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Group of Experts on Action
against Trafficking in Human Beings

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Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania

First evaluation round

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Preamble

As the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) and the monitoring mechanism to evaluate its implementation are relatively new, it is appropriate to set out their salient features at the beginning of the first report to each Party to the Convention.

The Convention was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008. It is a legally binding instrument which builds on already existing international instruments. At the same time, the Convention goes beyond the minimum standards agreed upon in other international instruments and aims at strengthening the protection afforded by them.

The main added value of the Convention is its human rights perspective and focus on victim protection. The Convention clearly defines trafficking as being first and foremost a violation of human rights and an offence to the dignity and integrity of the human being; greater protection is therefore needed for all of its victims. The Convention also has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

As trafficking in human beings is a world-wide phenomenon, one of the express purposes of the Convention is to promote international co-operation in the efforts to combat trafficking. In this context, it is noteworthy that the Convention is not restricted to Council of Europe member states; non-member states and the European Union also have the possibility of becoming Parties.

To be effective, and given the nature of the phenomenon, a strategy for combating trafficking in human beings must adopt a co-ordinated and multidisciplinary approach, incorporating prevention, protection of victims’ rights and prosecution of traffickers. The Convention contains various provisions in each of these three areas, placing obligations on States to take appropriate measures, in partnership with civil society and in co-operation with other States.

The measures provided for by the Convention in the area of prevention include awareness-raising for persons vulnerable to trafficking; economic and social initiatives to tackle the underlying causes of trafficking; actions aimed at discouraging demand; and putting in place border control measures to prevent and detect trafficking in human beings.

The Convention also provides for a series of measures to protect and promote the rights of victims. Victims of trafficking must be identified and recognised as such in order to avoid police and public authorities treating them as “irregular migrants” or criminals. Victims should be granted physical and psychological assistance and support for their reintegration into society. Further, by virtue of the Convention, victims are entitled to a minimum of 30 days to recover and escape from the influence of the traffickers and to take a decision about their possible co-operation with the authorities. A renewable residence permit should be granted if their personal situation so requires and/or if their continued presence is needed in order to co-operate in a criminal investigation. In addition, the Convention establishes the right of victims to receive compensation and provides for measures for their repatriation and return with due regard to the rights, safety and dignity of the victims.

In the area of substantive and procedural criminal law, the Convention places on Parties a series of obligations aimed at enabling the effective prosecution of traffickers and ensuring that they are punished in a proportionate and dissuasive manner. Particular attention is paid to the issue of victim and witness protection during investigation and court proceedings. Parties should also provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

GRETA is composed of 15 independent and impartial experts chosen for their recognised competence in the fields of human rights, assistance and protection of victims, and action against trafficking in human beings, or because of their professional experience in the areas covered by the Convention. The task of GRETA is to evaluate the implementation of the Convention by the Parties, following a procedure divided into rounds. At the beginning of each round, GRETA defines autonomously the provisions to be monitored and determines the most appropriate means to carry out the evaluation, being guided by the Rules of procedure for evaluating implementation of the Convention adopted at GRETA's 2nd meeting (16-19 June 2009). GRETA has decided that the duration of the first evaluation round shall be four years starting at the beginning of 2010 and finishing at the end of 2013.

In carrying out its monitoring work, GRETA has the right to avail itself of a variety of means for collecting information. As a first step, GRETA sends a detailed questionnaire to the authorities of the Party undergoing evaluation. It may also make additional requests for information. By virtue of the Convention, Parties are obliged to co-operate with GRETA in providing the requested information. Another important source of information is civil society and, indeed, GRETA maintains contacts with non-governmental organisations which can provide relevant information. In addition, GRETA may decide to carry out a visit to the country concerned in order to collect additional information or to evaluate the practical implementation of the adopted measures. This visit allows for direct meetings with the relevant bodies (governmental and non-governmental) and is also an occasion for GRETA to visit facilities where protection and assistance are provided to victims of trafficking and other related structures. Furthermore, GRETA may decide to organise hearings with various actors in the field of action against trafficking in human beings.

GRETA's evaluation reports are thus the result of information gathered from a variety of sources. They contain an analysis of the situation in each Party regarding action taken to combat trafficking in human beings and suggestions concerning the way in which the country may strengthen the implementation of the Convention and deal with any problems identified. In its assessment, GRETA is not bound by the case law of judicial and quasi-judicial bodies acting in the same field, but may use them as a point of departure or reference. The reports are drawn up in a co-operative spirit and are intended to assist States in their efforts; they can offer support for the changes on which the national authorities have already embarked, and lend legitimacy to the direction of national policies. Because of its multidisciplinary and multinational composition, and as a consequence of its independent approach, GRETA provides a professional and impartial international voice in this process.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each Party in plenary session. The report is sent to the relevant government for comments, which are taken into account by GRETA when establishing its final report. This final report is adopted by GRETA in a plenary session and transmitted to the Party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month for the Party to make comments, the report and conclusions by GRETA, together with eventual comments made by the national authorities, are made public and sent to the Committee of the Parties. In the context of the first evaluation round, this completes GRETA's task in respect of the Party concerned, but it is only the first stage in an on-going dialogue between GRETA and the authorities.

The second pillar of the monitoring mechanism, the Committee of the Parties, is composed of the representatives in the Committee of Ministers of the Parties to the Convention and of representatives of Parties non-members of the Council of Europe. On the basis of GRETA's reports, the Committee of the Parties may adopt recommendations addressed to a Party concerning the measures to be taken to implement GRETA's conclusions.

Executive summary

The Lithuanian authorities have taken a number of steps to develop the legal and institutional framework for combating trafficking in human beings, with the adoption of anti-trafficking legislation and the setting up of co-ordination structures and specialised units. Since 2002, Lithuania has implemented three national anti-trafficking action plans. However, at present there is no separate action plan on combating trafficking in human beings, anti-trafficking activities being part of the National Crime Prevention and Control Programme for 2013-2015. GRETA urges the authorities to adopt a specific action plan on combating trafficking in human beings and to improve the co-ordination of anti-trafficking action at national and municipal level.

A number of awareness-raising activities have been organised by the Lithuanian authorities, in co-operation with NGOs and international organisations. GRETA considers that particular attention should be paid to raising awareness of new trends in human trafficking. Targeted prevention measures should be implemented for groups vulnerable to trafficking, persons with mental disorders, children in special schools and foster homes, and men in difficult life circumstances. Further, the authorities should integrate the prevention of human trafficking in the policies to combat gender-based violence.

The identification of victims of trafficking follows a number of different procedures and guidelines, but a National Referral Mechanism is in the process of preparation and is expected to streamline the identification process. GRETA urges the Lithuanian authorities to take further steps to ensure that all victims of trafficking are properly identified and can benefit from the assistance and protection measures provided for under the Convention. Efforts should be made to improve the identification of victims of trafficking for the purpose of labour exploitation, victims among foreign nationals and among children.

GRETA welcomes the increase in State funding for NGOs providing services to victims of THB. However, GRETA urges the Lithuanian authorities to strengthen their efforts to provide support to victims of trafficking, including adequate accommodation, medical and social assistance, according to their needs.

While there are legal provisions and a procedure for granting of a recovery and reflection period to foreign victims of trafficking, no victim has benefited from such a period. GRETA urges the Lithuanian authorities to review the procedure for granting a recovery and reflection period and to ensure that all possible victims of trafficking are systematically informed about this period and can benefit from it. Further, GRETA urges the authorities to adopt a clear legal and policy framework for the return of trafficked persons, with due regard to their safety and dignity.

Despite the existence of legal possibilities for compensation and the availability of legal aid, GRETA considers that additional steps should be taken to facilitate access to compensation for victims of trafficking, including by building the capacity of legal practitioners to support victims to claim compensation. Further, GRETA asks the Lithuanian authorities to review the legislation in order to make it possible for victims of trafficking to receive State compensation regardless of whether criminal proceedings are initiated.

GRETA welcomes the existence of a specific provision in Lithuanian legislation concerning the non-punishment of victims of trafficking for offences that they have been compelled to commit. However, in the light of reports that victims of trafficking for the purpose of sexual exploitation are sometimes not recognised as such and are subject to administrative fines, GRETA considers that the Lithuanian authorities should ensure that the non-punishment provision is applied in practice, including through developing guidance for police officers and prosecutors.

GRETA urges the Lithuanian authorities to strengthen their efforts to ensure that crimes related to human trafficking for all types of exploitation are proactively investigated and effectively prosecuted, leading to effective, proportionate and dissuasive sanctions. Further, the authorities should take steps to guarantee the effective application of the legal provisions concerning the confiscation of traffickers' assets. In this context, GRETA considers that there is need for improvement of the training and specialisation of investigators, prosecutors and judges to tackle this complex crime. GRETA also asks the authorities to make full use of the available measures to protect victims of trafficking, including the victim/witness protection programme.

I. Introduction

1. Lithuania deposited the instrument of ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) on 26 July 2012. The Convention entered into force for Lithuania on 1 November 2012.¹

2. As established in Article 36(1) of the Convention, the Group of Experts on Action against Trafficking in Human Beings (“GRETA”) monitors the implementation of the Convention by the Parties. GRETA does so in conformity with the procedure laid down in Article 38 of the Convention and the Rules on the evaluation procedure of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties. For the first evaluation round, GRETA drew up a monitoring timetable according to which the Parties to the Convention were divided into groups, Lithuania being in the fourth group of Parties to be evaluated.

3. In accordance with Article 38 of the Convention, GRETA proceeded with the examination of the measures taken by Lithuania to implement the provisions set out in the Convention. The “Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties – first evaluation round” was sent to Lithuania on 15 November 2013. The deadline for replying to the questionnaire was 15 March 2014. Lithuania submitted its reply on 30 April 2014.²

4. In preparation of the present report, GRETA used the reply to the questionnaire by Lithuania, other information collected by GRETA and information received from civil society. In addition, an evaluation visit to Lithuania took place from 19 to 22 May 2014, carried out by the following delegation:

- Ms Alina Braşoveanu, First Vice-President of GRETA;
- Ms Kateryna Levchenko, member of GRETA;
- Mr David Dolidze, Administrator at the Secretariat of the Convention on Action against Trafficking in Human Beings.

5. During the visit, the GRETA delegation met with representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Social Security and Labour, the Ministry for Foreign Affairs, the Ministry of Education and Science, the Ministry of Health, the Prosecutor’s Office, Vilnius Regional Court, the National Courts Administration and Vilnius Municipality. The delegation also held discussions with representatives of the Lithuanian Parliament and the Ombudsman for Children’s Rights. These meetings (see Appendix II) took place in a spirit of close co-operation.

6. The GRETA delegation held separate meetings with representatives of non-governmental organisations (NGOs) active in combating trafficking in human beings and the International Organization for Migration (IOM). GRETA is grateful for the information provided by them.

7. Further, in the context of the evaluation visit to Lithuania, the GRETA delegation visited an NGO-run crisis centre for men victims of trafficking in Kaunas and a crisis centre for women victims of violence, including victims of trafficking, in Vilnius municipality.

8. GRETA is grateful for the assistance provided by the contact person appointed by the Lithuanian authorities, Ms Reda Sirgedienė, Advisor in the Public Safety Sectors Co-ordination and Control Division of the Public Safety Policy Department of the Ministry of the Interior.

¹ The Convention as such entered into force on 1 February 2008, following its 10th ratification.

² Upon the request of the Lithuanian authorities, in consideration of Lithuania’s Presidency of the Council of the European Union and the corresponding reporting period in February 2014, GRETA agreed to extend the deadline for submitting the reply until 30 April 2014.

9. The draft version of the present report was adopted by GRETA at its 21st meeting (17-21 November 2014) and was submitted to the Lithuanian authorities for comments on 19 December 2014. The comments were received on 25 February 2015 and were taken into account by GRETA when drawing up the final evaluation report, which was adopted at the 22nd meeting (16 - 20 March 2015).

II. National framework in the field of action against trafficking in human beings in Lithuania

1. Overview of the current situation in the area of trafficking in human beings in Lithuania

10. Lithuania is mostly a country of origin of victims of trafficking in human beings (THB), but also to a certain extent a country of destination. According to information provided by the Ministry of the Interior, the number of identified victims of THB was 22 in 2011, 14 in 2012 and 47 in 2013. All but two of the identified victims were Lithuanian nationals.³ The main countries of destination were Germany, Poland, the Netherlands and the United Kingdom. The majority of the identified victims were female. In 2012, there was one man identified as victim of trafficking, and in 2013, 18 men. As regards child victims, three were identified in 2011, eight in 2012, and 10 in 2013. While most of the victims identified in 2011 and 2012 were trafficked for the purpose of sexual exploitation, in 2013 the majority of victims (28) were trafficked for the purpose of exploitation in criminal activities. The number of identified victims of THB for the purpose of labour exploitation was four in 2012 and four in 2013.

11. GRETA notes that the above figures do not reveal the full scale of human trafficking in Lithuania as little attention is paid to trafficking taking place within Lithuania and there are shortcomings in the identification of victims of trafficking for different forms of exploitation.

2. Overview of the legal and policy framework in the field of action against trafficking in human beings

a. Legal framework

12. At the international level, in addition to the Council of Europe Convention on Action against Trafficking in Human Beings, Lithuania is Party to the United Nations Convention against Transnational Organised Crime (ratified in 2002), its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (both ratified in 2003). Lithuania is also Party to the UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (ratified in 1992 and 2004, respectively), the Convention on the Elimination of All Forms of Discrimination against Women (ratified in 1994), as well as conventions elaborated under the International Labour Organisation (ILO).⁴ Further, Lithuania is Party to a number of Council of Europe conventions in the criminal field which are relevant to action against THB.⁵

13. As regards domestic legislation, the offence of trafficking in human beings for the purpose of sexual exploitation was introduced into the Lithuanian Criminal Code (CC) in 1998. Following the adoption of the new CC in 2003, THB for the purpose of different types of exploitation is criminalised under Article 147 of the CC. Further, Article 157 of the CC criminalises the purchase or sale of a child for the purpose of exploitation. In June 2012, the CC was amended through Law No. XI-2198, which brought changes to Articles 147, 147¹, 157 and 303 (destruction or concealment of a seal, stamp or document) and introduced the criminalisation of the use of services of a victim of THB (Article 147²).

