



**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

**CP(2015)4
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Lithuania**

*adopted at the 16th meeting of the Committee of the Parties
on 15 June 2015*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Lithuania on 26 July 2012;

Having examined the Report concerning the implementation of the Convention by Lithuania, adopted by GRETA at its 22nd meeting (16 - 20 March 2015) in the framework of the first evaluation round;

Having examined the comments of the Lithuanian Government on GRETA's report, submitted on 15 May 2015;

Welcoming the measures to combat trafficking in human beings taken by the Lithuanian authorities, and in particular:

- the adoption of legislation criminalising trafficking in human beings, a specific provision concerning the non-punishment of victims of trafficking for offences that they have been compelled to commit, and the criminalisation of the use of services of victims of trafficking;
- the setting up of anti-trafficking co-ordination structures at national and municipal level, as well as specialised anti-trafficking units or specialists within the police and the Prosecutor's Office;
- the efforts to raise awareness about human trafficking through information campaigns, education and training of relevant professionals;
- the increase in State funding for NGOs providing assistance to victims of trafficking;
- the efforts made to improve victim identification through the setting up of a National Referral Mechanism;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Lithuania, in particular:

- adopting a specific action plan against human trafficking and improving the co-ordination of relevant public bodies and civil society actors;
- further improving the identification of victims of trafficking, including for the purpose of labour exploitation and among foreign nationals;
- strengthening prevention measures addressing the particular vulnerability of children to trafficking and setting up a procedure for the identification and referral to assistance of child victims of trafficking;
- ensuring that all victims of THB have effective access to assistance, protection and compensation;
- reviewing the rules and application of the recovery and reflection period;
- adopting a clear legal and policy framework for the return of trafficked persons, with due regard to their safety and dignity;
- ensuring that crimes related to human trafficking for all types of exploitation are proactively investigated and effectively prosecuted, leading to proportionate and dissuasive sanctions, including through developing the training and specialisation of investigators, prosecutors and judges.

1. Recommends that the Government of Lithuania implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Lithuania (see addendum);

2. Requests the Government of Lithuania to inform the Committee of the Parties of the measures taken to comply with this recommendation by 15 June 2017;

3. Invites the Government of Lithuania to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Lithuania

Comprehensive approach and co-ordination

1. GRETA invites the Lithuanian authorities to consider establishing an independent National Rapporteur or another independent mechanism for monitoring the anti-trafficking activities of State institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).
2. GRETA urges the Lithuanian authorities to strengthen anti-trafficking action by adopting a specific action plan on combating THB and ensuring funding for its activities.
3. Further, GRETA urges the Lithuanian authorities to strengthen the institutional framework for action against THB in order to improve co-ordination and ensure more effective involvement of all public bodies having a role in combating THB and protecting its victims. In this context, the Lithuanian authorities should ensure sufficient human and financial resources for the smooth operation of the co-ordination mechanism. Specialised NGOs and other relevant civil society actors such as trade unions should be effectively involved in the planning, co-ordination and evaluation of anti-trafficking activities.
4. GRETA also considers that co-ordination of anti-trafficking activities at municipal level needs to be streamlined vertically and horizontally between the central authorities, on the one hand, and among the municipalities, on the other hand.

Training of relevant professionals

5. GRETA considers that the Lithuanian authorities should develop and sustain their efforts to provide periodic training on THB and the rights of victims to relevant professionals (in particular, police officers, prosecutors, judges, labour inspectors, child protection specialists, social workers, medical professionals involved in assistance to victims). The authorities, in co-operation with competent NGOs, should design training programmes with a view to improving the knowledge and skills of relevant professionals so as to enable them to identify victims of trafficking for different forms of exploitation, to assist and protect them, including during criminal proceedings, to facilitate compensation for victims, and to secure convictions of traffickers.

Data collection and research

6. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the Lithuanian authorities should further develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors, including NGOs involved in victim identification and assistance, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.
7. GRETA considers that the Lithuanian authorities should conduct and support research on THB-related issues as an important source of information on the impact of current policies as well as a basis for future measures. Areas where further research is needed in order to shed more light on the extent of the problem of THB in Lithuania include trafficking for the purpose of forced labour and forced criminality, internal trafficking, and child trafficking.

International co-operation

8. GRETA invites the Lithuanian authorities to continue their efforts in the area of international co-operation with a view to preventing THB and providing assistance to victims of trafficking.

Measures to raise awareness and discourage demand

9. While welcoming the efforts to raise awareness about THB, GRETA considers that the Lithuanian authorities should continue to implement awareness-raising activities on THB and provide information to the general public on emerging trends in THB, such as for the purpose of labour exploitation, forced criminality, and marriages of convenience which result in exploitation. The Lithuanian authorities should plan future information, awareness-raising and education campaigns with the involvement of civil society, on the basis of the assessment of the impact of previous preventive measures. Further, targeted preventive measures should be implemented for groups vulnerable to THB, such as persons with mental disorders, children in special schools and foster homes, and men in difficult life circumstances.

10. GRETA considers that the Lithuanian authorities should make additional efforts to discourage demand for services from trafficked persons as regards all forms of exploitation.

