

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



CP(2020)13

**Report submitted by the authorities of Lithuania
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2019)09 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

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LIETUVOS RESPUBLIKOS VIDAUS REIKALŲ MINISTERIJA
MINISTRY OF THE INTERIOR OF THE REPUBLIC OF LITHUANIA

Budget institution, Šventangio str. 2, LT-01510 Vilnius Tel: +370 5 271 7130
Fax + 370 5 271 8551, E-mail bendrasis@vrm.lt, http://www.vrm.lt
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Ms. Petya Nestorova
Executive Secretary of the Council of Europe
Convention on Action against Trafficking in Human
Beings
E-mail: petya.nestorova@coe.int

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Cc: Permanent Representation of Lithuania
to council of Europe
E-mail: atstovybe.ct@urm.lt

**RE: INFORMATION ON THE MEASURES TAKEN TO ADDRESS THE ISSUES FOR
IMMEDIATE ACTION IDENTIFIED IN GRETA'S REPORT**

Dear Ms. Nestorova,

In response to your letter of 22 October 2019, requesting further information on the measures taken to address the issues for immediate actions identified in the second evaluation report of the Group of Experts on Action against Trafficking in Human Beings (GRETA), I have the honor to send you the requested data on behalf of the Republic of Lithuania. Please find attached an annex with information on all the measures taken. I'm looking forward to continuing our excellent cooperation in the same spirit in the future.

Yours sincerely,

Vice minister
Česlovas Mulma

Sonata Mickutė, Tel. + 370 5 271 7292, E-mail: sonata.mickute@vrm.lt



| No. | Issues for immediate action | Implementation |
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| 1. | <p>GRETA urges the Lithuanian authorities to strengthen their efforts to prevent trafficking for the purpose of labour exploitation, in particular by:</p> <p>a) further sensitising the general public and relevant officials, in particular labor inspectors, staff of the labor exchange offices, police officers, prosecutors and judges, about THB for the purpose of labor exploitation and the rights of victims</p> | <p>In order to inform the general public and relevant officials about THB for the purpose of labour exploitation and the rights of victims, further steps were taken:</p> <ul style="list-style-type: none"> • Topics related to human trafficking were added to Judicial training programs: <ul style="list-style-type: none"> - Trainings were held in accordance with the inter-institutional training program "Trafficking in Human Beings" (2019). Topics presented during the training: "Peculiarities of different forms of exploitation in human trafficking cases" and "Trafficking in human beings: problems of pre-trial investigation and case law" (Participants: 27 judges, 13 assistant judges and 40 prosecutors). - Training for judges is planned for 2020 in accordance with the training program for judges of district courts dealing with criminal cases. Topic for this training - "Topicalities of human trafficking cases". - Introductory training program for newly appointed district court judges includes the topic "Judge's Treatment of Participants in the Trial. Basics", which covers peculiarities of communication with victims and witnesses in trafficking cases. - The Action Plan on Combating Trafficking in Human Beings 2020-2023 also includes the task of "Increasing the competencies and capacities of state institutions and staff of the institutions who may have to interact with victims of trafficking in human beings." Therefore, training for judges and court volunteers will be provided. New volunteers will take part in training on how to help victims and witnesses in trafficking cases. • The State Labor Inspectorate and the non-governmental organization - the Center for Combating Trafficking in Human Beings and Exploitation, have published a leaflet in Russian and English languages on illegal employment of foreigners and cases of forced labor. <ul style="list-style-type: none"> - The website of the State Labor Inspectorate contains information on what constitutes human trafficking and forced labor, how to identify it, where to turn if a person has been a victim of human trafficking. The website also |

provides information on basic labor rights and the legal environment in Ukrainian, Russian, and English languages.

- In 2020, the State Labor Inspectorate together with the Police organized inspections of agricultural and other risky economic activities on the issues of trafficking in human beings and illegal employment of third-country nationals.

- Prosecutors Office provided training on: 1) the specifics of human trafficking offenses, their qualifications and the gathering of evidence, as well as legislation on the confiscation of traffickers' property; 2) identification of persons who have or may have been victims of trafficking in human beings, peculiarities of communication and provision of aid to victims of human trafficking, protection of victims and witnesses; 3) Identification of victims of trafficking in human beings among asylum seekers, migrant workers and illegal migrants, peculiarities of communication and provision of aid to victims of human trafficking; 4) property investigations in human trafficking cases; 5) training on the specifics, qualifications and evidence gathering of human trafficking offenses, as well as legislation on confiscation of traffickers' property (2020).