³ Two Polish nationals were identified as victims of THB, respectively in 2011 and 2013.

⁴ Convention concerning Forced or Compulsory Labour (No.29), Convention concerning the Abolition of Forced Labour (No.105), both ratified in 1994, and Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No.182), ratified in 2003.

⁵ In particular, the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the European Convention on Mutual Assistance in Criminal Matters and its two Additional Protocols, the European Convention on Extradition and its two Additional Protocols, and the European Convention on the Transfer of Proceedings in Criminal Matters.

14. According to the Lithuanian authorities, provisions relevant to combating THB are contained in the Law on Legal Protection of Personal Data Processed during Police and Judicial Co-operation in Criminal Cases, the Law on Protection of the Participants of Criminal Process and Criminal Intelligence, Officers of Justice and Law Enforcement Institutions against Criminal Influence, the Law on Fundamentals of Protection of the Rights of the Child, the Law on State-Guaranteed Legal Aid, the Law on Social Services, the Law on Compensation for Damages Caused by Violent Crimes, the Law on Protection against Domestic Violence, the Law on Support for Employment, and the Law on the Legal Status of Aliens. Furthermore, the Code of Criminal Procedure (CCP) contains provisions relevant to protecting and assisting victims and witnesses of crime.

15. Secondary legislation relevant to action against THB includes:

- Government Resolution No. 430 of 18 April 2012 approving the procedure for granting a reflection period to foreign nationals who are victims of THB;
- Order No. V-230 of 12 December 2012 of the Minister of Foreign Affairs approving the procedure for the use of funds under the Inter-institutional Action Plan for the Implementation of the National Crime Prevention and Control Programme 2013-2015;
- Order No. 1V-750 of 6 September 2013 of the Minister of the Interior on the implementation of Articles 19 and 20 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.

b. National Action Plans

16. The first National Action Plan for combating THB for sexual exploitation and prostitution adopted by the Lithuanian Government covered the period from 2002 to 2004. Subsequently, the Lithuanian authorities adopted the second (2005-2008) and the third (2009-2012) anti-trafficking action plans, which included measures addressing different types of exploitation.

17. At present there is no separate action plan on combating THB in Lithuania, anti-trafficking activities being part of the Inter-institutional Action Plan for the Implementation of the National Crime Prevention and Control Programme for 2013-2015, which was approved by the Lithuanian Government on 14 November 2012. The Action Plan includes activities aiming at preventing THB, providing assistance to victims of THB and forced prostitution and increasing the effectiveness of international co-operation in combating THB. On 25 September 2013 the Government supplemented the Action Plan with additional measures for combating THB, which should be implemented until 2016.⁶

18. The implementation of the Action Plan is under the responsibility of an Inter-institutional Commission set up by the government in 2009 (see paragraph 19). The bodies responsible for implementing anti-trafficking activities under the Action Plan include the Ministry of the Interior (including the Police Department), the Ministry of Social Security and Labour (including the Lithuanian Labour Exchange), and the Ministry of Foreign Affairs.

⁶ Government Resolution No. 862 of 25 September 2013.

3. Overview of the institutional framework for action against trafficking in human beings

a. Inter-institutional Commission and informal anti-trafficking network

19. The Inter-institutional Commission for the Implementation of the National Crime Prevention and Control Programme was set up on 1 July 2009.⁷ The current composition of the Commission was approved on 3 April 2013 by Decree No. 118 of the Prime Minister and includes representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Social Security and Labour, the Ministry of Health, the Ministry of Education and Science, the Ministry of Environment, the Ministry of Finance, the Ministry of Economy, the Office of the President of Lithuania, the Parliament, the Office of the Government, the Special Investigations Service, the Police Department and the Financial Crimes Investigation Service, the Prosecutor General's Office, the National Security Department, the Prison Department, the Lithuanian Institute of Law, the Universities of Vilnius and Mykolas Romeris, and Alytus District Municipality. The Commission is chaired by the Minister of the Interior.

20. The Commission is responsible for preparing and submitting for approval to the Government the Action Plan for the implementation of the National Crime Prevention and Control Programme and co-ordinating its implementation, as well as assessing its implementation and submitting annual reports to the Government, which are made public. The Commission meets at least once a year. Its secretariat is provided by the Ministry of the Interior. GRETA was informed that in 2002-2012 a dedicated working group on combating THB operated under the Ministry of the Interior, but it no longer exists.

21. In addition, an informal anti-trafficking network has been set up, consisting of specialists from competent institutions, units and organisations. This network aims to facilitate the exchange of information among specialists and co-ordinate anti-trafficking action of their respective bodies and organisations. Currently, the informal network consists of representatives of the Ministries of the Interior, Justice, Social Security and Labour, Health, Education and Science, and Foreign Affairs, the Prosecutor General's Office, the Police and Migration Departments and the State Border Guard Service, the Lithuanian Labour Exchange and State Labour Inspectorate, the National Courts Administration, the Association of Local Authorities (representing municipalities), the NGOs Lithuanian Caritas, Missing Persons' Families Support Centre, Klaipeda Social and Psychological Support Centre, Men's Crisis Centre, Association of Women Affected by HIV/AIDS and their relatives, as well as the IOM Office in Vilnius.

22. GRETA was informed that during the implementation of the Action Plan for 2009-2012 multidisciplinary groups were set up in the 10 largest towns of Lithuania, which were responsible for the co-ordination of anti-trafficking activities at the municipal level. The municipalities have taken an autonomous approach to co-ordination, which has been organised differently from one municipality to another. At present, separate anti-trafficking multidisciplinary groups are operating in Kaunas, Klaipeda, Alytus, Marjampole, Taurage, and Telsiai municipalities, whereas in Vilnius, Siauliai and Panevezys municipalities' anti-trafficking functions have been added to already existing multidisciplinary groups. The composition of these groups varies, but in general they include representatives of the Police, the Prosecutor's Office, the Labour Exchange Office, the municipality's administration and NGOs.

⁷

Pursuant to Resolution No. 675 of the Lithuanian Government.

b. Specialised prosecutors and police units

23. There are seven prosecutors specialised in investigating THB cases, including two at the headquarters and one in each of the five county prosecutor's offices.

24. The Criminal Police Bureau has a special division, consisting of eight investigators, which is responsible for prevention, disclosure and investigation of THB offences. Further, in each of the 10 county police headquarters there is one designated officer who acts as a THB focal point responsible for prevention and investigation of acts related to THB. The Criminal Police Bureau co-ordinates the operation of county police units and supervises the gathering of intelligence and pre-trial investigations.

c. Anti-trafficking specialists in other public bodies

25. The State Border Guard Service has two designated officers responsible for combating THB. The Labour Exchange (under the Ministry of Social Security and Labour) has an official responsible for THB issues. The Ministry of Foreign Affairs has also appointed an official responsible for issues relating to combating THB. The National Courts Administration has a designated specialist on THB. Further, the Ministry of Social Security and Labour, the Ministry of Education and Science, the Ministry of Health and the Ministry of Justice, as well as the Association of Local Authorities all have specialists responsible for preventing and combating THB.

d. NGOs, other civil society actors and international organisations

26. NGOs in Lithuania play an important role in providing assistance to victims of THB, training relevant professionals and conducting awareness-raising activities. Since December 2011 NGOs specialising in preventing THB and assisting its victims have been represented in the informal network of specialists (see paragraph 21).

27. The Lithuanian Caritas provides assistance to victims of THB, carries out awareness-raising activities and organises training for different professionals. It is currently operating in 13 towns and provides accommodation and support to women victims of THB in different regions of the country. The Missing Persons' Families Support Centre detects victims of THB while searching for missing persons, especially children, and provides training on THB to prosecutors and police officers. Klaipeda Social and Psychological Support Centre, a member of the European Women's Lobby, provides assistance to women victims of violence and THB and operates a hotline which is available 11 hours a day.⁸ Through its activities the Centre aims to integrate victims into society and facilitate their access to the labour market. For the past three years the association Men's Crisis Centre has been working on THB, aiming to identify and assist victims of forced labour and forced begging amongst vulnerable men. The association also conducts discussions and other awareness-raising activities in schools, with a focus on the risks of THB for labour exploitation. These four NGOs are partly financed by the Ministry of Social Security and Labour.

28. The IOM Office in Vilnius began implementing anti-trafficking activities in 2000. Until 2009 these included direct assistance to and repatriation of Lithuanian victims, and trainings for police, prosecutors, school teachers and other relevant professionals. Further, a database collecting information from all NGOs providing assistance to victims was set up. As of 2009 the anti-trafficking activities of the IOM Office have been intermittent. In 2013 a new project on prevention of THB was launched. This project aims at increasing awareness of different aspects of THB amongst social workers and other professionals who assist THB victims and deal with potential victims.

⁸ The hotline receives up to 7 000 calls a year, but only a few of them concern THB.

III. Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania

1. Integration of the core concepts and definitions contained in the Convention in the internal law

a. Human rights-based approach to action against trafficking in human beings

29. Article 1(1)(b) of the Convention establishes as one of its purposes the protection of the human rights of the victims of trafficking. Further, Article 5(3) includes the obligation for Parties to promote a human rights-based approach in the development, implementation and assessment of the policies and programmes to prevent THB. The Explanatory Report on the Convention states that the main added value of the Convention is its human rights perspective and focus on victim protection. In the same vein, the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking emphasise that “the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims”.⁹

30. THB constitutes an offence to the dignity and fundamental freedoms of the human being and thus a grave violation of human rights. GRETA emphasises the obligations of States to respect, fulfil and protect human rights, including by ensuring compliance by non-State actors, in accordance with the duty of due diligence. A State that fails to fulfil these obligations may, for instance, be held accountable for violations of the European Convention on Human Rights and Fundamental Freedoms (the ECHR). This has been confirmed by the European Court of Human Rights in its judgment in the case of *Rantsev v. Cyprus and Russia*, where the Court concluded that THB within the meaning of Article 3(a) of the Palermo Protocol and Article 4(a) of the Anti-Trafficking Convention, falls within the scope of Article 4 of the European Convention on Human Rights¹⁰ (which prohibits slavery, servitude and forced or compulsory labour). The Court further concluded that Article 4 entails a positive obligation to protect victims or potential victims, as well as a procedural obligation to investigate trafficking.¹¹

31. The Convention on action against trafficking in human beings requires States to set up a comprehensive framework for the prevention of THB, the protection of trafficked persons as victims of a serious human rights violation, and the effective investigation and prosecution of traffickers. Such protection includes steps to secure that all victims of trafficking are properly identified. It also involves measures to empower trafficked persons by enhancing their rights to adequate protection, assistance and redress, including recovery and rehabilitation, in a participatory and non-discriminatory framework. Further, measures to prevent THB should be taken in the field of socio-economic, labour and migration policies.

32. GRETA wishes to stress the need for States to also address THB as a form of violence against women and to take account of gender-specific types of exploitation, as well as the particular situation of child victims of trafficking, in line with the relevant international legal instruments.¹²

⁹ Addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add. 1), <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

¹⁰ *Rantsev v. Cyprus and Russia*, no. 25965/04, paragraph 282, ECHR 2010.

¹¹ See: *Siliadin v. France*, application No. 73316/01, judgment of 26 July 2005, ECHR 2005 VII; *C.N. and V. v. France*, application No. 67724/09, judgment of 11 October 2012, and *C.N. v. United Kingdom*, application No. 4239/08, judgment of 13 November 2012.

¹² Such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the United Nations Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

33. The Lithuanian authorities have indicated that human rights which are violated in cases of trafficking are protected by the Lithuanian Constitution (the right to life, the right to liberty, the inviolability of the person, the protection of dignity of the human being, the prohibition of torture, the inviolability of the private life and the prohibition of forced labour). THB as a criminal offence is included in Chapter XX of the CC entitled “Crimes against Human Liberty”, which, according to the authorities, would suggest that THB is considered as a violation of human rights. In its ruling of 29 December 2004, the Lithuanian Constitutional Court stated that “the majority of especially dangerous crimes, for example, terrorism, trafficking in people, criminal trade in weapons and drugs, money laundering, financial crimes and crimes related to corruption, are often committed by organised criminal groups (syndicates). If organised crime were not prevented and the organised criminal groups (syndicates) were not prosecuted, the constitutional values, *inter alia*, the rights and freedoms of the person, the legal basis of society entrenched in the Constitution, the state as an organisation of the entire society and the entire society would be under threat.”¹³ In this ruling the Constitutional Court affirmed that a state should be able to effectively protect and safeguard citizens and society at large against crimes and other dangerous violations of the law through setting up and applying a system of measures for reduction and limiting of crimes, especially organised crime, including adequate preventive measures against the threats of organised crime.

34. During the evaluation visit, the GRETA delegation was informed that combating THB is among the priorities of the Human Rights Committee of the Lithuanian Parliament. Every year the Parliament examines a report on the implementation of human rights, which includes the topic of THB. In 2013 a group of parliamentarians called “Parliamentarians against human trafficking” was set up.