Social, economic and other initiatives for groups vulnerable to THB

11. GRETA considers that the Lithuanian authorities should strengthen the aspect of prevention of THB through social and economic empowerment measures for persons vulnerable to THB and integrate the prevention of THB in the policies to combat gender-based violence.

Identification of victims of trafficking in human beings

12. GRETA considers that the manual for victim identification by NGOs can be usefully updated and expanded to cover all victims of THB, for different purposes of exploitation.

13. GRETA urges the Lithuanian authorities to take further steps to ensure that all victims of trafficking are properly identified and can benefit from all the assistance and protection measures provided for under the Convention, and in particular to:

- ensure that the NRM involves all relevant actors and formalises the role and input of specialised NGOs;
- harmonise the operational indicators, guidance and toolkits to be used in the identification process and disseminate them to all relevant professionals to ensure that they adopt a proactive approach to detecting and identifying victims of trafficking; the indicators should be regularly updated in order to reflect the changing nature of human trafficking and types of exploitation;
- enhance the role of labour inspectors in the detection of THB for labour exploitation in Lithuania and improve the identification of victims of THB among foreign nationals;
- improve the identification of victims of THB among children by setting up a specific identification mechanism which takes into account the special circumstances and needs of child victims of THB, involves child specialists and ensures that the best interests of the child are the primary consideration;
- improve the identification of victims of trafficking among asylum seekers, migrant workers and irregular migrants.

Assistance to victims

14. GRETA urges the Lithuanian authorities to strengthen their efforts to provide assistance to victims of trafficking, and in particular to:

- ensure that all victims of THB have effective access to assistance, including adequate accommodation, emergency and long-term medical assistance, as well as social assistance, according to their needs;
- ensure that male victims of trafficking are provided with suitable accommodation adapted to their needs and have effective access to all assistance measures provided for in law;
- ensure that all child victims of trafficking benefit from the assistance measures provided for under the Convention, including appropriate accommodation, specialised support services and access to education.

15. Further, GRETA considers that the Lithuanian authorities should increase their efforts to provide adequate funding, sufficient to cover the actual needs of victims of trafficking.

Recovery and reflection period

16. GRETA urges the Lithuanian authorities to review the procedure for granting a recovery and reflection period with a view to ensuring, in compliance with the obligations under Article 13 of the Convention, that all possible victims of trafficking are systematically informed of the possibility to benefit from a recovery and reflection period, and are offered such period without having to apply for it. The authorities should establish clear criteria for granting a recovery and reflection period, taking into account the personal situation and need to recover of the possible victim, and provide training to the competent authorities in order to ensure that these criteria are effectively applied in practice.

Residence permits

17. GRETA invites the Lithuanian authorities to consider granting residence permits to victims who, for various reasons, do not co-operate with the law enforcement authorities, but their stay would be necessary owing to their personal situation, as envisaged by Article 14 of the Convention.

Compensation and legal redress

18. GRETA considers that the Lithuanian authorities should adopt further measures to facilitate access to compensation for victims of trafficking, and in particular to:

- ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid, by building the capacity of legal practitioners to support victims to claim compensation and by including the issue of victim compensation in training programmes for law enforcement officials, prosecutors and judges.

19. Further, GRETA considers that the Lithuanian authorities should review the legislation in order to make it possible for victims of THB to receive state compensation regardless of whether criminal proceedings are initiated.

Repatriation and return of victims

20. GRETA urges the Lithuanian authorities to adopt a clear legal and policy framework for the return of trafficked persons. In this context, the Lithuanian authorities should take steps to:

- ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person and the status of the legal proceedings; this implies informing victims of trafficking about the possibility of voluntary return, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;
- introduce proper risk assessment procedures and make efforts to ensure safe return of victims, as well as their effective reintegration;
- ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention.

Non-punishment of victims of trafficking in human beings

21. GRETA considers that the Lithuanian authorities should ensure that the non-punishment provision contained in Article 26 of the Convention is applied in practice through developing guidance for police officers and prosecutors concerning the application of Articles 147(3) and 157(3) of the CC. Police officers and prosecutors should be encouraged to be proactive in establishing whether a person accused of a criminal offence or administrative violation is a potential victim of trafficking. While the identification procedure is on-going, presumed victims of trafficking should not be punished for immigration related offences or offences relating to identity documents.

Investigation, prosecution and procedural law

22. GRETA urges the Lithuanian authorities to strengthen their efforts to ensure that THB offences leading to different types of exploitation are proactively investigated and effectively prosecuted. In this context, the Lithuanian authorities should develop the training and specialisation of investigators, prosecutors and judges to tackle this complex crime with a view to ensuring that all human trafficking offences for different types of exploitation lead to effective, proportionate and dissuasive sanctions. In addition, GRETA considers that the Lithuanian authorities should take steps to guarantee the effective application of the legal provisions concerning the confiscation of traffickers' assets.

Protection of victims and witnesses

23. GRETA considers that the Lithuanian authorities should make full use of the available measures to protect victims of THB, including the victim/witness protection programme. In this context, reference is made to paragraphs 63 and 167 concerning the training provided to prosecutors, judges and other relevant professionals.