• The competencies and abilities of police officers who may have to communicate with victims of human trafficking are developed through training in accordance with the 2017 Guidelines of the Lithuanian Police Commissioner General order no. 5-V-747 Approved by Special Training Modules Program "Prevention and Investigation of Trafficking in Human Beings".

- In 2019, 3 qualification events were organized for police officers who carry out crime prevention and investigation of criminal offenses. (Participants: 41 police officer)

- Two trainings on trafficking in human beings planned for 2020 were postponed due to COVID-19.

• For prevention purposes (by organizing information meetings with clients), the Employment Service under the Ministry of Social Security and Labor of the Republic of Lithuania (Employment Service) uses video clips

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| | | <p>shared by the Ministry of the Interior to prevent human trafficking. The video clips are related to the most common forms of exploitation in Lithuania. One of them is human trafficking for forced labor.</p> <ul style="list-style-type: none"> - Customer Service Department of the Employment Service distributes informational material, leaflets, posters about the possibilities of obtaining assistance for victims and potential victims of human trafficking. - In order to increase the competences and skills of the institution's staff in the field of combating trafficking in human beings, the Employment Service organizes trainings on the identification, communication and assistance to persons who may have been or have been victims of trafficking in human beings. - The EURES employment service actively informs clients and information seekers who want to work in Lithuania and those who intend to leave the country. The information is intended to prevent possible exploitation in the labor market, so that clients are informed about their rights and obligations, working conditions in another country and the contacts of EURES representatives in that country. These contacts are provided so that in the event of a conflict, issues or problems, a person could apply for and receive accurate information, thus reducing the risk of exploitation and trafficking. |
| 2. | b) increasing the human resources and strengthening the mandate of labor inspectors to detect possible victims of THB and refer them for identification and assistance | <ul style="list-style-type: none"> • A pilot, specialized expert group on control and prevention of forced trafficking in human beings was established this year, which will analyze the identified cases of possible forced labor, collect and systematically provide information about them, and gather evidence, which will be forwarded to the pre-trial investigation authority. - Strengthening the expertise and experience of state labor inspectors aims to ensure that recorded cases of forced labor are fully clarified, victims are provided with compensation and dishonest employers are punished. |
| 3. | c) strengthening the monitoring of private recruitment agencies and reviewing the legislative framework for any gaps that may limit protection or preventive measures | <ul style="list-style-type: none"> • The Employment Service assesses and makes a decision on the compliance of a supplier intending to provide employment mediation services to third-country nationals intending to work in the Republic of Lithuania under an employment contract with the criteria specified in Paragraph 2 of Article 30 (1) of the Employment Law. General information is |

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| | | published on a website about persons employed by employment mediation providers: sex, age, nationality and country of employment. As well as the number of suppliers who applied to the Employment Service for a decision on compliance with the specified criteria, numbers and their compliance with the criteria specified in Section 30 (1) (2) of the Employment Act. |
| 4. | d) developing measures to prevent of recruitment of victims of THB for labor exploitation via the Internet | <ul style="list-style-type: none"> • The Employment Service controls the content of advertised vacancies. If the vacancy is registered by a recruitment or placement service company, the vacancy shall be published on the Employment Service's website only if the vacancy notice specifies a specific employer who will make an employment contract or be employed on the basis of a legal relationship equivalent to an employment relationship. - The EURES service controls the content of job vacancies. The job vacancy must be approved by the employment services of the country where the job is advertised and reaches other countries via the EURES portal. The aim is to publish only verified job advertisements of employers abroad, having ascertained the accuracy and legality of their content. |
| 5. | <p>GRETA urges the Lithuanian authorities to strengthen their efforts to prevent trafficking in children, in particular by:</p> <p>a) preventing unaccompanied foreign children from going missing from State care and Lithuanian children from absconding from institutions including by better training and supervision of staff working at institutions for such children</p> | <ul style="list-style-type: none"> • In 2014, the description of the procedure (order No. A1-229/1V-289/V491) was adopted by the Ministry of Social Security and Labor of the Republic of Lithuania, the Ministry of the Interior of the Republic of Lithuania, the Minister of Health of the Republic of Lithuania (2019 edit of order No. A1-538/1V-780/V-1067) of the Ministry of Social Security and Labor of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, the Minister of Health of the Republic of Lithuania) for determining the age, accommodation and other procedural actions of unaccompanied foreign minors who are not asylum seekers (unaccompanied foreign minors) established in the Republic of Lithuania was approved (Description of the Procedure). Description of the Procedure regulates the procedure for conducting interviews with the unaccompanied foreign minors, determining their age, searching for family members or other legal representatives, appointing a representative and terminating representation, their accommodation in the Refugee Reception Center (Center), provision of health care services, determination of legal status. |