35. The human rights-based approach to action against THB entails transparency and accountability on the part of the State through the adoption of a national policy and action plans for combating trafficking in human beings, the co-ordination of the efforts of all relevant actors, the regular training of relevant professionals, research and data collection, and the provision of adequate funding for the implementation of all these measures. The following sections of this report examine in detail the effectiveness of the policies and measures taken by the Lithuanian authorities in these fields.

b. Definitions of “trafficking in human beings” and “victim of THB” in Lithuanian law

i. *Definition of “trafficking in human beings”*

36. In accordance with Article 4(a) of the Convention, trafficking in human beings includes three components: an action (“the recruitment, transportation, transfer, harbouring or receipt of persons”); the use of certain means (“threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”); and the purpose of exploitation (“at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”). In the case of children, pursuant to Article 4(c) of the Convention, it is irrelevant whether the means referred to above have been used.

¹³ [Ruling](#) of the Constitutional Court on the compliance of Article 3 (wording of 26 June 2001), Article 4 (wordings of 26 June 2001 and 3 April 2003), paragraph 3 of Article 6 (wording of 26 June 2001) and paragraph 1 of Article 8 (wording of 26 JUNE 2001) of the Law on the Restraint of Organised Crime with the Constitution of the Republic of Lithuania.

37. Article 147 of the CC (“Trafficking in human beings”) reads as follows:

“1. A person who sells, purchases or otherwise conveys or acquires a person or recruits, transports or holds in captivity a person by using physical violence or threats or by otherwise depriving him of a possibility of resistance, or by taking advantage of the victim’s dependence or vulnerability, or by resorting to deceit, or by accepting or paying money or by obtaining or granting any other benefit to a person who actually has the victim under his control, where the offender is aware of or seeks exploitation of the victim, irrespective of the latter’s consent, for the purposes of slavery or under the conditions similar to slavery, prostitution, pornography or any other forms of sexual exploitation, forced labour or services including begging, or for the commission of a criminal offence or for any other exploitative purposes – shall be punished by imprisonment for a term from two to 10 years.

2. A person who commits the act provided for in Paragraph 1 of this Article in respect of two or more victims or by endangering the victim’s life, or by participating in an organised group, or by being aware of or seeking the acquisition of the victim’s organ, tissue or cells, or while acting in his capacity as a civil servant or a person fulfilling public administration functions and performing his duties – shall be punished by imprisonment for a term from four to 12 years.

3. The victim of the criminal offence provided for in this Article may be released from criminal liability for the criminal offence which he has been directly forced to commit because of the criminal offence provided for in this Article committed against him.

4. A legal entity shall also be held liable for the acts provided for in Paragraphs 1 and 2 of this Article.”¹⁴

38. In addition, Article 157 of the CC (“Purchase or sale of a child”) reads:

“1. A person who offers to purchase or otherwise acquire a child or sells, purchases or otherwise conveys or acquires a child, or recruits, transports or holds in captivity a child, while being aware of or seeking that the child, irrespective of the latter’s consent, be illegally adopted or exploited for the purposes of slavery or under the conditions similar to slavery, prostitution, pornography, any other forms of sexual exploitation, forced labour or services including begging, or for the commission of a criminal offence or for any other exploitative purposes – shall be punished by imprisonment for a term from three to 12 years.

2. A person who commits the act provided for in Paragraph 1 of this Article in respect of two or more children or against young children, or by endangering the victim’s life, or by participating in an organised group, or by being aware of or seeking the acquisition of the victim’s organ, tissue or cells, or while acting in his capacity as a civil servant or a person fulfilling public administration functions and performing his duties – shall be punished by imprisonment for a term from five to 15 years.

3. The victim of the criminal offence provided for in this Article may be released from criminal liability for the criminal offence which he has been directly forced to commit because of the criminal offence provided for in this Article committed against him.

4. A legal entity shall also be held liable for the acts provided for in Paragraphs 1 and 2 of this Article.”

39. The definition of THB under Article 147 of the CC contains the elements of action, means and purpose, as defined by Article 4 of the Convention. As regards the means, GRETA notes that “fraud” and “abduction” are not specifically mentioned in Article 147 of the CC. The Lithuanian authorities have explained that “fraud” is covered by the Lithuanian word “*apgaulė*” which has been translated as “deceit”¹⁵, and that there are no separate words for “fraud” and “deception” in Lithuanian. As for “abduction”, the authorities maintain that it is covered by the term “holding a person in captivity”, which is one of the actions under Article 147 of the CC, and that listing “abduction” among the means would not make any difference in the practical application of this article.

¹⁴ Unofficial translation provided by the Lithuanian authorities.

¹⁵ In Article 147 of the CC, “resorting to deceit” is the translation of the Lithuanian term “*arba panaudodamas apgaulę*”.

40. GRETA notes with satisfaction that the types of exploitation included in Articles 147 and 157 of the CC are in conformity with Article 4 (a) of the Convention, while remaining open-ended, thus allowing that THB for any new types of exploitation is covered by this definition. Further, GRETA notes that Articles 147 and 157 specifically state that the consent of a victim of THB to exploitation is irrelevant for establishing the offence of THB. In addition, Article 157 of the CC does not require the use of means when it comes to trafficking in children, as required by Article 4 (c) of the Convention.

41. For further analysis of the definition of THB and related offences from a substantive criminal law perspective, see paragraphs 150-155.

ii. Definition of “victim of THB”

42. The Convention defines “victim of THB” as “any natural person who is subjected to THB as defined in Article 4 of the Convention”. Recognition of victims of trafficking as such is essential as it gives rise to their entitlement to the broad range of protection and assistance measures set out in the Convention.

43. According to the Lithuanian authorities, any person who has been subject to offences under Article 147 or 157 of the CC will be recognised as a victim of trafficking. Article 28 of the CC provides that “a natural person physically, materially or morally injured by a criminal act shall be declared a victim.” Outside criminal proceedings, in the context of providing assistance, a broader definition is applied and victims of THB may be identified by staff of the State Border Guard, officials of labour exchange offices, labour inspectors and NGOs (see paragraphs 102 and 109).

44. The question of the definition of victim of THB will be further discussed in the sections of this report dealing with the identification of victims and the assistance measures provided to them, along with the related proposals made by GRETA (see paragraphs 113 and 125).

- c. Comprehensive approach to action against THB, co-ordination of all actors and actions, and international co-operation

i. Comprehensive approach and co-ordination

45. One of the aims of the Convention is to design a comprehensive framework for the protection of and assistance to victims and witnesses. To be effective, any national action to combat THB must be comprehensive and multi-sectoral, and take on board the required multidisciplinary expertise. Article 29(2) of the Convention requires Parties to take measures to ensure the co-ordination of national policies and actions against THB, including through the setting-up of specific co-ordinating bodies. Further, the Convention refers to the need to co-operate and build strategic partnership with civil society through co-operative frameworks that can help governments fulfil their obligations under the Convention (Article 35).

46. The Lithuanian anti-trafficking framework places the main emphasis on combating THB for different types of exploitation of Lithuanian nationals abroad. According to paragraph 58 of the National Crime Prevention and Control Programme, THB is mostly a transnational organised crime and the main measures to be taken by the Lithuanian authorities in order to combat it should focus on addressing the root causes of THB and the involvement of persons in prostitution (unfavourable living conditions, unemployment, domestic violence), informing the general public about the risks of THB, ensuring rehabilitation of victims of THB through social, psychological and legal support, and developing an effective collection and exchange of data concerning THB. GRETA notes that the updated Action Plan referred to in paragraph 17, which provides for additional measures to be taken until 2016, does not include any measures to address THB resulting in exploitation within Lithuania, be it of Lithuanian or foreign nationals.

47. GRETA was informed that two evaluation reports had been published on the implementation of the national action plans on combating THB, in 2007 and in 2009. In the summer 2014 the National Audit Office of Lithuania initiated an evaluation of anti-trafficking activities and structures, as well as of the implementation of the Crime Prevention and Control Programme. The evaluation report is expected to be issued by the summer of 2015. **GRETA would like to be kept informed about the outcome of this evaluation.**

48. GRETA notes that the Inter-institutional Commission, responsible for implementing the National Crime Prevention and Control Programme, met at the end of 2013 to approve the annual overview of activities, which was transmitted to the Government in the beginning of 2014. However, GRETA is concerned by the fact that the Action Plan has not been backed by a dedicated budget either at state or at local level. GRETA also notes that the current financial and human resources of the secretariat of the Inter-Institutional Commission, composed of two persons, are insufficient for the Commission to co-ordinate anti-trafficking activities in an effective manner.

49. The function of National Co-ordinator was assigned by Government Resolution¹⁶ to the Minister of the Interior, in his capacity as Chair of the Inter-institutional Commission for the Implementation of the National Crime Prevention and Control Programme. Further, pursuant to Order No. IV-750 of 6 September 2013, the Public Security Department of the Ministry of the Interior performs the functions of National Rapporteur. In this respect, GRETA notes that considerable advantages can be drawn from appointing an independent national rapporteur or designating another independent mechanism for collecting information on the dynamics of THB¹⁷. **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).**

50. While welcoming the participation of specialised NGOs in the informal network, GRETA notes that NGOs do not take part in the work of the Inter-Institutional Commission. Further, trade unions have not been involved in anti-trafficking initiatives in Lithuania so far, except for the Adstringo project (see paragraph 69), which was implemented in 2012-2014. NGOs representatives shared the view that anti-trafficking co-ordination used to be more efficient during the implementation of the specific action plans on combating trafficking in the period before 2013. Representatives of public bodies concurred that even though daily co-operation of anti-trafficking actors had improved, co-ordination was still not institutionalised and its effectiveness often relied on existing personal contacts.

51. Concerning co-ordination at the municipal level, GRETA welcomes the existence of multidisciplinary groups in several municipalities (see paragraph 22) involving relevant institutions such as the local prosecutor's office, police and NGOs. In 2014, the regional project "Strengthening the role of municipalities in the work against trafficking in human beings in the Baltic Sea Region" was launched. In Lithuania, the project is led by the Association of Local Authorities of Lithuania. Specific guidelines for municipalities on how to deal with cases of THB and develop local referral mechanisms will be developed in 2015.

52. GRETA was informed of emerging trends, such as THB for labour exploitation, including within Lithuania, as well as reports of trafficking for forced criminality and forced begging, often involving children. The age of the victims is becoming lower. Further, marriages of convenience of Lithuanian women abroad (most often in the United Kingdom) are another emerging phenomenon, which in some cases have reportedly resulted in women being subjected to exploitation. Many of these cases were not recognised as THB in the countries where they occur, which was one of the difficulties in identifying victims and investigating the offences.

53. 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.

¹⁶ Resolution No. 675 of the Lithuanian Government, which set up the Inter-institutional Commission.

¹⁷ Fourth General Report on GRETA's activities covering the period from 1 August 2013 to 30 September 2014.

54. 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.

55. 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.

ii. Training of relevant professionals

56. Training of police officers and staff of labour exchange offices on issues related to THB is among the activities contained in the Action Plan referred to in paragraph 17. Officers of the Criminal Police Bureau conduct training for colleagues from territorial police units and specialists from other institutions (criminal and public police officers, newly appointed investigators, consular staff). According to the authorities, twice a year the Police School organises training courses on prevention of THB involving 32 police officers. Further, since 2012, two instructors of the Border Guard School are trained by Frontex on issues relating to combating THB. As of 2013 the Border Guard School has organised training courses for officers performing checks at border crossing points to enable them to detect THB cases. In addition, all first year students of the Border Guard School are trained on trafficking identification indicators and techniques. According to representatives of the Border Guards, in 2013 this training involved 47 officers, while in the first half of 2014 the number of trained officers reached 50.

57. Training for employees of labour exchange offices is provided twice a year focussing on detecting problems of inclusion of victims and potential victims of THB into the labour market and on possible solutions to such problems. Until 2014, each training involved 15 specialists. In 2014 training was provided to 81 employees of labour exchange offices. Further, the Ministry of Foreign Affairs organises training for consular officials before they take up their duties abroad on identification of victims of THB and their referral to assistance.

58. In 2013 the National Courts Administration, in co-operation with the NGO Lithuanian Caritas, implemented a project entitled "Assistance to Victims of Prostitution and Trafficking in Human Beings" which involved training of judges on "Problems and solutions of combating trafficking in human beings in Lithuania. The psychological portrait of a victim: vulnerability and dependence". Some 135 judges and assistant judges participated in this training. Further, on 24 March 2014, a training on the prosecution of trafficking cases was organised by the Embassy of the USA in Lithuania and the Prosecutor General's Office. This training was attended by 19 judges, two assistant judges and one advisor to a court chairman.

59. Training in the field of THB is periodically organised for prosecutors in co-operation with Lithuanian and foreign specialists. At the time of the evaluation visit the Prosecutor General's Office, in co-operation with the Ministry of Justice of Estonia, was implementing a project entitled "Improving Victim Support during Criminal Proceedings: Anti-trafficking Training for Criminal Justice System Practitioners". GRETA was informed that as there were seven prosecutors in Lithuania specialised in THB, the authorities considered it would not be efficient to organise separate training for them, but rather involved prosecutors in other trainings for legal professionals, such as judges and police investigators. In 2012-2014 prosecutors attended a number of training activities and seminars, some of which involved other professionals as well. The topics covered by these activities included child trafficking for the purpose of forced criminality and forced begging, combating prostitution and trafficking, international co-operation and investigation of trafficking offences, and strengthening of the assistance to victims of THB in criminal proceedings.

60. Training activities on THB have also been organised by the IOM Office in Vilnius together with the Lithuanian Caritas and Save the Children Lithuania under the Operational Programme for the Development of Human Resources 2007-2013, funded by EU structural funds and run by the Ministry of Social Security and Labour. By way of example, Caritas organised training for target groups in five towns with 24 participants. In 2014, IOM organised 10 training courses in different municipalities involving 198 social service providers as well as training on THB for Vilnius county police officers (25 participants), future border guards (150 participants), and border guards in service (40 participants). The Lithuanian Caritas, in co-operation with Lithuanian and Norwegian partner organisations, is implementing a sub-project entitled "Lithuanian society against trafficking in persons: the systematic approach model", which aims to develop a model of sustainable assistance to victims of THB by teams composed of NGO representatives, police officers, prosecutors, social workers, child rights officers and representatives of municipalities. In 2013-2014, Caritas organised over 30 educational and training activities in the majority of the towns of Lithuania with the participation of police officers, prosecutors, judges, social workers, volunteers, municipal staff and teachers.

