



EVALUATION REPORT

LITHUANIA

Third evaluation round

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

Access to justice
and effective remedies
for victims of trafficking
in human beings

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Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions of the Convention on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' access to justice and effective remedies, which is essential for victims' rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim's stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA's findings and analysis of these topics are presented in a separate chapter.

List of acronyms

CBSS	Council of the Baltic Sea States
CC	Criminal Code
CPC	Criminal Procedure Code
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECtHR	European Court of Human Rights
FRONTEX	European Border and Coast Guard Agency
GRECO	Group of States against Corruption
ILO	International Labour Organisation
IOM	International Organization for Migration
JIT	Joint Investigative Team
KOPZI	Centre Against Human Trafficking and Exploitation
MFA	Ministry of Foreign Affairs
MoI	Ministry of the Interior
MoJ	Ministry of Justice
MSSL	Ministry of Social Security and Labour
NAP	National Action Plan against Trafficking in Human Beings
NAPPZ	National Association against Trafficking in Human Beings
OHCHR	Office of the High Commissioner for Human Rights
PGO	Prosecutor General's Office
SBGS	State Border Guard Service
SLI	State Labour Inspectorate
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime

Executive summary

Since the second evaluation round of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Lithuania has continued to develop the legislative and policy framework relevant to action against trafficking in human beings. Through amendments to the Criminal Code, the principle of non-punishment was extended to victims of forced labour or services. Further, the Law on Assistance to Victims of Crime, adopted in 2021, established a system of assistance to victims of crime, including victims of human trafficking. GRETA welcomes the independent evaluation of the national action plan (2017-2019). However, GRETA is concerned that the limited human and budgetary resources dedicated to the co-ordination of anti-trafficking action can have a negative impact on the implementation of the National Action Plan.

Lithuania is primarily a country of origin of victims of human trafficking, but in recent years it has emerged also as a country of destination. The total number of identified victims of THB in the period 2018-2022 was 148, of whom some 60% were women. Only 10 of the identified victims were children. More than 90% of identified victims were Lithuanian citizens and about half of them were exploited within Lithuania. Some 45% of the victims were trafficked for the purpose of sexual exploitation, 29% for forced criminality, 22% for labour exploitation, and the remainder for forced begging and forced marriage.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

As regards the right of victims of trafficking to information, the authorities have developed a brochure, available in four languages, listing the rights of victims of crime in general. However, the brochure does not explain victims' rights in an accessible language and does not list specific rights of victims of trafficking, such as the recovery and reflection period. GRETA considers that the authorities should ensure that presumed victims of trafficking are proactively informed of their rights, including the right to a recovery and reflection period, the available support services and how to receive them.

Victims of trafficking are entitled to free legal aid in criminal proceedings. However, legal assistance is not provided to victims of during the initial interview with law enforcement officials, even though the outcome of this interview may have major legal consequences. While welcoming the recent amendments to the Law on State Guaranteed Legal Aid, GRETA urges the Lithuanian authorities to ensure that legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the victim has to decide whether or not to co-operate with the authorities or make an official statement.

GRETA welcomes the fact that a number of victims of trafficking have been awarded compensation from the perpetrators by criminal courts. However, the compensation awards are generally low and have little deterrent effect on traffickers. GRETA considers that the Lithuanian authorities should take further steps to guarantee effective access to compensation for victims of trafficking, in particular by making full use of the legislation on the freezing and forfeiture of assets. As regards access to State compensation, it is limited to EU nationals and persons legally residing in Lithuania and is conditional on the outcome of the criminal proceedings, which delays the possibility to claim and obtain state compensation until the end of these proceedings. Accordingly, GRETA urges the Lithuanian authorities to make State compensation effectively accessible to all victims of trafficking, irrespective of their nationality or residence status, and the outcome of the criminal proceedings.

GRETA notes with concern that the number of investigations, prosecutions and convictions for human trafficking, in particular for the purpose of labour exploitation, has decreased. In addition, GRETA is concerned by the length of court proceedings and the fact that too much emphasis is put on the victim's testimony. GRETA considers that the Lithuanian authorities should strengthen the criminal justice response to human trafficking, by ensuring that human trafficking offences are proactively investigated, making use of all possible evidence gathered through special investigation techniques and financial investigations.

GRETA has continued to receive reports that persons involved in prostitution are imposed administrative fines without the police properly assessing if they could be victims of trafficking. Consequently, GRETA considers that the authorities should take further steps to ensure compliance with the principle of non-punishment of victims for their involvement in unlawful activities, including administrative offences, to the extent that they were compelled to do so.

GRETA welcomes the existence of police investigators and prosecutors specialised in dealing with human trafficking cases and considers that the authorities should promote specialisation of judges to deal with such cases.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. GRETA welcomes the establishment of two pilot groups within the State Labour Inspectorate to combat human trafficking for the purpose of labour exploitation. However, there is no system for licencing recruitment and temporary work agencies, which are often involved in hiring foreign workers and posting them to other EU countries. Journalists and trade unions have reported on the exploitative working conditions faced by lorry drivers employed by Lithuanian companies across the EU. GRETA calls on the authorities to ensure that sufficient staff and resources are made available to the State Labour Inspectorate to enable it to play a frontline role in the prevention and identification of trafficking for labour exploitation, paying particular attention to at-risk sectors, such as transportation, construction, hospitality and agriculture.

While recognising the serious challenges faced in relation to the situation at the border with Belarus, GRETA urges the Lithuanian authorities to review its legislation and practice in order to ensure that individualised assessments are undertaken prior to any forced returns in order to detect any victims of human trafficking and refer them to assistance.

