Law”), stipulating for the prohibition of all forms of violence against children, including physical punishments. It is defined in the Law, that violence against children – by action or inaction making direct or indirect deliberate physical, psychological or sexual impact on the child, disregard of honour and dignity or neglect leading to the exposure of the child to harm or danger to his/her life, health or development. The adopted amendments are aimed at consolidating and defining the forms of violence against children: physical violence, psychological outrage, sexual abuse and neglect. Protecting and safeguarding the rights of the child, the State undertakes to take every effort in applying the required legal, administrative, social, educational and any other measures aimed at ensuring the protection of the child from all forms of violence, including physical punishments, to which s/he may be exposed by parents, other representatives of the child or any other person taking care of the child.

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

Question 8. Legislation

8.1. Does national law contain any reference to:

- a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?**
- b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?**
- c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?**

The Law on Provision of Information to the Public of the Republic of Lithuania establishes the statutory obligation of the public information producers and (or) providers to ensure that minors are protected from public information which might have detrimental effect on their physical, mental or moral development, in particular public information that involves the dissemination of information of pornographic and/or violent nature and information encouraging addictions (Article 17(1)). It should be noted that the concept of a minor is enshrined in the applicable legislation of Lithuania (Article 2(3) of the Law on the Protection of Minors Against the Detrimental Effect of Public Information of the Republic of Lithuania, Article 2.5(1) of the Civil Code, etc.) and is identical to definition of a child provided in Article 3 of the Convention.

Article 2 (42) of The Law on Provision of Information to the Public of the Republic of Lithuania establishes **Information of pornographic nature** - information where an actual or simulated sexual intercourse, genitalia, defecation, masturbation or paraphilias (paedophilia, sadism, masochism, zoophilia, necrophilia, etc.) are shown explicitly and in detail, this being the main purpose of such information.

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

a. self-generated sexually explicit images and/or videos?

b. self-generated sexual content?

Article 28 of the CCP. Victim

1. The victim shall be a natural person to whom the criminal act has caused physical, property or non-pecuniary damage, or a family member or a close relative of a natural person deceased because of the criminal act, suffering physical, property or non-pecuniary damage due to the death of the person. A person is recognized as a victim by a decision of the pre-trial investigating officer, the prosecutor or the court.

Under Article 54 of the CC, this shall be taken into account each time when imposing a punishment and criminal liability shall be tightened appropriately.

“

Article 54 of the CC. Basic Principles of Imposition of a 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 a 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 a 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 the commission of 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.”

8.3. Are there specificities related to the fact that more children appear on the:

a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?

b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

Please see the answer to question 8.2.

Question 9. Criminalisation

9.1. Does national law criminalise cases when adults:

a. possess child self-generated sexually explicit images and/or videos?

b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?

c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

Yes, Article 309 of the Criminal Code of the Republic of Lithuania „Possession of pornographic material“ establishes:

Article 309 of the CC. Possession of Pornographic Material (...)

2. A person who **produces**, acquires, stores, demonstrates, advertises, offers or distributes pornographic material displaying a child or presenting a person as a child or, by means of information and communications technologies and other means, acquires or provides access to pornographic material displaying a child or presenting a person as a child, shall be punished by a fine or by a custodial sentence for a term of up to three years.

3. A person who, for the purpose of distribution, **produces** or acquires or distributes a large quantity of pornographic material displaying a young child, shall be punished by a custodial sentence for a term of up to five years.(...)”

Article 162 of the CC. Exploitation of a Child for Pornography

1. A person who **recruits**, forces to participate or **involves a child** in pornographic events or exploits the child for such purposes or exploits the child for the production of pornographic material or gains profit from such activities of the child, shall be punished by a custodial sentence for a term of up to eight years. (...)”

Article 153 of the Criminal Code „Sexual Molestation of a Person Younger than Sixteen Years Old“ establishes: A person who moles a person younger than sixteen years old shall be punished by restriction of liberty or by arrest or by imprisonment for a term of up to five years.

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

No, there are only the general circumstances under which the above cases are not prosecuted and/or do not lead to conviction, established in Article 3 of the Code of Criminal Procedure of the Republic of Lithuania (e.g., limitation period for criminal liability, the death of the suspect, etc.) and in Articles 17 (Legal Incapacity) and 18 (Diminished Capacity) of the Criminal Code. According to Paragraph 2 of Article 17 of the Criminal Code, a person, found legally incapacitated by a court, shall not be held liable under this Code for a committed dangerous act. The court may apply to him the compulsory medical treatment provided for in Article 98 of this Code. A person, who has committed a misdemeanour, a negligent or minor or less serious premeditated crime and whom a court finds to be of diminished capacity, shall be liable under criminal law, however, a penalty imposed upon him may be commuted under Article 59 of this Code, or he may be released from criminal liability and be subject to the penal sanctions provided for in Article 67 of this Code or the compulsory medical treatment provided for in Article 98 of this Code (Paragraph 2 of Article 18 of the Criminal Code).