61. In 2013-2014 there were training sessions for municipal social workers on how to work with families at social risk, including those vulnerable to THB, with funding from the Ministry of Social Security and Labour.

62. In 2015 anti-trafficking training is planned for staff of municipalities under the regional project "Strengthening the role of municipalities in the work against trafficking in human beings in the Baltic Sea Region", which aims, *inter alia*, to provide local stakeholders with the knowledge and tools for efficient handling of human trafficking cases and to expand the regional co-operation network for combating THB.

63. 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.

iii. Data collection and research

64. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. An essential element is the regular availability of comprehensive statistical information on both trends in human trafficking and on the performance of the main actors in the fight against trafficking. The collation of data from different state institutions and NGOs raises concerns about data protection, especially when personal data are involved. International standards have been set for the collection, storage, transfer, compilation and dissemination of data. In order to ensure full compliance with these standards, Parties are expected to apply appropriate measures and techniques of data protection. An additional requirement for human rights-based anti-trafficking policies is the conduct of research and analysis with special attention to the rights and interests of victims.

65. In Lithuania, the Public Security Policy Department of the Ministry of the Interior has been collecting and analysing information concerning THB since 2003. This Department is also responsible for collecting and analysing information concerning THB and the measures taken to combat it, which is published on the Ministry's website as of 2011. Twice a year, the Public Security Policy Department collects information from the Information Technology and Communication Department, the Police and the Migration Department, as well as the State Border Guard Service within the Ministry.

66. The Ministry of the Interior may request information relevant to combating THB from other competent institutions and organisations, including municipalities and the IOM office in Vilnius. The Ministry of Social Security and Labour transmits to the Ministry of the Interior information on services provided to victims of THB which were covered from the state budget. Statistics concerning police investigations for different criminal offences including THB are stored at the Information Technology and Communications Department under the Ministry of the Interior.

67. According to a report by the Council of Baltic Sea States (CBSS) entitled “Hard Data – Data collection mechanisms on Human Trafficking in the Baltic Sea Region”, the Lithuanian police have signed Memoranda of Understanding on the exchange of information with specialised NGOs, namely Lithuanian Caritas (2006) and the Missing Persons’ Families Support Centre (2004).¹⁸ These Memoranda regulate the exchange of information concerning THB offences and victims, as well as co-operation in providing emergency assistance and protection to victims of trafficking. Further, a database management system “Lithuanian Court Information System” (LITEKO), operated by the National Courts Administration, gathers data on cases from all 67 courts in Lithuania. As of 2008, statistical data regarding criminal cases, civil cases and cases of administrative violations is made public on the website of the National Courts Administration. The data on criminal cases can be disaggregated according to the offences established under the CC.

68. 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.

69. As regards research relating to THB, in 2012-2014, the Ministry of the Interior and the European Institute for Crime Prevention and Control (HEUNI), the CBSS Task Force against Trafficking in Human Beings (TF-THB) and the University of Tartu implemented the EU-funded project “ADSTRINGO: Addressing Trafficking in Human Beings for Labour Exploitation through Improved Partnerships, Enhanced Diagnostics and Intensified Organisational Approaches”.¹⁹ As part of this project sociological research was carried out regarding the methods of recruiting victims of THB for forced labour and the role of employment agencies and employers in Lithuania, Estonia, Sweden and Finland. The report reflecting the outcome of this research was published in 2013.²⁰ The project also involved the production of guidelines to prevent abusive recruitment, exploitative employment and trafficking of migrant workers in the Baltic Sea Region.

70. Further, GRETA was informed that the NGO Men’s Crisis Centre, with financial support from Switzerland, was carrying out a survey to examine the push-factors for men accepting dubious job offers abroad, which often lead to exploitation.

71. 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.

iv. International co-operation

¹⁸ <http://www.cbss.org/wp-content/uploads/2013/04/Hard-Data.pdf>

¹⁹ <http://www.heuni.fi/en/index/researchareas/humantrafficking/adstringo-addressingtraffickinginhumanbeingsforlabourexploitationthroughimprovedpartnershipsenhanceddiagnosticsandintensifiedorganisationalapproaches.html>

²⁰ N. Ollus, A. Jokinen, M. Joutsen (eds.), *Exploitation of Migrant Workers in Finland, Sweden, Estonia and Lithuania: Uncovering the links between recruitment, irregular employment practices and labour trafficking*, HEUNI, Helsinki, 2013.

72. The Convention requires Parties to co-operate with each other “to the widest extent possible” in order to prevent and combat THB, protect and assist victims, and investigate related criminal offences (Article 32).

73. The Lithuanian authorities have indicated that the legal basis for international judicial co-operation is the European Convention on Mutual Legal Assistance in Criminal Matters and its additional protocols. Further, legal co-operation with EU Member States is governed by the relevant EU Council Framework Decisions, which are transposed into national law. Co-operation with other countries may also be based upon relevant bilateral and multilateral treaties. According to the Lithuanian authorities, should there be no specific provision simplifying or facilitating legal co-operation between a particular state and Lithuania, Article 34 of the Anti-Trafficking Convention would directly apply, provided the other country is Party to the Convention. In such a case, the authorities responsible for co-operation would have a duty to promptly inform the requesting party of the final results of action taken in respect of its request.

74. At the bilateral level, Lithuania has concluded agreements on legal assistance in civil, family and criminal cases with Armenia, Azerbaijan, Belarus, Kazakhstan, Republic of Moldova, Poland, Russian Federation, Ukraine and Uzbekistan. An agreement has also been concluded with Estonia and Latvia on legal assistance and legal relations. In addition, Lithuania concluded an agreement with Latvia on co-operation in combating organised crime and other offences and joint actions in border regions, and an agreement with Norway on recognition and enforcement of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty.

75. The competent authorities in Lithuania may provide information spontaneously, without prior request, to the authorities of another country. The Criminal Police Bureau is the contact agency for law enforcement authorities of other EU member States for providing information in urgent cases. The Lithuanian National Unit of Interpol is the co-ordination centre for co-operation of Lithuanian law enforcement authorities with Interpol Headquarters and national offices of other countries. In addition, information may be exchanged via liaison officers. The Prosecutor’s General’s Office co-operates with relevant foreign agencies via Lithuanian law enforcement agencies or the national member of Eurojust.

76. Although the setting up of Joint Investigation Teams (JITs) has been considered several times, Lithuania has not participated in any JITs for the time being. Representatives of the police and the prosecution informed GRETA of the conduct of mirror investigations or agreeing on which country should undertake investigations related to a transnational offence. By way of example, the Lithuanian authorities have referred to co-operation with the Dutch police initiated in December 2010 concerning an investigation related to a Lithuanian woman who had become a victim of THB in the Netherlands. The Lithuanian and Dutch police conducted mirror investigations, which included financial investigation. The final judgment on this case is pending. Another investigation, initiated in April 2013 following a complaint by a Lithuanian woman trafficked to Germany, has involved close co-operation with the German police. In September 2014 the main suspect was arrested. The investigation is still on-going.

77. According to the Lithuanian authorities, international co-operation in most cases of THB did not pose particular problems. However, representatives of the police and the prosecution informed GRETA that in some cases the exchange of information was time-consuming, and some requests for information were left unanswered. By way of example, the authorities referred to a recent case of THB in the United Arab Emirates which was conducted through Interpol but did not lead to a successful investigation. Further, in some instances foreign law enforcement authorities did not inform their counterparts in Lithuania about the identification of Lithuanian victims of THB, which could have allowed initiating criminal investigation against the traffickers in Lithuania.

78. The Lithuanian authorities have also provided examples of their involvement in international co-operation against THB which is not linked to the criminal field, such as involvement in the activities of the EMPACT group (planning of anti-trafficking activities in the EU) and co-operation within the Baltic Sea Region (CBSS TF-THB, the Nordic Council of Ministers and implementation of the EU Baltic Sea Region Strategy).

79. **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.**

2. Implementation by Lithuania of measures aimed to prevent trafficking in human beings

80. According to Article 5 of the Convention, Parties must take co-ordinated action to prevent THB, with the involvement of relevant NGOs, other organisations and members of civil society, as appropriate. The Convention requires Parties in particular to take measures to discourage demand, strengthen border controls and ensure the integrity, security and validity of travel or identity documents (Articles 6 to 9).

81. In accordance with the Convention, measures to discourage demand for the services of victims of trafficking, especially women and children, should be understood as a positive obligation on Parties to adopt and reinforce such measures as regards THB for the purpose of any form of exploitation (see paragraph 108 of the Explanatory Report of the Convention). As it is stated in the Recommended Principles and Guidelines on Human Rights and Human Trafficking, strategies aimed at preventing THB shall address demand as a root cause of trafficking.²¹

a. Measures to raise awareness and discourage demand

82. In the course of 2012-2013, the Lithuanian authorities observed an increase in reports of labour exploitation of Lithuanian nationals abroad and an increasing number of dubious job offers, including via the Internet. Reacting to this development, the Ministry of the Interior commissioned an opinion poll, conducted by the company "Baltijos Tyrimai" (Baltic Surveys), in which 3022 persons aged 15 to 74 years were interviewed. According to the results, respondents tend to accept employment offers abroad without checking their credibility and the specific conditions and do not report cases of abuse to the law enforcement authorities. In 2013 the Ministry of the Interior initiated an information campaign about THB for forced labour by producing a video clip with funding from the EU. Further, on the occasion of the EU Anti-Trafficking Day on 18 October 2013, the Ministry of the Interior, in co-operation with the European Commission and the Lithuanian Parliament, held an international conference entitled "Exploring the Links between the Internet and Trafficking in Human Beings: Cyberspace for Prevention, not for Recruitment".

83. In 2013 three projects related to awareness raising on THB were implemented by the NGOs Save the Children and Lithuanian Caritas and the IOM Office in Vilnius under the Operational Programme for the Development of Human Resources 2007-2013. This programme is funded by the structural funds of the EU, of which 1.1 million Litas (about € 320 000) were planned to be allocated to projects on prevention of THB in 2013. It is envisaged that the Operational Programme will continue financing anti-trafficking activities beyond 2015. As noted in paragraph 60, Lithuanian Caritas, together with 46 partners, is implementing the project "Lithuanian society against trafficking in persons: the systematic approach model" (budget: 96 126 €) which aims, *inter alia*, at raising public awareness of THB, issuing publications, training of target groups, and using a broad spectrum of social media tools. Save the Children Lithuania is implementing the sub-project "Creation and implementation of measures to prevent child trafficking in Lithuania", which includes raising awareness and involves the publication of materials, dissemination of information on bus stops and other public places, and broadcasting of programmes on radio and television. The sub-project implemented by the IOM Office in Vilnius has involved the publication and distribution of training materials, visual information materials, a film and radio transmissions.

²¹ Principle 4 of Addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add. 1), <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

84. The European Employment Services²² (EURES) Office at the Lithuanian Labour Exchange and 10 EURES offices in municipal labour exchanges are involved in preventing illegal employment by checking the conformity of job offers with the labour law of the states concerned (labour contract, remuneration, working time) and raising awareness among persons looking for employment abroad through campaigns, consultations, and information leaflets about rights and duties.

85. Measures to prevent THB are also implemented at the municipal level. By way of example, Kaunas Municipality organised lectures for children in 47 schools about the risks of THB, in 21 schools games and competitions about THB, and in 63 schools discussions on THB during life skills development lessons. Kaunas Municipality, in co-operation with Kaunas Women's Association, implemented a project on prevention of THB focussing on the development of skills of social workers. Panevezys Municipality organised discussions on THB at schools with the participation of representatives of the police, the prosecutor's office, social workers and Lithuanian Caritas, as well as the screening of the film "Lilya 4-Ever".

86. The Missing Persons' Families Support Centre implemented projects on strengthening the life skills of children in special schools for children with mental disabilities. This NGO is also developing co-ordinated activities to fight discrimination and stigmatisation of victims of THB through the promotion of positive attitudes towards target groups and addressing negative stereotypes. Lithuanian Caritas organised educational events in Silale district schools as well as awareness events in Kaunas, Klaipeda, Marijampole, Siauliai, Kupiskis and Birzai secondary schools and childcare establishments. Klaipeda Social and Psychological Support Centre implemented a project entitled "Social assistance to victims of trafficking in human beings and forced prostitution, their integration into the society and the labour market", which consisted of seminars organised for young people. In the course of 2012-2014 the Social and Psychological Support Centre carried out a project entitled "Stop the Traffic: Tackling Demand for Sexual Services of Trafficked Women and Girls", funded by the EU Programme on Prevention of and Fight against Crime (ISEC), which involved five countries (Cyprus, Finland, Ireland, Bulgaria and Lithuania). The Men's Crisis Centre implemented a project on preventive education to youth in Kaunas and Kaunas District and on assistance to men victims and potential victims of THB.

87. In the course of the evaluation visit, the GRETA delegation was informed by representatives of public bodies and NGOs that regardless of the above-mentioned initiatives to inform the public about the risks of THB, general awareness of human trafficking remains rather low. According to members of Parliament, there is a need for more awareness-raising activities targeted at vulnerable groups such as socially insecure families, persons with mental disorders, children with disabilities and children in foster homes.

88. 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.**

²² European Employment Services (EURES) is a co-operation network co-ordinated by the European Commission designed to facilitate the free movement of workers within the European Economic Area and Switzerland. Partners in the network include public employment services, trade union and employers' organisations.