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| | <ul style="list-style-type: none">- In accordance with the Description of the Procedure, upon identification of an unaccompanied foreign minor, the State Child Rights Protection and Adoption Service (Service) shall immediately, but not later than within 6 hours, decide regarding his/her accommodation in the Center. The Service shall then send a copy of the signed decision to the Center and to the structural unit of the State Border Guard Service, whose officers have identified the unaccompanied foreign minor. Unaccompanied foreign minor may be accompanied to the center by a representative of the authorized territorial division of the Service.- It should be noted that the Service responds to notifications about identified unaccompanied minors 24/7 and in accordance with the Article 36 of the Law on fundamentals of Protection of the Rights of the Child of the Republic of Lithuania. The order of the Minister of Social Security and Labor of 2019 No. A1-803 "On the description of the procedure for assessing the child's situation" examines the notification of a possible violation of the child's rights and takes appropriate action on initiating custody of the child in accordance with the priority established by the Civil Code of the Republic of Lithuania.- Pursuant to the Civil Code of the Republic of Lithuania and regulations for the organization of child care, approved by the Government of the Republic of Lithuania in 2002 Resolution No. 405 "On the Approval of the Regulations on the Organization of Child Care" if a child is left without parental care (including unaccompanied minors), the Service together with the municipal administration and the Care Center organizes the establishment of temporary care of the child and the Service ensures the care of the child. It should be noted that when assessing the individual needs of an unaccompanied minor (age, nationality, language), a guardian is sought in accordance with part 5 of the Article 3.264 of the Civil Code, but taking into account that there are currently no persons in Lithuania who are ready to take care of unaccompanied minors, therefore the child's care is usually established in an institution.- It should be noted that the fleeing of unaccompanied minors from the care institutions is usually caused by the goal of transit – to enter the |
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Western European and/or Scandinavian countries. Already in the first days of accommodation, unaccompanied minors are looking for opportunities to leave the institution. The institution notifies the police and the Service about the absent minors, and a search for them is carried out. In order to prevent the escape of unaccompanied minors from care institutions, the Service cooperates with the police, non-governmental organizations, municipal administrations and educational and other institutions. At the same time, integration programs are being implemented to create conditions for unaccompanied minors to learn the Lithuanian language, get to know Lithuania, participate in socio-cultural activities and study. Due to the fact that unaccompanied minors are most likely to have experienced violence, psychosocial assistance is provided to them.

- In cases where the fleeing of foster children from care institutions is encountered, the Service in accordance with the "Law on fundamentals of protection of the Rights of the Child" of the Republic of Lithuania and the above-mentioned "Description of the procedure for assessing the child's situation" takes action responding within its competence to the notification of possible violations of the rights of the child. The Service also considers child's opinion, is interested in the reasons for the minor's escape, which are often related to unresolved problems and experience in the family (institution), and initiates the provision of necessary assistance.

- In 2021, Service plans to provide training for staff on "Ensuring the rights and interests of unaccompanied minors, refugees and migrant children". The aim of this training is to introduce employees to the differences in the legal status of foreign minors, the specifics of ensuring their rights and interests, and possible difficulties, as well as to discuss good practices in foreign countries.

- In order to improve the competencies of employees working with children without parental care in Community child care home, the Service is implementing the project "Creating a sustainable transition from institutional care to family and community services in Lithuania" No. 08,4,1-ESFA-V405-01-0001 in 2019-2020, where trainings are organized for community child care home staff and family participants according to

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| | | <p>Guardians, guardians on duty, adoptive parents, community child care home staff training and counseling program (GIMK program). 346 employees were trained during this training.</p> <ul style="list-style-type: none"> - In 2020, the Service organizes Team Trainings for Care Center Coordinators, persons certified by the Service, specialists of the territorial divisions of the Service and municipal administrations working with children without parental care and coordinating child care cases. The aim of the training is to improve teamwork and cooperation in dealing with cases of temporary or permanent custody of a child. It is planned that about 360 specialists will participate in the training. - In order to ensure that every employee working in the Care Center and Community child care home is trained according to the GIMK program, in 2020 the Service organizes trainings for the employees of the Care Centers and Community child care home. It is planned to train about 400 employees. It should be noted that the GIMK program provides knowledge and skills to better know and understand a child left without parental care, to create a safe environment and to be able to provide support and services that meet the child's needs, with a special focus on children at risk. - In 2020, the Service conducted trainings for the staff of Community child care home and other specialists in the field of child welfare, on the topic "The role of child care home in preparing a child for custody and adoption in the family. Rights and responsibilities of the guardian, representation of the child's interests." |
| 6. | b) systematically carrying out police investigations into disappearances of children and strengthening the follow up and alert systems on reports of missing children | <ul style="list-style-type: none"> • From 2018, there is a possibility in Lithuania to publish searches for missing children in the urgent search system – "Amber Alert Facebook". So far, the police have not published an alert in this system as there were no urgent cases. The system allows the responsible authorities to immediately send a message with a photo of the missing child and the latest information to all social network users within a radius of two hundred kilometers from the place where the missing child was last seen. The description of the child emergency search system was approved by the Police Commissioner General of Lithuania in 2018 by order no. 5-V-241. |