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

A person shall be punished by imposing a fine or by imprisonment for a term of up to four years (Paragraph 2 of Article 309 of the Criminal Code). A person shall be punished by restriction of liberty or by arrest or by imprisonment for a term of up to five years (Article 153 of the Criminal Code).

9.4. Does national law criminalise cases when adults:

a. possess child self-generated sexual content?

b. distribute or transmit child self-generated sexual content to other adults?

c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

Please see the answer to question 9.1.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Please see the answer to question 9.2.

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

Please see the answer to question 9.3.

9.7. Does national law criminalise cases when children:

a. produce self-generated sexually explicit images and/or videos?

b. possess self-generated sexually explicit images and/or videos?

c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?

d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?

e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?

Taking into consideration the fact that, according to paragraph 1 of Article 13 of the Criminal Code, age at which a person becomes liable under the Criminal law is sixteen years, a person, who is sixteen years old and distributes or transmits self-generated sexually explicit images and/or videos of other children to peers, could be held liable under Article 153 of the Criminal Code if he distribute or transmit self-generated sexually explicit images of other children to child, younger than 16 years old or under Article 309 of the Criminal Code, if he distribute to transmit images to child, older than 16 years. Though, cases, as mentioned above, can be really complicated and the court shall take into account all the relevant circumstances (e.g., the purpose of the distribution, the nature of the relationship between persons, etc.).

f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

Taking into consideration the fact that, according to Paragraph 1 of the Article 13 of the Criminal Code, age at which a person becomes liable under the Criminal law is sixteen years, a person, who is sixteen years old and distributes or transmits self-generated sexually explicit images and/or videos of other children to adults, could be held liable under Article 309 of the Criminal Code. Though, cases as mentioned above, can be really complicated and the court shall take into account all the relevant

circumstances (e.g., the purpose of the distribution, the nature of the relationship between persons, etc.).

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

There are general circumstances, established in Article 3 of the Code of Criminal Procedure and in Article 17 and 18 of the Criminal Code, as well as special circumstances for minors, established in Article 93 of the Criminal Code:

1. A minor who commits a misdemeanour, or a negligent crime, or a minor or less serious premeditated crime for the first time may be released by a court from criminal liability where he:
 - 1) has offered his apology to the victim and has compensated for or eliminated, fully or in part, the property damage incurred by his work or in monetary terms; or
 - 2) is found to be of diminished capacity; or
 - 3) pleads guilty and regrets having committed a criminal act or there are other grounds to believe that in future the minor will abide by the law and will not commit new criminal acts.
2. Having released a minor from criminal liability on the grounds provided for in paragraph 1 of this Article, a court shall impose against him the reformatory sanctions provided for in Article 82 of this Code.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

Please see the answer to question 9.3.

It should be noted that the peculiarities of criminal liability of minors are established in Chapter XI of the Criminal Code. For example, a court may impose a fixed-term imprisonment upon a minor when there is a basis for believing that another type of penalties is not sufficient to alter the minors criminal dispositions, or where the minor has committed a serious or grave crime. When a minor is sentenced to a fixed-term imprisonment, the minimum penalty shall be equal to one half of the minimum penalty provided for by the sanction of an article of this Code according to which the minor is prosecuted. Taking into consideration the fact that Article 153 and 309 of the Criminal Code do not established the minimum of a fixed-term imprisonment and Paragraph 2 of Article 50 of the Criminal Code stipulates that the penalty of a fixed-term imprisonment may be imposed for a period from three months up to twenty years, the minimum length of fixed-term imprisonment for minor, sentenced under Articles 153 Or 309 of the Criminal Code, is 1.5 months.

9.10. Does national law criminalise cases when children:

- a. produce self-generated sexual content?**
- b. possess self-generated sexual content?**
- c. distribute or transmit self-generated sexual content to peers?**
- d. distribute or transmit self-generated sexual content to adults?**
- e. distribute or transmit self-generated sexual content of other children to peers?**
- f. distribute or transmit self-generated sexual content of other children to adults?**

Please see the answer to question 9.7.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

Please see the answer to question 9.8.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

Please see the answer to question 9.9.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 210

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

Republic of Lithuania has not made a reservation.