89. As regards measures to discourage demand, Article 147² of the CC establishes as an offence the use of forced labour or services, including sexual services, when a person using them knew or should have known that these services were obtained as the result of exploitation of a victim of trafficking.²³ GRETA welcomes the introduction of this legal provision and notes that one investigation has been initiated under it in 2014. **GRETA considers that the Lithuanian authorities should make additional efforts to discourage demand for services from trafficked persons as regards all forms of exploitation.**

b. Social, economic and other initiatives for groups vulnerable to THB

90. Pursuant to Article 4(1), sub-paragraph 12, of the Law on Support for Employment, victims of THB who have completed psycho-social and/or vocational rehabilitation programmes are entitled to additional support to access the labour market, provided they apply to a local labour exchange office within six months after completion of the above-mentioned programme.

91. In the course of the evaluation visit, members of Parliament referred to the problem of gender-based violence as one of the push-factors for THB of women. GRETA notes that in 2013 Lithuania signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention"). To tackle the problem of gender-based violence, the Law on Protection against Domestic Violence was adopted in 2011. Further, the Lithuanian Government adopted in 2014 the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims for 2014-2020 and an Action Plan for 2014-2016. The activities under this Action Plan are co-ordinated by a specialised task force.

92. GRETA was informed of research being carried out by the Faculty of Sociology of the University of Kaunas the objective of which is to identify and prevent risks of trafficking among men. Another project consisting of providing psychological help to men in difficult life circumstances was planned to be financed by the Kaunas Municipality in 2014.

93. **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.**

c. Border measures to prevent THB and measures to enable legal migration

94. The main objective of the State Border Guard Service in combating THB is identifying potential victims of trafficking in human beings at border crossings and preventing this offence. The risk analysis and assessment during border checks is performed by Border Guard officers on the basis of recommendations and procedures for risk analysis approved by Order of the Commander of the State Border Guard Service. These two documents contain descriptions of risk profiles and indicators of transnational crimes, including THB.

95. Only a few investigations into THB have been initiated by the State Border Guard Service on the basis of intelligence received in the context of investigation, the last one dating back to 2011. The Border Guard Service has a procedure for the identification of victims of THB, approved by the Commander of the State Border Guard Service on 31 January 2014 (see paragraph 101). Further, border guards use a practical manual prepared by Frontex for all EU Member States, which aims to facilitate identification of victims of THB at the border.

²³ This provision was introduced on 30 June 2012 through Law No. XI-2198 on "Amending and Supplementing of Articles 147, 147¹, 157, 303 of the Criminal Code of Lithuania and Supplementing of the Code with Article 147²."

96. Pursuant to Article 21-3 of the Law on the Legal Status of Aliens, decisions on the issue of visas to foreign nationals or their annulment or revocation are taken by diplomatic missions or consulates of Lithuania or the Migration Department under the Ministry of the Interior. The Migration Department provides information on the conditions for legal entry and residence in Lithuania.²⁴ Lithuanian embassies and consulates, as well as the Ministry of Foreign Affairs, also provide online information regarding procedures for entry into Lithuania.

d. Measures to ensure the quality, security and integrity of travel and identity documents

97. According to the Lithuanian authorities, Lithuanian travel and identity documents meet the requirements of Council Regulation (EC) No. 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States and the recommendations of the International Civil Aviation Organization (ICAO). The currently used identity card meets the requirements of the format set by ISO/IEC 7810:1995 standard for ID-1 cards and has embedded contact and contactless chips, with laser-engraved data. Upon issue, a certificate of personal identification and a qualified certificate are recorded electronically in the contact chip, while the facial image and fingerprints are recorded in the contactless chip. The passport contains a polycarbonate personal data page, where the data, image and signature are laser-engraved. The form of the passport and the languages used comply with the EU requirements²⁵ for uniform pattern of passports. Modern technologies are used to protect documents against forgery or falsification and ensure faster inspection process.

98. The requirements for printing and production of these documents are established by the Law on the Production of Security Documents and Security Document Forms of the Republic of Lithuania. The Information Technology and Communications Department under the Ministry of the Interior manages a register of invalid personal documents.

3. Implementation by Lithuania of measures to protect and promote the rights of victims of trafficking in human beings

a. Identification of victims of trafficking in human beings

99. Article 10 of the Convention requires Parties to adopt measures to identify victims. In order to do so, Parties must provide their competent authorities with persons who are trained and qualified in preventing and combating THB and in identifying and helping victims, including children. Identifying a trafficking victim is a process which takes time, and therefore the Convention provides for the rights of potential victims by establishing that when the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking, he/she must not be removed from the country until the identification process is completed and must receive the assistance required by the Convention.

100. In Lithuania, the identification of a victim of THB may be initiated by several actors. In the criminal law sense, identification as a victim of THB is carried out by an investigation officer, a prosecutor or the court. GRETA was informed that in 2013-2014 the Ministry of the Interior drew up and distributed to relevant law enforcement agencies a set of indicators for victim identification.²⁶

²⁴ <http://www.migracija.lt/index.php?-1803999119>

²⁵ Resolution of the representatives of the governments of the Member States, meeting within the Council of 17 October 2000 supplementing the resolutions of 23 June 1981, 30 June 1982, 14 July 1986 and 10 July 1995 as regards the security characteristics of passports and other travel documents (2000/C 310/01).

²⁶ Available in Lithuanian on the following link:
<http://www.anti-trafficking.lt/docs/VRM%20Identifikavimo%20kriterijai.pdf>

101. A separate procedure for the identification of victims of trafficking was approved for the State Border Guard Service on 31 January 2014. It describes the actions of Border Guard officers when detecting a possible case of THB, including how to perform identification and refer the person to assistance. Upon identifying a possible victim of THB, the State Border Guard Service should inform an NGOs specialised in providing assistance to victims of trafficking and, upon the victim's consent, transfer him/her to the NGO concerned.

102. The procedure for identification of victims by labour exchange officials was approved on 31 January 2014 by the Director of the Lithuanian Labour Exchange. Identification is initiated by the person who makes the first contact with the possible victim. Should such a contact take place in a municipal labour exchange, a victim identification card will be issued, and, upon consent of the person, the file is transferred to the police within one working day.

103. According to representatives of the State Labour Inspectorate and other public bodies met during the visit, action against THB is a new area for the Labour Inspectorate and territorial inspectorates are in the process of being trained as regards the recently adopted procedure for victim identification. There are a total of 142 labour inspectors, distributed among 10 territorial divisions. The five largest territorial divisions have mobile inspection groups for detection of illegal employment. The authorities are making efforts to ensure that inspectors for different employment sectors, including catering and agriculture, are aware of the identification procedure and indicators of victims of THB. Inspections are usually carried out without prior notice. The procedure makes it obligatory for labour inspectors to report any suspicion of THB to the police and prosecutor's office and to co-operate with NGOs. Labour inspectors have been provided with a tool for the identification of victims of THB during labour inspections, entitled "Procedure of identification of victims of trafficking in human beings specifying the criteria for identification of victims of trafficking in human beings and procedure of transfer thereof" approved by the State Labour Inspectorate on 20 January 2014. According to representatives of the Labour Inspectorate, one of the difficulties encountered in detecting victims of THB in the context of inspections was the reluctance of irregularly employed persons to come forward and indicate any abuse. In 2014, the State Labour Inspectorate carried out 5597 inspections for prevention and control of illegal employment (including in 188 farms and 1854 natural persons), which resulted in detecting 1429 irregular workers. However, the labour inspectors have so far not identified any victims of THB. Labour inspectors are not authorised to inspect private households.

104. GRETA was informed that private recruitment agencies are no longer licensed, but have to submit annual reports to labour exchange offices about the number of people they assist in obtaining employment. In cases where the agencies fail to report, the police are informed and may initiate an investigation, leading to a fine for non-compliance. In 2014, the police received information concerning six agencies which failed to report to labour exchange offices and sanctioned two agencies for administrative violations.

105. In addition, GRETA was informed that guidelines for the identification of victims of THB by staff of local departments of the Ministry of Social Security and Labour were in the process of being drafted, in co-operation with the NGO Lithuanian Caritas, the IOM Office in Vilnius, and the Office of the Ombudsman for Children.

106. During the evaluation visit the GRETA delegation was informed about the problem of missing children and the absence of a reliable mechanism to ensure the accuracy of data concerning missing persons in Lithuania. NGOs working in the field of child protection consider any child whose location is unknown as "missing". The data collected by NGOs in 2013 suggests that out of 1784 persons considered missing, 769 were children. According to representatives of the Ministry of the Interior and the Ministry of Education, the number of missing children is high due to the fact that it includes children who have absconded from orphanages. Further, at the beginning of every school year, schools inform the authorities of children no longer attending and such children are considered "missing" even though they may have migrated with their parents to other countries. In the course of 2014, the police initiated investigations concerning 1299 missing children, but only one case was identified as THB and a pre-trial investigation was initiated under Article 157 of the CC.

107. Children placed in orphanages and foster homes are under the responsibility of municipal child care and protection departments. In cases of risk of child trafficking, these departments co-operate with the police to take preventive measures. At present there are 97 child institutions in Lithuania, accommodating some 3000 children. According to the authorities, the personnel of foster homes and child care institutions are trained in identifying victims of THB.

108. Guidelines on risk assessment and indicators for identifying victims of THB among children were distributed to municipal child protection services by the State Child Rights Protection and Adoption Service at the beginning of 2014. They were drafted in co-operation with Lithuanian Caritas, the IOM Office in Vilnius and the Office of the Ombudsman for Children, on the basis of recommendations of the Ministry of the Interior. The guidelines include information about the national and international legal framework and measures aimed at protecting and promoting the rights of victims of THB.

109. The identification of victims of trafficking may also be initiated by NGOs, which have at their disposal a "Practical Manual for Victim Identification by NGOs" adopted in 2007. GRETA notes that this manual refers exclusively to women and girls. While noting that identification indicators developed by the Ministry of the Interior were made available to NGOs, **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.**

110. In the course of the evaluation visit the GRETA delegation was informed about alleged cases of exploitation of Bulgarian nationals in the construction sector in Lithuania, who were returned to Bulgaria without being identified as victims of THB. Other reports refer to possible trafficking of Chinese citizens into Lithuania. Further, the authorities referred to investigations initiated into THB offences where the presumed victims were from Latvia, Poland and Ukraine. GRETA notes that only two foreign victims of THB were formally identified in Lithuania in 2011-2013. Further, in 2014, two men of Russian nationality were identified as victims of THB for the purpose of committing criminal offences abroad; the pre-trial investigation is on-going.

111. The Foreigners' Registration Centre follows the procedure for the identification of victims of THB applicable for the State Border Guard Service (see paragraph 101). In case of detecting a victim of THB, a special form should be filled in and information should be transferred to the prosecutor's office for a decision on initiation of a pre-trial investigation. The Foreigners' Registration Centre employs a psychologist trained to detect victims of THB among asylum seekers, refugees and persons detained in centres for irregular migrants.

112. GRETA notes that the different procedures and guidelines on the identification of victims of THB are not harmonised and there are discrepancies in the understanding of who is a victim of THB among the police, labour inspectors, labour exchange officials and NGOs. GRETA was informed that a National Referral Mechanism (NRM) was in the process of being prepared by a multidisciplinary working group led by the Prosecutor's Office. The working group was set up on 10 February 2014 and involves representatives of the State Border Guard Service and the Police Department, Criminal Police Bureau, State Labour Inspectorate, Child Rights Protection and Adoption Service, Consular Department of the Ministry of Foreign Affairs, IOM Office in Vilnius, Lithuanian Caritas, Missing Persons' Families Support Centre and Men's Crisis Centre. The deadline for the completion of the task assigned to the working group was 30 April 2015. **GRETA would like to be kept informed about the outcome of activities of this working group.**

113. While welcoming the ongoing work on introducing a NRM, **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.**
- b. Assistance to victims

114. The Convention requires Parties to take measures to assist victims in their physical, psychological and social recovery, taking account of the victim's safety and protection needs, in cooperation with NGOs and other organisations engaged in assistance to victims. This assistance must be provided on a consensual and informed basis, taking account of the special needs of persons in a vulnerable position, as well as children, and it must not be made conditional on the victim's willingness to act as a witness (Article 12). The need to take account of victims' needs is also referred to in the Convention's provisions concerning temporary residence permits (Article 14) and the rights of children victims of trafficking (Article 12(7)). The Convention also establishes that the assistance to victims of THB must include appropriate and secure accommodation.

115. Since 2002, the Ministry of Social Security and Labour has been allocating €43 442 annually for NGO projects on the provision of assistance to victims of THB and forced prostitution. As the result of tenders held in 2013 funding was allocated to five NGOs: the Lithuanian Caritas, the Missing Persons' Families Support Centre, Klaipeda Social and Psychological Support Centre, Men's Crisis Centre Kaunas, and the Association of Women Affected by HIV/AIDS and Their Relatives. In addition, municipalities provide funding to NGOs rendering assistance to victims of THB either by financing crisis centres run by them or co-financing services provided by NGOs.

116. NGOs financed by the state budget for assisting victims of THB are required to provide the following types of assistance: psychological and legal support, health care; temporary accommodation; information, mediation and representation; food and clothing; transportation; assistance for integration into the labour market (training, search for employment, assistance in work for those already employed). Assistance is provided irrespective of whether the victims co-operate with law enforcement authorities or not.

117. GRETA was informed that there are no specialised shelters for victims of THB. The main provider of assistance to women victims of trafficking is the NGO Lithuanian Caritas, which accommodates victims in rented apartments or in municipal shelters for women victims of violence if there is an agreement with the municipality. Victims receive accommodation usually for up to six months, but longer periods of stay have been allowed when necessary. The funding provided by the State (about €17 000 per year) is not sufficient to cover the actual expenses incurred by this NGO for assisting all victims of trafficking, and raising funds from other sources remains a challenge.