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| | | <ul style="list-style-type: none"> - In 2019, the Police Department performed an analysis of reports of missing persons and children who have escaped from homes or children's social centers and other care institutions registered in the Police Register of the Events (2019 report No. 5-IL-5114) and made suggestions to the police for improvements in this area. - The search for children fleeing care institutions is one of the Police Department's identified priority areas for action in 2020 to reduce risk factors (report No. 5-PR2492 in 2020). Lithuanian Police puts its efforts to address this problem and is working to harmonize the inter-institutional algorithm governing the mandatory actions that each institution must take both when a child runs away from care home and when he or she returns. |
| 7. | c) sensitizing and training professionals working with children on the risks of trafficking and effective prevention measures | <ul style="list-style-type: none"> • In the field of education, the qualification improvement of the employees of educational institutions was carried out in the field of prevention of human trafficking 2017-2019: <ul style="list-style-type: none"> - An informational video has been prepared on the website "Mokytojo TV" about the prevention of human trafficking for employees of educational institutions and municipal administrations. - A newsletter has been prepared for educational institutions on the prevention of trafficking in human beings and anti-trafficking measures. - Recommendations were prepared for schools about working with students of different ages and their parents – "Principles of organizing the prevention of human trafficking in schools". - Trainings were organized for teachers and education support specialists on the integration of the topic of human trafficking prevention into the curriculum. - Trainings on the topic of human trafficking prevention were organized for general education school, vocational school supervisors, representatives of educational institutions' administrations, student assistance specialists. - 120 education support professionals were trained in the prevention of trafficking, bullying and violence in educational institutions; these specialists will be consultants for the staff of their municipal educational institutions. |

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| | | <ul style="list-style-type: none"> • Procurement of trainings on the topic "Identification of victims of child trafficking, assessment of the need for assistance and provision of assistance" is currently underway. The training is scheduled to take place in 2020 and will bring together professionals from the Service and the child welfare. - In order to ensure that those who have contact with victims in criminal proceedings for a possible crime of trafficking in human beings (especially in cases of sexual exploitation) are of the same sex as the victim of trafficking in human beings, the Service will address it in the meetings of the heads of the service, as well as during the trainings "Identification of Victims of Trafficking in Children, Assessment of Need for Assistance and Provision of Assistance" and "Hearing the Child in Civil, Criminal Proceedings" for the Service and child welfare professionals. - In 2019, the Service has prepared recommendations for more effective identification of victims of human trafficking and a scheme of actions in case of identification of a possible case of child trafficking. |
| 8. | <p>GRETA urges the Lithuanian authorities to take additional steps to improve the assistance for victims of trafficking, and in particular to:</p> <p>a) guarantee the availability of appropriate and safe accommodation and assistance for all victims of THB, including men</p> | <ul style="list-style-type: none"> • The Ministry of the Social Security and Labor is funding a project implemented by the National Association against Trafficking in Human Beings, which aims to provide comprehensive social assistance to victims or potential victims of trafficking in human beings and exploitation. One of the priority activities of this project is to provide temporary accommodation. In addition, temporary accommodation for victims of trafficking is provided by the Association for the Missing Persons' Families Support Centre, which has a comprehensive assistance center. Assistance to men victims of human trafficking is provided by the association Kaunas Men's Crisis Center. |
| 9. | b) provide access to specialised assistance and accommodation to foreign victims of THB | <ul style="list-style-type: none"> • Foreigners affected by human trafficking have access to specialized assistance and housing at the Rukla Refugee Center, as well as to non-governmental organizations providing assistance to victims of trafficking. |
| 10. | c) provide adequate advance financing to cover all the expenses incurred by specialised NGOs in the course of identifying and assisting victims of THB, including for legal assistance, counselling and information | <ul style="list-style-type: none"> • The Ministry of the Social Security and Labor finances projects implemented by non-governmental organizations. That is, once a funded organization is selected, funding is transferred to fund various activities of NGOs. |