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 211

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

No.

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

Article 151 of the CC. 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 a custodial sentence 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 a custodial sentence for a term of up to eight years.(...)

4. A legal entity shall also be held liable for an act provided for in paragraph 2 of this Article."

IN ALL OTHER CASES (FOR EXAMPLE, IN THE CASES OF CHILD PORNOGRAPHY, PROSTITUTION), CRIMINAL LIABILITY OF THE OFFENDER IS TIGHTENED ADDITIONALLY UNDER ARTICLE 60 OF THE CC, SINCE CRIMINAL ACT COMMITTED AGAINST A YOUNG CHILD (UP TO 14 YEARS OLD) ALWAYS CONSTITUTES AN AGGRAVATING CIRCUMSTANCE OF CRIMINAL LIABILITY:

Article 60 of the CC. Aggravating Circumstances

1. The following shall be considered as aggravating circumstances: (...)

5) **the act has been committed against a young child;**(...)"

Question 12. Jurisdiction rules

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

The criminal offences, described above, are subject to the general jurisdiction rules, established in the Criminal Code, i.e. the territorial and citizenship principles are applied in the investigation of such criminal cases (respectively, Article 4 and 5 of the Criminal Code). According to Article 4 of the Criminal Code, the persons who have committed criminal acts within the territory of the state of Lithuania, shall be held liable under this Code. Article 5 of the Criminal Code establishes that citizens of the Republic of Lithuania and other permanent residents of Lithuania shall be held liable for the crimes committed criminal acts related to sexual exploitation of children, pornography and prostitution abroad (including Articles 153, Paragraph 1 of Article 162, Paragraphs 2,3 of Article 309), irrespective of whether such acts are subject to punishment under the Criminal Code of the State of the place where the offense was committed, shall be held liable under Criminal Code of Republic of Lithuania.

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- a. in law enforcement?**
- b. in prosecution?**
- c. in courts?**

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders. → Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)? → As regards law enforcement, please indicate if:

- a. there is a victim identification function?**
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?**

Specialised units/departments/sections

In courts, there are no specialized units/departments/sections in charge of dealing especially with ICT facilitated sexual offences against children or with ICT facilitated sexual offences against children committed by minor offenders, but, according to Paragraph 6 of the Description of the Procedure of Specialization of the Judges in Certain categories of cases (approved by Resolution No. 13P-202-(7.1.2) of 12 October 2008 of the Judicial Council) (hereinafter referred to as the Description), the specialization of judges can be established for any category of cases, if the chairman of the court, having regard to the qualifications of judges and knowledge of the field sees the need to established such specialisation. Paragraph 6 of the Description stipulates that the specialization of judges in courts is determined in accordance with the recommended to established specializations of judges, set out in the Annex to this Description. One of the specializations, recommended to established in

district and regional courts is the specialization of minors criminal cases (when offences are committed by minors). Depending on the size of the court, there could be 2 or more judges, dealing with offences, committed by minors.

Serious and Organized Crime Investigation Board (hereinafter – SOCIB) of Lithuanian Criminal Police Bureau (hereinafter – LCPB) and the specialised cybercrime investigation units established in 10 County Police Headquarters (hereinafter – CPH) are in charge, within the scope of their competence, of preventing and fighting cybercrime.

SOCIB within its competence is responsible for the prevention, detection and investigation, on non-territorial basis, of crimes against security of electronic data and information systems, serious, grave, inter-regional and cross-border cybercrimes and cybercrimes that have repercussions in society or cause great damage to the state or individual persons. It is empowered to conduct both criminal intelligence activities (except secret service operations) and pre-trial investigation.

SPCOB consists of three divisions:

- Division 1 is engaged in criminal intelligence operations and, using the criminal intelligence methods of gathering the data, collects and analyses information available on Internet on criminal intelligence objects. In addition, the Division 1 is responsible for the functioning, on a national level, of 24/7 contact point according to the Convention on Cybercrime;
- Division 2 conducts the permitted control, monitoring and recording (on equipment level) of electronic data as well as forensic inspection of seized objects and renders technical assistance in the criminal intelligence and pre-trial investigations carried out by LCPB's divisions and other law enforcement authorities;
- Division 3 conducts pre-trial investigations of cybercrimes. It coordinates, within the scope of its competence, investigations conducted by territorial police institutions of crimes against the security of electronic data and information systems and of serious, grave, inter-regional and cross-border cybercrimes and cybercrimes that have repercussions in society or cause great damage to the country or individual persons; renders practical assistance.