118. The Men's Crisis Centre in Kaunas provides assistance to male victims of THB which includes social, psychological and emergency medical assistance. If needed, accommodation for up to one week may be arranged in a shelter for men in difficult life circumstances called "Your father's house", which is run by a sub-contracted NGO. GRETA notes that this accommodation is not adapted to the needs of victims of THB, but functions as a temporary shelter for men in crisis situations. Men's Crisis Centre has concluded arrangements with medical and other professionals to provide their clients with emergency medical assistance. According to its representatives, access to other types of medical assistance is problematic, especially if the person has no insurance. State medical insurance, which only covers emergency medical assistance, is provided up to three months after the registration of the person concerned with the municipal labour exchange office. Further, according to experience of NGO representatives, in the absence of a written certificate of registration with the labour exchange office, issued to a victim of THB, the person is not admitted to vocational training and other social assistance and empowerment measures, including facilitating of access to the labour market. State funding provided for the assistance to victims covers only part of expenses of victims referred to the Men's Crisis Centre for help.

119. Klaipeda Social and Psychological Service Centre assists women victims of violence and victims of trafficking, and aims to integrate them into society through facilitating access to the labour market. It also operates a hotline for reporting cases of violence against women and trafficking, which can be reached 11 hours a day. The Centre also runs a shelter offering short-term accommodation for victims of violence and THB, but as of 2013 capacity has been reduced from 30 to 12 places due to lack of funding.

120. Representatives of NGOs noted that despite insufficient state funding to cover the cost of assistance measures provided to victims of THB, co-operation with the authorities was functioning well. Since 2014 the funds allocated to NGOs for victim-assistance projects have been made available at the beginning of the year and the duration of projects was extended for two more years.

121. GRETA notes the concern expressed by the UN Committee on the Rights of the Child in its Concluding Observations on the combined third and fourth periodic reports²⁷ of Lithuania regarding the lack of monitoring system of children's homes operated by NGOs, which often fail to comply with the legal requirements for hygiene, quality of services and space. In this respect GRETA draws the attention of the Lithuanian authorities to the need to ensure the quality standards of assistance provided to child victims of trafficking.

²⁷

Adopted at its sixty-fourth session on 16 September – 4 October 2013, accessible via link:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LTU/CO/3-4&Lang=En

122. Special guarantees for unaccompanied minors are provided in Article 32 of the Law on the Legal Status of Aliens, which states that unaccompanied foreign minors, regardless of the lawfulness of their stay in Lithuania, shall be taken into temporary guardianship for the period of their stay in Lithuania and a temporary guardian shall be appointed. According to this provision, unaccompanied foreign minors have the following rights: to be provided with accommodation and support, to study at general education schools and vocational schools, to receive free emergency medical treatment, to be provided with free social services, to receive legal assistance guaranteed by the State, and to contact representatives of NGOs or international organisations. Having received information about an unaccompanied foreign minor, the Migration Department must immediately organise a search for the minor's family members, in co-operation with NGOs, international organisations and the temporary guardian of the minor. The Rukla Refugee Centre provides accommodation to foreigners who have been granted asylum, as well as unaccompanied minors at the initial stage of the integration programme.

123. Municipalities also offer certain types of assistance to victims of THB. There are 28 crisis centres, 71 family support centres and 56 social service centres with short-term accommodation for people in need, where victims of THB may also be placed. Some municipalities make apartments available to NGOs through structural funding, when there are particular difficulties in accommodating victims. The GRETA delegation visited a crisis centre for women victims of domestic violence run by Vilnius Municipality, which can accommodate women victims of trafficking. Out of a total of 103 places available in the centre, 10 places are kept at any given time for victims of trafficking. In previous years there were 16-18 victims of THB accommodated each year, but since the accession of Lithuania to the EU the number of trafficking victims referred to this centre has decreased. The centre has concluded contracts with NGOs who provide assistance to victims of THB at its premises. The centre is located near a police station where there are officers designated to work on THB issues, who perform the formal identification of a victim of THB. According to staff of the centre, the notion of a victim of THB is broader than it is understood under criminal law and victims of trafficking can be assisted without being identified by the police.

124. As already mentioned in paragraph 90, victims of THB lawfully residing in Lithuania may register with the municipal labour exchange office at their place of residence. They are entitled to free-of-charge services, such as information, consultation, mediation for employment and planning of individual employment. They may also participate in professional training. Pursuant to Article 4(1), sub-paragraph 12, of the Law on Support for Employment, such persons may receive additional support in the labour market, which includes subsidised employment. Employers recruiting such persons receive salary subsidies, specified in the labour contract concluded with the person concerned, and partial compensation of the compulsory state social insurance. Victims of THB not registered with the labour exchange offices are entitled to free-of-charge information and consultation services.

125. While welcoming the increase in State funding for NGOs providing assistance and services to victims of THB, **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.**

126. 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.

c. Recovery and reflection period

127. As victims of trafficking are extremely vulnerable after the trauma they have experienced, Article 13 of the Convention introduces the obligation for Parties to provide in their internal law for a recovery and reflection period of at least 30 days. The recovery and reflection period, in itself, is not conditional on co-operation with the investigative or prosecution authorities and should not to be confused with the issue of a residence permit under Article 14(1) of the Convention. Pursuant to the Convention, the recovery and reflection period should be granted when there are reasonable grounds to believe that the person concerned is a victim of trafficking, i.e. before the identification procedure has been completed. During this period, Parties must authorise the person concerned to stay on their territory and expulsion orders cannot be enforced.

128. Pursuant to Article 130(4) of the Law on the Legal Status of Aliens, on 18 April 2012 the Lithuanian Government approved the procedure for granting a reflection period to foreign nationals (including from EU Member States) who are victims of THB. According to this procedure, which entered into force on 1 January 2013, the victim should make a request for the reflection period by completing an application form and the responsible investigation officer takes a decision to grant a 30-day reflection period not later than the next working day. A copy of the decision should be sent to the municipality of residence of the victim and the nearest NGO providing assistance to victims. The reflection period may be terminated by the investigating officer if the victim voluntarily and on his/her own initiative renews contacts with the suspected traffickers, or otherwise abuses the status of victim by consciously disobeying the established requirements. A victim of THB cannot be expelled from Lithuania during this period. According to the Lithuanian authorities, the law enforcement bodies have not yet had the occasion to offer the recovery and reflection period, as all victims of THB identified since the adoption of the procedure were Lithuanian nationals.

129. During the reflection period, the victim has the right to safe accommodation, access to emergency medical treatment, psychological support, social services, translation and interpretation. Accommodation may be provided at the Refugees Reception Centre or other premises provided by a specialised NGO. The victim is required to submit all available documents and information about him/herself to the investigation body, cease any contacts with persons who could affect the decision to co-operate in the investigation and relations with persons suspected of THB.

130. GRETA recalls that the Convention provides for a recovery and reflection period to be granted “when there are reasonable grounds to believe that the person concerned is a victim of trafficking”, therefore before the identification procedure is completed. In Lithuania, the decision to grant a reflection period is taken by the investigating officer, which makes it difficult to define how and when a victim is considered to co-operate with the authorities. Further, GRETA is concerned that submitting a written application form for requesting a reflection period represents an additional burden for possible victims of THB and may represent one of the reasons why no victims of THB have been granted a recovery and reflection period so far.

131. 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.

d. Residence permits

132. Article 14(1) of the Convention provides for two possibilities when it comes to the issuing of renewable residence permits to victims of trafficking: on the basis of their personal situation and/or their co-operation with the competent authorities in the investigation or criminal proceedings.

133. Article 49⁽¹⁾ of the Law on the Legal Status of Aliens states that a temporary residence permit may be issued to an adult alien if he/she is or has been a victim of THB, and co-operates with the investigation body or the court. The duration of the residence permit is six months and may be extended further, upon request of the pre-trial investigation body or court. Persons provided with a temporary residence permit are entitled to work and to receive basic medical assistance and social services in accordance with the procedure established by the legislation if they do not have sufficient means. Decisions concerning the issuing and extension of residence permits are taken by the Migration Department of the Ministry of the Interior. As of 30 June 2012, similar procedures apply to child victims of THB.

134. GRETA notes the legal possibility for adult victims of THB to be granted temporary residence permits on the grounds of their co-operation with the law enforcement authorities. However, as noted in paragraph 10, there have been only two foreign victims of THB identified in Lithuania and no victim of THB has been granted a temporary residence permit.

135. 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 whose stay would be necessary owing to their personal situation, as envisaged by Article 14 of the Convention.

e. Compensation and legal redress

136. Article 15 of the Convention establishes the obligation for Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. Parties must also provide for the right of victims of trafficking to compensation from the perpetrators as well as adopt legislative or other measures to guarantee compensation for victims from the State. A human rights-based approach to action against THB entails the effective prosecution of traffickers, putting the emphasis on the right to effective remedy for the victim. Further, Article 15(1) of the Convention establishes that victims of trafficking must have access to information on relevant judicial and administrative proceedings in a language that they can understand.

137. In Lithuania, victims of crimes may be granted primary²⁸ and secondary²⁹ legal aid, which is regulated by the Law on State-Guaranteed Legal Aid. Primary legal aid is provided by the municipality or by public agencies on the basis of an agreement concluded with the municipal institution. Secondary legal aid is provided by lawyers with whom the competent authorities have concluded agreements. The state covers secondary legal aid for victims of criminal offences to claim compensation for damage suffered from criminal actions. Lithuanian and EU nationals as well as persons residing lawfully in Lithuania whose property and income do not exceed the established minimum threshold are entitled to secondary legal aid. According to representatives of the prosecutor's office, in practice victims of crimes seeking compensation are often provided with legal aid upon request, irrespective of their financial situation.

²⁸ Primary legal aid shall not exceed one hour and includes the provision of legal information, legal advice and drafting of documents for submission to municipal authorities, except for procedural documents.

²⁹ Secondary legal aid includes drafting of documents, defence and representation in court. It also covers litigation costs incurred in civil proceedings, the costs incurred in administrative proceedings and the costs related to the hearing of a civil action brought in a criminal case.

138. The GRETA delegation was informed that the provision of secondary legal aid is monitored by agencies providing assistance to victims as well as by the Lithuanian Bar Association. It is not possible to state with accuracy how many victims of THB benefited from legal aid as the statistics on legally aided cases are not disaggregated according to articles of the CC. The authorities have indicated that 12 victims of THB received secondary legal aid in 2011-2014, but there are reportedly many other cases where victims of THB were assisted by private lawyers.

139. The procedure for compensation of damages caused by criminal acts is regulated by the Code of Criminal Procedure (CCP). Compensation may be awarded in accordance with Articles 107 (Voluntary compensation of damages) and 108 (Return of objects and valuables) of the CCP. The suspect, the accused or another person materially responsible for their actions may at any point in the process voluntarily compensate the damages caused by criminal acts to the victim. Upon receipt of a statement that damages caused by criminal acts have been compensated, no civil action in a criminal case will be initiated, and any such proceedings already initiated will be terminated.

140. A person who has suffered harm due to an offence may file a civil claim within the criminal proceedings. During this process, the pre-trial investigating officer, the prosecutor or the court may seize the property owned by the suspect or the accused. In cases where the offence caused damage to a person who is unable to defend his/her legal interests due to minor age, illness, dependence on the accused or other circumstances, it is the duty of the prosecutor to file a civil claim in court. If the accused does not have sufficient funds to compensate the damage, it may be compensated from funds allocated by the state.

141. The Law on Compensation of Damage Caused by Violent Crimes sets out the modalities of state compensation for material and non-material damage of victims of violent crimes. In the context of this law, a violent crime is a criminal act which has caused intentional deprivation of the victim's life, serious or non-serious health impairment, or a crime against the individual's freedom, freedom of sexual self-determination, or integrity. The list of offences considered as "violent crimes", established by the Ministry of Justice in 2009 for the purposes of this law, includes Articles 147, 147¹ and 157 of the CC. The pre-trial investigating officer or the prosecutor must inform the victim about the right to compensation immediately after he/she is declared a victim. Victims of crime whose material or non-material damage has been recognised by the court may have access to state compensation after the completion of the criminal proceedings, once the judgement enters into force or in case the court has agreed to compensate damage prior to the completion of criminal proceedings.

142. According to the Lithuanian authorities, 13 victims of THB were awarded compensation by courts in 2011, two in 2012 and four in 2013, upon completion of the respective criminal cases. During 2011-2014 no victims of THB applied to the Ministry of Justice for state compensation.

143. **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.**

144. **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.**

f. Repatriation and return of victims

145. Article 16 of the Convention requires Parties to establish repatriation programmes which aim at avoiding re-victimisation and involve relevant national or international institutions and NGOs, as well as to make efforts to favour the reintegration of victims into the society of the State of return. Parties must also make available to victims of trafficking contact information or structures that can assist them in the country of return, such as law enforcement offices, NGOs, legal professionals and social welfare agencies. The return of victims of trafficking must preferably be voluntary and needs to be carried out with due regard for the rights, safety and dignity of the person and for the status of any legal proceedings related to the fact that the person is a victim of THB. Furthermore a victim may not be returned where such action would be in contravention of the State's obligation of international protection, recognised in Article 40(4) of the Convention.

146. Upon establishing that a Lithuanian national is a victim of THB, diplomatic missions and consulates of Lithuania provide assistance for his/her return to Lithuania. The Ministry of Foreign Affairs allocates an annual budget of €3000 euros to cover the return of Lithuanian victims. Training provided to Lithuanian consular officers (see paragraph 57) includes improving their capacity to assess the risks faced by Lithuanian victims of THB and referring them for assistance in Lithuania.

147. Article 125 (1), sub-paragraph 7, of the Law on the Legal Status of Aliens states that "a decision to return an alien to a foreign country shall be adopted if: ...he/she unlawfully entered the Republic of Lithuania or unlawfully stays there, is a vulnerable person or an asylum seeker and agrees to return voluntarily to a foreign country with the support of an international organisation or an NGO. An alien who agreed to voluntary return should leave Lithuania within a time-limit between seven and 30 days. This time-limit may be extended if there are objective reasons beyond the alien's control."