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| 11. | d) ensure access of victims to health care, irrespective of their residence address | <ul style="list-style-type: none"> • Everyone is free to choose the primary outpatient health care facility and health care professional closest to or more easily accessible to him or her and to receive the necessary health care services. A person may receive primary outpatient personal health care services that include services provided by a family physician (or internal medicine physician, pediatric physician, obstetrician-gynecologist, and physician-surgeon), primary outpatient mental health care, and primary outpatient personal dental health care. It should be noted that a person can choose in which health care institution he wishes to receive specialized outpatient and / or inpatient personal health care services, depending on the need for health care services. • The costs of personal health care services covered by the budget of the Compulsory Health Insurance Fund are provided to persons insured with compulsory insurance. Article 6 of the Law on Health Insurance of the Republic of Lithuania establishes the categories of persons insured and insured with compulsory health insurance. Thus, in such a case, if the victim of human trafficking falls into the category of insured persons and insured with compulsory health insurance, the costs of personal health care services provided to that person by a health care institution with a contract with the territorial hospital fund are paid from the budget of the Compulsory Health Insurance Fund. |
| 12. | GRETA urges the Lithuanian authorities to enhance their efforts to identify victims of THB among unaccompanied or separated children in Lithuania and to ensure their referral to assistance | <ul style="list-style-type: none"> • Qualification training is organized for the State border guard service officials. Unfortunately, this year, due to COVID-19, the trainings have not been carried out yet, but 5 events are planned in case of a favorable situation: one of the events entitled "Human Rights", two events on "Combating Trafficking in Human Beings" and the last two events on – "Lifelong Learning Approach in the Reception and Asylum System." • In 2019, the "Description of the Procedure for Determining the Age, Accommodation and Other Procedural Actions of Unaccompanied Foreign Minors Identified in the Republic of Lithuania" was amended (approved by the order No. A1-229/1V-289/V-491 in 2014 by the Minister of Social Security and Labor of the Republic of Lithuania, the Minister of the Interior |

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| | | <p>of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania (wording of the order No. A1-538/1V-780/V-1067)). It establishes that if the State Border Guard Service identifies unaccompanied minors, it should inform the territorial division authorized by the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor. A representative of this department must attend the first interview, as this helps to ensure the best interests of the child.</p> |
| 13. | <p>GRETA once again urges the Lithuanian authorities to review the procedure for granting a recovery and reflection period to the effect that persons in respect of whom there are reasonable grounds to believe that they are victims of human trafficking are offered such a period without having to apply for it, as provided for in Article 13 of the Convention, and to ensure that all possible foreign victims of trafficking, including EU and EEA citizens, are effectively provided such a period, with all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention</p> | <ul style="list-style-type: none"> • Currently, in Lithuania the national mechanism for the identification of victims of trafficking in human beings has been formalized in the recommendations for the identification of victims of trafficking in human beings, pre-trial investigation and inter-institutional cooperation (the recommendation was approved by the Order of the Prosecutor General, the Minister of the Interior and the Minister of Social Security and Labor No. I-327/1V-1015/A1-758 in 2015). Recommendations define a "victim of trafficking in human beings" as an individual of whom a criminal offense of trafficking in human beings has been committed, regardless of that person's wish to be recognized as a victim or at the time of such recognition. One of the requirements of the above-mentioned recommendations is that in all cases, when identifying a person who already became or might be a victim of trafficking, he / she (his / her representative) must be informed about the possibility of receiving assistance from NGOs providing assistance to victims of trafficking. • The draft Law on Assistance to Victims of Crime (2020-02-14 No. 20-2005) is currently being submitted and is under consideration. Its adoption will establish a clear and well-functioning system of assistance to victims of crime. Regardless of whether the victim has lodged a formal complaint of a criminal offense, he or she (his or her family members) will have the right, free of charge and in confidence, to have access to assistance and assistance before, during and after criminal proceedings. |
| 14. | <p>GRETA urges the Lithuanian authorities to make the State compensation scheme effectively accessible to all victims of trafficking, regardless of their nationality and residence status</p> | <ul style="list-style-type: none"> • The issue of implementation of this recommendation will be resolved by preparing a draft amendment to the Law on Compensation for Damage Caused by Violent Crimes of the Republic of Lithuania. It will also implement |

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| | | the judgment of the Court of Justice of the European Union (CJEU) 2016-10-11 in case No. C-601/14 and the judgment of the CJEU 2020-07-16 in case No. C-129/19. |
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