Five largest CPH (Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys) have established designated units within their organization structure for fighting cybercrime. In the remaining five CPH, specific officers have been appointed for this purpose. In general, 50 positions have been established in the CPH. Within the competence of the above-mentioned divisions, among other responsibilities, is responsibility for the pre-trial investigation of criminal acts against the security of electronic data and information systems and criminal acts in cyberspace.

Within the law enforcement, the police officers are in charge of victim identification.

Lithuania has access to the International Child Sexual Exploitation image database (ICSE) managed by Interpol, which enables faster and more efficient identification of both victims and perpetrators of child sexual abuse.

Furthermore, the access to the database of the US National Center for Missing and Exploited Children (NCMEC) was granted to Lithuania in January 2015/ NCMEC transmits Lithuania-related (whether the offender or the victim uses the resources provided by Internet service providers registered in Lithuania) reports on potential child abuse cases reported by the major social networking companies and other electronic communication services to the state law enforcement agency for investigation. SOCIB is responsible for accessing both the ICSE and NCMEC.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?**
- b. self-generated sexual content?**

During the prosecution of ICT facilitated sexual offences against children, the court shall take into account all the relevant circumstances. For example, the evaluation of the purpose of the production, acquisition, possession or distribution of the self-generated sexually explicit images and/or videos/self-generated sexual content, the evaluation of the nature of the relationship between victim and offender (e.g., if they are 15 and 16 years old, etc.), the evaluation of the sexual maturity and consciousness level of persons can lead to difficulties.

14. Challenges in the prosecution phase

The key challenges for the successful prosecution and, in particular, investigation of cybercrimes, are limited opportunities for obtaining information from Internet service providers registered and operating abroad, especially from smaller companies as these companies do not provide the possibility for law enforcement authorities to obtain the information directly through dedicated platforms and systems.

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?**
- b. prosecutors?**
- c. judges?**

Training of professionals

Paragraph 1 of Article 92 of the Law on Courts of the Republic of Lithuania establishes that initial training and obligatory in-service training shall be provided for judges. Programmes for training of judges shall be approved by the Judicial Council upon coordination with the Ministry of Justice and the training the Judges is organized by the national Courts Administration (Article 93 of the Law on Courts).

In accordance with the approved judges qualification programmes, the judges participate in various trainings annually. In order to ensure judges sufficient knowledge about sexual exploitation and sexual abuse of children, since 2007 topic on children's rights, interviews, psychology, etc. are systematically included in qualification programmes or program "Juvenile Justice" is approved. In 2014 -2016 the following topics were presented to the judges: offences and misdemeanours for the persons honour and dignity, child and family: practical problems in the application of the Law on Protection from Violence in the Near Environment: psychological examination of minors in criminal proceedings: participation of minor victims of sexual offences in pre-trial investigation/judicial process: the importance of the work of specialists and the significance of the most common mistakes: minors affected by sexual offences: the importance of a psychological expert investigation to identify false cases, etc.

Although Lithuanian police training programs do not include specialized topic on the use of electronic, information and communication tools for the sexual exploitation of children, however, Lithuanian police officers continuously raise qualification by attending the trainings organized by

EUROPOL and CEPOL on investigations of criminal offenses of the sexual exploitation of children in cyberspace.

In addition, in 2013 the Prosecutor General's Office together with the Lithuanian Police Training Centre organized common trainings for specialized prosecutors, judges and pre-trial investigation officers on issues related to sexual exploitation of children. 44 prosecutors and 26 police officers of the SOCIB and local police agencies working to combat child sexual exploitation on the Internet were trained. Trainings include these topics: child sexual exploitation on the Internet, the child's participation in the criminal process, the recognition of sexual abuse of children, inter-institutional cooperation, etc.

Regarding persons working in the child rights protection sector. In 2013–2015, while implementing measures under the Programme on Child Welfare 2013–2018, **trainings were initiated and organised** for specialists working in the field of child rights protection (social workers, psychologists, social pedagogues, medical specialists, prosecutors, investigators, etc.). **Training topics included prevention, intervention and control of domestic violence against children, and teamwork principles were observed while organising training aimed at assistance to child victims of sexual exploitation as well as prevention and intervention of other forms of violence.**

Training topics also covered the following: the concept of girls' and boys' destructive behaviour; recognition of child victims of violence and sexual abuse and evaluation of their needs, also by gender; interdepartmental and interprofessional intervention in cases of potential and real violence against children; family evaluation and planning of assistance; provision of assistance in cases of concealed or denied girl pregnancy, etc.