148. GRETA was not informed of any procedures in place to ensure that the return of victims of THB to other countries is carried out with due regard for their rights, safety and dignity and in a manner avoiding re-victimisation. Consequently, **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 interest 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.**

4. Implementation by Lithuania of measures concerning substantive criminal law, investigation, prosecution and procedural law

a. Substantive criminal law

149. Pursuant to Article 18 of the Convention, Parties have the obligation to establish THB as a criminal offence when committed intentionally. Further, the Convention requires Parties to consider taking measures to criminalise the use of services which are the object of exploitation, with the knowledge that the person is a victim of THB (Article 19). In addition, forging travel or identity documents, removing, concealing or destroying them, as well as procuring or providing them, must also be established as criminal offences, when committed intentionally and for the purpose of enabling THB (Article 20).

150. The basic offence of THB as set out in Article 147 of the CC envisages from two to 10 years' imprisonment. The aggravating circumstances set out in Article 147(2) of the CC include commission of THB in respect of two or more persons, or by endangering the victim's life, or by participating in an organised group, or by being aware of or seeking the acquisition of the victim's organ, tissue or cells, or when acting as a civil servant or a person fulfilling public administration functions, and are punishable by four to 12 years' imprisonment. Trafficking in children is a separate offence under Article 157 of the CC and is punishable by imprisonment from three to 12 years. GRETA notes that Lithuanian legislation as regards the basic offence of THB and the aggravating circumstances is in conformity with the Convention. In addition, an attempt, aiding and abetting to commit any intentional criminal act, including human trafficking, are punishable under Articles 22, 24 and 26 of the CC.

151. Further, Article 147¹ of the CC entitled "Use for forced labour or services" criminalises forcing a person by means listed in Article 147 to perform labour or services, including begging, without containing any elements of action, or indicating purpose. The basic offence under Article 147¹ is punishable by a fine or by imprisonment for up to three years and the same offence committed under the conditions of slavery or other inhuman conditions is punishable by arrest or imprisonment for up to eight years.

152. As noted in paragraph 89, Article 147² of the CC establishes as an offence the use of forced labour or services, including sexual services, when a person using them knew or should have known that these services were obtained as the result of exploitation of a victim of trafficking.

153. The criminalisation of acts relating to travel and identify documents is provided for in several CC provisions: Article 300 (forgery of a document or possession of a forged document), Article 301 (forgery of a seal, stamp or form), Article 302 (seizure of a seal, stamp or document or use of the seized seal, stamp or document) and Article 303 (destruction, damaging or concealment of a seal, stamp or document). GRETA notes that according to Article 303 of the CC, destruction, damaging or concealing a seal, stamp, document or an invoice of a natural or legal person is only punishable if it causes "major damage". According to the Lithuanian authorities, the concept of "major damage" is an evaluative element of the offence and is established by the court on a case-by-case basis. However, should an offence under Article 303 lead to the trafficking of a person, there are strong reasons to believe that a court would find it a "major damage" and the act would be punishable as a separate offence. There is no case law concerning the commission of offences relating to travel and identity documents for the purpose of enabling THB.

154. In accordance with Articles 147(4) and 157(4) of the CC, legal entities may be held liable for trafficking offences.

155. As stipulated in Article 97 of the CC, Lithuanian courts must take into account previous convictions when imposing a criminal sentence for any new offence. Previous convictions delivered by courts in non-EU states should also be taken into account if the information about these convictions was obtained on the basis of treaties to which Lithuania is party. In addition, Article 64 of the CC provides for imposition of a cumulative sentence on a person who commits an offence while serving an already imposed sentence or during a suspended sentence.

b. Non-punishment of victims of trafficking in human beings

156. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so.

157. Pursuant to Articles 147(3) and 157(3) of the CC, a victim of trafficking “may be released from criminal liability for the criminal offence which he has been directly forced to commit” as the result of being trafficked. Further, Article 182(1) of the Administrative Law Violations Code provides for the non-imposition of administrative sanctions upon persons for engaging in prostitution, where they have been forced into it or were recognised as victims of THB in the context of criminal proceedings. However, in the course of the evaluation visit, GRETA was informed by representatives of the Lithuanian Parliament, public bodies and NGOs that in spite of this provision, victims of THB for sexual exploitation are often not recognised as such and may be subjected to administrative sanctions for prostitution, which is an administrative violation under Lithuanian law. GRETA notes the concern expressed by the UN Committee on the Rights of the Child in its Concluding Observations³⁰ on the combined third and fourth periodic reports of Lithuania that “children above the age of 16 years who are engaged in prostitution or victims of trafficking are not considered as victims, are often subjected to fines and do not receive support and assistance during court proceedings.”

158. Referring to Article 300 of the CC, which, *inter alia*, makes the possession of a forged identity document a criminal offence, GRETA draws the attention of the Lithuanian authorities to the fact that victims of THB for different types of exploitation might be in possession of such documents, often provided by their traffickers. The authorities have indicated that this offence would be covered by the non-punishment provision.

159. While welcoming the existence of a non-punishment provision in Lithuanian legislation, **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.**

c. Investigation, prosecution and procedural law

160. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB (Article 1(1)(b)). In this context, Parties are required to co-operate with each other regarding investigations and/or criminal proceedings related to THB (Article 32). Further, the Convention establishes that the investigation or prosecution of THB offences must not be dependent on victims' reports, and that associations or NGOs aimed at fighting THB or protecting human rights must be able to assist and support victims during criminal proceedings, in accordance with the conditions established in the internal law and with the victim's consent (Article 27).

161. According to Article 166(1) of the Code of Criminal Procedure, pre-trial investigation should be initiated upon receiving a complaint, statement or report about a criminal offence or when a prosecutor or an investigator establishes the presence of elements of an offence. The offence of THB and other related offences are among those which make it mandatory for the prosecutor to initiate investigation *ex officio* as soon as the elements of crime are identified, even in the absence of a complaint by a victim or his or her representative.

162. The use of special investigation techniques is regulated by the Law on Criminal Intelligence and the CCP. They include secret surveillance, controlled delivery, interception of correspondence, wiretapping, and use of undercover agents and informants. The use of such techniques is authorised by the court following a request of the investigator or prosecutor.

³⁰

Adopted at its sixty-fourth session on 16 September – 4 October 2013, accessible via link:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LTU/CO/3-4&Lang=En

163. GRETA was informed that during the investigation into a trafficking offence, financial investigations are systematically initiated to locate the assets in the perpetrator's name. Articles 72 and 72³ of the CCP envisage the confiscation of assets and extended confiscation of property, respectively. Confiscation is applicable in respect of property used as an instrument or a means to commit an offence, or obtained as the result of the offence. Extended confiscation is the transfer into the state ownership of the offender's property or any part thereof, which is disproportionate to his/her legitimate income where there are grounds to assume that this property has been obtained through criminal means. The extended confiscation of property is applicable when all of these conditions are satisfied:

- 1) the offender has been found guilty of having committed a less serious, serious or particularly serious (grave) intentional crime wherefrom s/he had or might have had a material benefit;
- 2) the offender holds property acquired at the time of commission of such crime, after the crime was committed or in a 5-year period prior to the commission of the crime, the value of such property is disproportionate to his legitimate income and the difference exceeds the sum of 250 Minimum Subsistence Levels (MSLs), or has transferred such property to other persons during the period as stipulated in this subparagraph;
- 3) the offender fails to substantiate the legitimacy of acquisition of such property during the criminal proceedings.

164. GRETA notes that none of the convictions delivered for trafficking offences have led to the confiscation of assets. GRETA recalls that the confiscation of criminal assets, which requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so, is crucial as a way of reinforcing the effect of the penalty as well as ensuring the payment of compensation to the victim.

165. According to the Lithuanian authorities, 21 investigations into trafficking offences were initiated in 2011, 11 in 2012 and 23 in 2013. The number of convictions was 17 in 2011 (including 11 involving deprivation of liberty), 7 in 2012 and 11 in 2013. The sentences ranged from two to 12 years' imprisonment. Further, in 2014 law enforcement bodies initiated 24 investigations and obtained convictions of 18 traffickers.

166. During the evaluation visit, representatives of the prosecution noted that the lack of trust in law enforcement officials often led possible foreign victims of THB to leave Lithuania without accepting to testify. According to NGO representatives, investigators and prosecutors were unwilling to invest time and resources in investigating trafficking offences if the prospects of successful prosecution were low.

167. 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.

d. Protection of victims and witnesses

168. By virtue of Article 28 the Convention, Parties must take measures to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after the investigation and prosecution of perpetrators. This protection can be of various types (physical, relocation, identity change) and is to be provided to victims of trafficking, to those who report it or otherwise co-operate with the investigating or prosecuting authorities, to witnesses who give testimony and, when necessary, to members of the families of those listed above. Further, Article 30 of the Convention includes a provision requiring Parties to take measures to protect victims' private life and identity and to provide for their safety and protection from intimidation in the course of judicial proceedings, including special protection measures for child victims of THB.

169. The CCP provides an opportunity for victims of crime to apply for full or partial anonymity. In accordance with Article 198 of the CCP, a victim or a witness may be provided with anonymity if: 1) there is a real danger to a victim, witness or their family members or close relatives to life, health, liberty or property, as well as service, business or other legitimate interests; 2) the victim or witness is considered important for the criminal proceedings; and 3) the victim or witness is involved in the process of a very serious, serious or less serious crime. GRETA notes that according to Article 198(2) of the CC, the above three conditions should all be satisfied in order for a victim or witness to be granted anonymity. GRETA considers that, given the sensitivity of the offence of THB and the fact that it violates fundamental human rights of its victims, this cumulative triple threshold is unjustifiably high and does not contribute to the protection of victims and witnesses of trafficking offences.

170. In accordance with Article 186 of the CCP, persons younger than 18 years of age may be interviewed at the time of the pre-trial investigation not more than once. The interview may be video and audio recorded. Children may be heard in court as witness or victim only in exceptional cases. In such cases the accused will not be entitled to attend the hearing. The judge may also decide that the hearing or an interview with a child be conducted *in camera*, in which case it will be recorded and the suspect will have an opportunity to follow the hearing via video link in a separate room. A psychologist may also participate in the interview of a minor victim or witness, taking into account his/her social and psychological maturity.

171. The Law on Protection of Participants in Criminal Procedures and Criminal Intelligence, Officers of Justice and Law Enforcement Officials against Criminal Consequences was adopted in 1996 and has since been amended. It provides for a witness protection programme which is primarily designed for witnesses of organised crimes. The inclusion in the witness protection programme can be requested by the victim her/himself, an investigating officer, a penitentiary institution or a court. A decision has to be taken within five days following the request and the protected person has to sign an agreement to special protection and security measures.

172. The Lithuanian CCP does not regulate participation in criminal proceedings of NGOs specialised in supporting victims of crimes. Representatives of such NGOs may participate in public court hearings and in pre-trial investigation actions which are carried out with the victim, unless such participation is ruled out by the court, the prosecutor or the victim him/herself.

173. While welcoming the existence of legal provisions destined to protect victims and witnesses of crimes, GRETA notes that they have not been systematically applied to victims of THB in practice. According to representatives of the police, prosecution and NGOs, only a few victims of THB agree to participate in the witness protection programme, as many of them find the measures taken by this programme not adapted to their needs and often too invasive. Further, GRETA was informed that suspects who have not been placed in pre-trial detention often intimidate witnesses and victims of THB, which results in change of testimony and recanting of previous testimony, thus impeding the successful conduct of the case and, ultimately, imposition of effective, proportionate and dissuasive sanctions upon traffickers. GRETA was also informed that there were cases when child victims of trafficking were interviewed several times without proper justification. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice,³¹

174. 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.

³¹ Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies: http://www.coe.int/t/dghl/standardsetting/childjustice/Guidelines%20on%20child-friendly%20justice%20and%20their%20explanatory%20memorandum%20_4_.pdf

5. Concluding remarks

175. GRETA welcomes the steps taken by the Lithuanian authorities to combat trafficking in human beings, through the adoption of legislation and the setting up of co-ordination structures and specialised units. The availability of State funding for NGOs providing assistance to victims of trafficking and the emphasis on awareness raising and training of relevant professionals are positive features of Lithuania's anti-trafficking action.

176. However, a number of challenges remain to be tackled through legislative, policy or practical measures in order to fully meet the requirements of the human rights-based approach outlined in paragraphs 29-32. The authorities must ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for in the Convention and Lithuanian legislation. Further efforts should be made to ensure that victims of trafficking have effective access to compensation and are not punished for offences they were compelled to commit while being trafficked.

177. GRETA also draws attention to the need to address emerging trends in trafficking in human beings in Lithuania, in particular trafficking for the purpose of labour exploitation and internal trafficking. Additional measures should be taken to prevent human trafficking through targeted awareness-raising campaigns and social and economic empowerment measures for vulnerable persons and groups

178. Strengthening the effectiveness of investigations and prosecutions of human trafficking offences, with a view to securing proportionate and dissuasive sanctions is another area where further action is needed in order to fully apply the human rights-based and victim-centred approach promoted by the Convention.

179. All professionals who may come into contact with victims of human trafficking need to be continuously informed and trained about the need to apply a human rights-based approach to action against human trafficking on the basis of the Convention and the case law of the European Court of Human Rights.

180. GRETA invites the Lithuanian authorities to keep it informed on a regular basis of the developments in the implementation of the Convention and looks forward to continuing the good co-operation in further efforts in achieving the purposes of the Convention.

Appendix I: List of GRETA's proposals

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.

Substantive criminal law

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.

Appendix II: List of public bodies and intergovernmental and non-governmental organisations with which GRETA held consultations

Public bodies

- Ministry of the Interior;
- Ministry of Social Security and Labour;
- State Labour Inspectorate;
- Ministry of Foreign Affairs;
- Ministry of Justice and the Law Institute;
- Prosecutor's Office;
- Judiciary;
- National Courts Administration;
- State Border Guard Service;
- Ministry of Education and Science;
- Vilnius Municipality, persons with knowledge about preventing and combating trafficking in human beings;
- Parliament;
- Ombudsman for Children;
- Ombudsman for Equal Opportunities.

Intergovernmental organisations

- International Organization for Migration

Non-governmental organisations

- Lithuanian Caritas;
- Missing Persons Family Support Centre;
- Men's crisis centre Kaunas;
- Klaipėda Social and Psychological Service Centre;
- Association of Women Affected by HIV/AIDS and their Relatives.

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Lithuania

GRETA engaged in a dialogue with the Lithuanian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Lithuanian authorities on 16 April 2015 and invited them to submit any final comments. The comments of the authorities of Lithuania, submitted on 15 May 2015, are reproduced hereafter.



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**RE: COMMENTS TO THE REPORT CONCERNING THE IMPLEMENTATION OF
THE COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING
IN HUMAN BEINGS BY LITHUANIA**

We hereby express our appreciation of the work performed by GRETA while compiling the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania and for the constructive dialogue we have had.

Comments to the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania have been attached.

Thank you for co-operation.

Sincerely Yours,

Artūras Norkevičius
Viceminister

Enc.

Comments to the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania

(co-ordinated by the Ministry of the Interior of the Republic of Lithuania, May 2015)

Lithuanian authorities express their gratitude to GRETA for the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania to be used as a comprehensive instrument to improve the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings and to develop further the Lithuanian efforts in the fight against trafficking in human beings.

Herewith Lithuania would like to outline a few comments to make the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania precise.

Executive Summary

Paragraph 1

Since 2013, activities against human trafficking are defined in one of the two chapters of the inter-institutional action plan implementing the National Crime Prevention and Control Programme, which is updated at least once per year.

II. National framework in the field of action against trafficking in human beings in Lithuania

Paragraph 11

Statistics of any country do not reflect the full scale of human trafficking. So far, the Lithuanian law enforcement have identified human trafficking for different types of exploitation: sexual exploitation, labour exploitation, illegal adoption, exploitation for pornography, exploitation for forced commission of criminal activities, forced marriage, as well as cases related to exploitation for forced labour or services and use of forced labour or services. The majority of the pre-trial investigations initiated in 2014 were related to human trafficking for commission of criminal activities. Based on the information from pre-trial investigations, part of human trafficking cases were identified in Lithuania, some of them before the trafficked people were exploited. Also part of the investigations in other countries were initiated based on the intelligence from the Lithuanian law enforcement.

Paragraph 15

Order No. V-230 of 12 December 2012 of the Minister of Foreign Affairs was replaced by Order No. V-51 of 5 March 2015 of the Minister of Foreign Affairs approving the Description of procedures for identification of victims of human trafficking abroad and use of funds for repatriation of such victims.

Paragraphs 18, 21, 83, 101

The institution name “Lithuanian Labour Exchange” should be corrected to “The Lithuanian Labour Exchange under the Ministry of Social Security and Labour”.

Paragraph 22

The city name “Marjampoli” should be corrected to “Marijampole”. The institution name “the Labour Exchange Office” should be corrected to “local labour exchange offices”.

Paragraphs 24, 56, 74 and other where relevant

“The Criminal Police Bureau of the Ministry of the Interior” should be corrected to “The Lithuanian Criminal Police Bureau”. The Lithuanian Criminal Police Bureau is a specialised police agency and it is not a structural unit of the Ministry of the Interior.

Paragraph 25

“The State Border Guard Service” should be corrected to “The State Border Guard Service under the Ministry of the Interior”.

Paragraph 27

Also the Association of Women Affected by HIV/AIDS and Their Relatives provides support for victims of forced prostitution. Recently five NGOs (the Lithuanian Caritas, the Missing Persons’ Families Support Centre, Klaipeda Social and Psychological Support Centre, the Association Men’s Crisis Centre and the Association of Women Affected by HIV/AIDS and Their Relatives) are partly financed by the Ministry of Social Security and Labour.

Paragraph 28

In 2013, the IOM Vilnius Office started implementing a new project on prevention of human trafficking under the Operational Programme for the Development of Human Resources 2007-2013 funded by EU structural funds and run by the Ministry of Social Security and Labour.

II. Implementation of the Council of Europe Convention on Action against Trafficking in Human beings by Lithuania

1. Integration of the core concepts and definitions contained in the Convention in the internal law

Paragraph 32

Lithuania has been addressing human trafficking as a form of violence against women. However, it is important to note that recently the majority of victims identified in criminal procedures in Lithuania have been men and this have been taken into account as well.

Paragraphs 46 and 48

The inter-institutional action plan implementing the National Crime Prevention and Control Programme is drafted and adopted based on the Strategic planning methodology adopted by the Government of the Republic of Lithuania and includes measures to address human trafficking for different types of exploitation. So far, all planned measures under four main directions (prevention, training, assistance to victims and their protection, and international cooperation) have been

implemented and the planned budget has been allotted. Those efforts contribute to the success that a quite big part of human trafficking cases are identified in Lithuania during recruitment or transportation phases, i. e. before victims are exploited.

Paragraph 58 of the National Crime Prevention and Control Programme has been misinterpreted not taking into account the other paragraphs of the programme. Paragraph 58 only explains why prevention and control of human trafficking is distinguished as a separate priority among other crime prevention and control areas, i. e. human trafficking is a form of organised crime of international nature, globally treated as a form of slavery and recognised as a violation of fundamental human rights, therefore human trafficking prevention and control is excluded from the general context of organised crime prevention and control and is recognised as a separate priority. Within this priority area, it is intended to implement a few **additional** tasks (in addition to the ones in the other paragraphs): to allot more attention to social assistance to the individuals which might be involved into prostitution and become victims of human trafficking (minors, jobless people, women and children who are violated and sexually abused in their families, and others) because of their social status, unfavourable conditions at home or family relations; to establish an effective human trafficking prevention and control mechanism, to develop the systems for searches of missing people and for provision with and exchange of information for subjects investigating human trafficking crimes; to ensure spreading of information on human trafficking in the community to warn potential victims of this crime; and to ensure rehabilitation and social, psychological and legal support to victims of human trafficking. It is planned that in 2016 the Public Security Development Programme replaces the National Crime Prevention and Control Programme.

Paragraphs 60 and 60

Two paragraphs are under the same number.

Paragraph 62

Police, border guards, labour inspectors receive periodic training on human trafficking. The police have based their training on the CEPOL Common Curriculum on Trafficking in Human Beings and border guards on the FRONTEX guidelines. NGOs (in the very majority of cases) and IOM Vilnius Office (quite often) take part in planning the programmes and giving the training.

Paragraph 66

The database management system “Lithuanian Court Information System” (LITEKO) operated by the National Courts Administration includes data on cases from all 62 courts in Lithuania (there are 62 courts in Lithuania).

Paragraph 67

The Ministry of the Interior in cooperation with all responsible bodies collect information based on the standards of the European Commission, Eurostat and international organisations which outlines different aspects of the crime, victims, traffickers, investigations and their results including sex, age

group of victims and traffickers, type of exploitation, country of origin, residence, recruitment and exploitation, assistance, permits, and etc.

2. Implementation by Lithuania of measures aimed to prevent trafficking in human beings

Paragraph 82

Lithuanian Caritas, together with 4 partners (Oslo Criminal Police, ROSA project run by Oslo Crisis center, the Ministries of the Interior and of Social Security and Labor of the Republic of Lithuania) is implementing the project “Lithuanian society against trafficking in persons: the systematic approach model”.

3. Implementation by Lithuania of measures to protect and promote the rights of victims of trafficking in human beings

Paragraph 99

GRETA was informed that **in December 2013** the Ministry of the Interior distributed a set of indicators for victims identification to all responsible agencies including NGOs and IOM Vilnius Office.

Paragraph 100

On 24 February 2015, the Lithuanian Police Commissioner General approved the Description on identification of persons who could have suffered or are liable to suffer from trafficking in human beings and the procedure for performance of initial actions, which regulates criteria for identifying persons who could have suffered or are liable to suffer from trafficking in human beings and initial police officers’ actions in pursuance of prevention of trafficking in human beings, identification of individuals who suffered or who may suffer from human trafficking and ensuring the provision of relevant assistance to such individuals.

Paragraph 108

NGOs have started using identification indicators developed by the Ministry of the Interior, which were distributed to all responsible stakeholders in December 2013.

Paragraph 111

The working group has already prepared a draft document and it is going to be adopted soon. It will be presented and discussed at the international conference “Identification of human trafficking” in Vilnius on 3–4 June 2015.

Paragraph 114

Since 2002, the Ministry of Social Security and Labour has been funding NGOs projects for the provision of assistance to victims of human trafficking and forced prostitution. As the result of tenders evaluated in 2013 funding was allocated to five NGOs: the Lithuanian Caritas, the Missing Persons’ Families Support Centre, Klaipeda Social and Psychological Support Centre, Men’s Crisis Centre

Kaunas, and the Association of Women Affected by HIV/AIDS and Their Relatives. These projects are funded also in 2014-2015. The allotted annual budget is 43 442 Euros. In addition, municipalities provide funding to NGOs rendering assistance to victims of human trafficking either by financing crisis centres run by them or co-financing services provided by NGOs.

Paragraph 121

The Rukla Refugee Centre should be corrected to “The Refugees Reception Centre”.

Paragraph 123

The sentence “They may also participate in professional training.” should be supplemented with active labour market policy measures and should be phrased as “They may also participate in professional training, public work, territorial mobility, job rotation and are entitled to receive a subsidy for individual work under a business certificate.”

Paragraphs 127, 129 and 130

Pursuant to Article 130(4) of the Law on the Legal Status of Aliens, on 18 April 2012 the Lithuanian Government approved the procedure for granting a reflection period to third country nationals which are or were victims of crimes related to human trafficking. According to this procedure, which entered into force on 1 January 2013, the pre-trial investigation officer who has obtained reasonable information (there are indicators of potential human trafficking or related crimes case) on the victim of a crime related to human trafficking informs this victim on the possibility established by law to remain in Lithuania in case a reflection period is granted, also his/her rights and obligations, as well as consequences if those obligations are not respected. If the person expresses his/her wish to be granted a reflection period, s/he is given a special form to include his/her personal data and to sign it, additional two signatures on the same form are requested if information on his/her rights and obligations have been given and it is clear, as well as if the person received information in the language s/he understood. In case the person does not wish that the reflection period is granted, s/he is asked to confirm this in a written form and to sign. The established procedures require that all third country nationals are informed on the possibility to be granted a reflection period and in case they deny this possibility, they have to confirm this with their signature. Those procedures are a good tool to monitor the process and to ensure its quality (all victims are informed and get necessary information in the language they understand). The specialised pre-trial investigation officer takes a decision to grant a 30-day reflection period not later than on the next working day. The victim makes a decision whether to cooperate with pre-trial investigation agency or court not later than on the last day of the granted reflection period, or on the next working day after s/he denies his/her wish to be granted a reflection period, or on the next working day after s/he is informed of the decision of the responsible pre-trial investigation officer which terminates the reflection period. To summarize, victims do not need to apply for the reflection period if indicators of crimes related to human trafficking are detected and if victims confirm with their signature their willingness to have it. Formal identification is completed in the criminal proceedings. So far, the law enforcement bodies have not had the occasion to grant the recovery and reflection period. To conclude, the provisions of the Convention on the recovery and reflection period to be granted

“when there are reasonable grounds to believe that the person concerned is a victim of trafficking” are fully implemented.

Paragraph 132

“Migration Department of the Ministry of the Interior” should be corrected to “Migration Department under the Ministry of the Interior”.

Paragraph 133

There were 2 Polish citizens identified as victims of human trafficking in Lithuania in the period of 2011–2013. Their wish to return to Poland after primary assistance was respected by Lithuanian authorities.

Paragraph 134

This recommendation is already implemented in the Law on Legal Status of Aliens (as of 2004). Article 130 “Prohibition to expel or return a foreigner” of the Law on Legal Status of Aliens establishes that a foreigner shall not be expelled or returned to the state (1) where his/her life or freedom might be in danger or s/he might be persecuted because of his race, religion, nationality, dependency to some social group or because of his/her political beliefs, or to the state from which s/he might be transferred to another state; (2) where there are serious grounds to think that in this state the foreigner will be tortured, s/he will experience cruel, inhuman behaviour or his/her dignity will be violated, or s/he will be punished in such a way. Other articles of the Law on Legal Status of Aliens also establish that foreigners shall be granted residence permits if a citizen of the Republic of Lithuania is appointed as their guardian, or s/he is under protection for asylum seekers, or is granted a subsidiary or temporary protection in the Republic of Lithuania. A subsidiary protection shall be granted if the foreigner cannot return to his/her country of origin because of reasonable fear that s/he will be tortured, s/he will experience cruel, inhuman behaviour or his/her dignity will be violated, or s/he will be punished in such a way, or there is threat that his/her rights and fundamental freedoms will be violated; or there is threat to his/her life, health, security or freedom.

Paragraph 145

The Description of procedures for identification of victims of human trafficking abroad and use of funds for repatriation of such victims approved by Order No. V-230 of 12 December 2012 of the Minister of Foreign Affairs regulates rendering assistance not only to Lithuanian nationals but also to stateless people who hold permanent residency in Lithuania. The allocated annual budget is 2 896 Euros.

Appendix II: List of public bodies and intergovernmental and non-governmental organisations with which GRETA held consultations

The list of public bodies should be supplemented with the Migration Department under the Ministry of the Interior.