On 2 July 2014, the Ministry of Social Security and Labour approved financing and signed the agreement on the implementation of the European Economic Area Financial Mechanism project "Establishment of the Support Centre for Child Victims of Sexual Abuse". This project was implemented together with the partner, the Icelandic Government Agency for Child Protection Barnaverndarstofa. Various trainings were organised for the specialists of different fields working with child victims of sexual exploitation. Bilateral cooperation of Lithuania and Iceland in project implementation creates the conditions to take over the best Icelandic practice while working with child victims of sexual abuse. **The implementer of this project, the Care Home "Užuovėja",** organised specialised trainings for specialists working with child victims of sexual abuse and exploitation on the following topics: "Children's ability to give testimony", "Judicial interview", "Diagnosis of posttraumatic stress disorder", "Victim therapy", "The signs and symptoms of sexual abuse", etc. Trainings particularly focused on the discussion of issues of sexual abuse of children in the circle of trust, searching for solutions how to react and communicate in such cases where the child is sexually exploited in domestic environment by family members, teachers, neighbours, uncles, etc. Icelandic specialists shared their experience how to model the situation of sexual exploitation of a child if the child has suffered in the circle of trust. The trainings covered all 60 municipalities of the Republic of Lithuania; 4 cycles were organised by Icelandic and Lithuanian specialists. 365 Lithuanian specialists of different fields, working with child victims or alleged victims of sexual exploitation and abuse, were trained. **Trainings held** during the implementation of the project:

- a) Introductory training aimed at various specialists working in the field of sexual abuse of children (29–30 September 2015);
Specialised training aimed at medical specialists working with children and dealing with victims of sexual abuse (22–23 October 2015; 10–11 December 2015);

- b) Specialised training aimed at psychologists taking part in the investigation of sexual abuse of children and providing assistance to child victims (9–10 September 2015; 4–6 November 2015; 14–15 January 2016);
- c) Specialised training aimed at police investigators conducting judicial investigation in cases of sexual abuse of children (14–15 September 2015; 12–13 November 2015);
- d) Specialised training aimed at child rights protection specialists and officers working with child victims of sexual abuse:
 - 14–16 October 2015, Šiauliai
 - 18–20 November 2015, Vilnius
 - 2–4 December 2015, Klaipėda
 - 9–11 December 2015, Kaunas
 - 6–8 January 2016, Panevėžys

Specialised trainings “Specialised training programme for mobile groups” and “For the staff of the Support Centre for Child Victims of Sexual Abuse” were held on 26–28 January 2016. The trainings were aimed at mobile groups of large cities which are first to know about a criminal case; the staff of the Centre were also trained. While implementing the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), an efficient social training programme has been developed and an interdepartmental structural cooperation model has been created in Lithuania. Regarding this model, while organising and providing assistance, partnership, cooperation between health care institutions, institutions providing social and psychological services, courts and other law enforcement institutions and specialists as well as services safeguarding the rights of the child, and development are ensured. These specialised trainings are particularly aimed at specialists of these fields, since they are first to deal with investigation of alleged cases of sexually exploited children, cooperate when undertaking all necessary measures in order to ensure qualitative and child-friendly investigation as well as smoother and quicker detection of a criminal act.

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?**
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?**
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?**

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?**
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?**
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?**

16. International co-operation

Lithuanian law enforcement cooperates actively with relevant law enforcement agencies, which play a pivotal role in providing operational support for the EU Member States. Lithuania has joined the

WePROTECT Global Alliance to End Child Sexual Exploitation Online initiative and the existing Global Alliance Against Child Abuse Online and committed to pursue concrete actions to enhance victim protection, identify and prosecute offenders, raise awareness, and reduce the availability of child pornography online and the re-victimization of children.

Lithuania participates in seven EMPACT priorities, including child sexual exploitation.

Every year Lithuanian law enforcement takes part in measures organized by Europol at European level (*Joint Action Days (JASs)*) for joint actions for detection, prevention and control of crimes related to human trafficking for sexual abuse, especially of minors and children. Such measures took place on 26-30 of June 2017.

On 12-13 October 2016 Lithuanian police took part in the international operation “Ciconia Alba” organized by the Europol. The main focus of the operation was on the detection, prevention and control of crimes related to child sexual abuse. The Ciconia Alba joint action days were performed within the framework of the EU `EMPACT` priorities tackling organized crime, and focusing on the certain crime areas, including cybercrime.

Lithuanian police officers on demand and according to their competences, cooperates with the law enforcement officers of other counties while executing legal aid application.