Moreover, GRETA urges the authorities to ensure that, in practice, the identification of victims of human trafficking is not linked to the prospects of the investigation and prosecution. Further, GRETA calls on the authorities to pay increased attention to detecting victims of trafficking amongst asylum seekers, including by providing systematic training and instructions to staff of reception centres and immigration detention centres. GRETA also calls on the authorities to increase their outreach work to identify child victims of trafficking.

Whilst welcoming the increased state funding for assistance programmes for victims of trafficking, GRETA urges the authorities to ensure the availability of appropriate and safe accommodation and assistance for all victims, including children, men and foreign victims, irrespective of their residence status or willingness to co-operate in the investigation or prosecution.

Finally, GRETA calls upon the Lithuanian authorities to ensure that all foreigners for whom there are reasonable grounds to believe that they are victims of trafficking are offered a recovery and reflection period without having to apply for it, and are able to fully benefit from all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for the Lithuania on 1 November 2012. GRETA’s first evaluation report on Lithuania was published on 5 June 2015,¹ and the second evaluation report on 21 June 2019.²
2. On the basis of GRETA’s second report, on 18 October 2019, the Committee of the Parties to the Convention adopted a recommendation to the Lithuanian authorities,³ requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Lithuanian authorities was considered at the 27th meeting of the Committee of the Parties (4 December 2020), and was made public.⁴
3. On 3 May 2022, GRETA launched the third round of evaluation of the Convention in respect of Lithuania by sending the questionnaire for this round to the Lithuanian authorities. The deadline for submitting the reply to the questionnaire was 5 September 2022, date on which the authorities’ reply was received.
4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Lithuanian authorities,⁵ the above-mentioned report and additional information submitted by them in reply to the Committee of the Parties’ recommendation. An evaluation visit to Lithuania took place from 12 to 15 December 2022 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:
 - Mr Sergey Ghazinyan, member of GRETA;
 - Ms Conny Rijken, member of GRETA;
 - Mr Roemer Lemaître, Administrator in the Secretariat of the Convention.
5. During the visit, the GRETA delegation held consultations with Mr Vitalij Dmitrijev, Vice-Minister of the Interior, and officials from the Ministry of the Interior, the Ministry of Social Security and Labour, the Ministry of Justice, the Ministry of Foreign Affairs, and the Ministry of Science, Education and Sports. Furthermore, GRETA’s delegation held meetings with representatives of the Police, the State Border Guard Service, the State Labour Inspectorate, the Child Rights Protection and Adoption Service, as well as prosecutors and judges. The GRETA delegation also met with the Office of the Equal Opportunities Ombudsperson, the Office of the Ombudsperson for Child Rights, and the Office of the Ombudsperson of the Parliament (Seimas). In addition, the delegation met with representatives of the Anti-Trafficking Co-ordination Commission in the city of Kaunas and the Association of Local Authorities of Lithuania.
6. Separate meetings were held with non-governmental organisations (NGOs), trade unions and lawyers representing victims of THB. The GRETA delegation also met representatives of the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the European Border and Coast Guard Agency (FRONTEX).
7. In the course of the visit, GRETA’s delegation visited the refugee reception centre in Rukla, which accommodates unaccompanied migrant children, and the Naujininkai refugee camp in Vilnius, which accommodates vulnerable asylum seekers, including possible victims of human trafficking.

¹ <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631dc5>

² <https://rm.coe.int/greta-2019-08-fgr-lithuania-en/1680950076>

³ <https://rm.coe.int/recommendation-on-the-implementation-of-the-council-of-europe-conventi/16809860fc>

⁴ <https://rm.coe.int/cp-2020-12-lithuania/1680a09ade>

⁵ <https://rm.coe.int/reply-from-lithuania-to-greta-questionnaire-3rd-round-/1680a8d29d>

8. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.

9. GRETA wishes to place on record the excellent co-operation provided by the Lithuanian authorities in the preparation and carrying out of the evaluation visit, and in particular by Ms Sonata Mickutė, senior advisor of the Ministry of the Interior, fulfilling the role of contact person for GRETA at the time of the evaluation.

10. The draft version of the present report was approved by GRETA at its 48th meeting (26 to 30 June 2023) and was submitted to the Lithuanian authorities for comments. The authorities' comments were received on 26 October 2023 and were taken into account by GRETA when adopting the final report at its 49th meeting (13-17 November 2023). The report covers the situation up to 17 November 2023; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and trends in the area of trafficking in human beings in Lithuania

11. Lithuania is primarily a country of origin of victims of trafficking in human beings (THB), but in the last four years it has emerged also as a country of destination. The authorities identified 44 victims of trafficking in 2018, 39 in 2019, 24 in 2020, 26 in 2021 and 15 in 2022.⁶ The decrease in the number of identified victims in 2020-21 could be linked to the COVID-19 pandemic, due to reduced travel movements. Approximately 60% of the identified victims were female and 40% male. Only 10 of the victims were children – a threefold decrease compared to the previous reporting period. As regards the forms of exploitation, 67 identified victims were trafficked for the purpose of sexual exploitation, 43 for forced criminality, 32 for labour exploitation, three for forced begging, and three for forced marriage. Female victims were mostly trafficked for sexual exploitation and male victims for forced criminality or labour exploitation. More than 90% of identified victims were Lithuanian citizens and about half of them were exploited within Lithuania. The main countries of destination of the Lithuanian victims exploited abroad were Germany, Ireland, Norway and Spain. As regards foreign victims of THB, four came from Ukraine, three from the Czech Republic and one each from Cambodia, Egypt, India, Russia, Tajikistan, Thailand and Uzbekistan.

12. In mid-2021, a sudden increase in migrants arriving at the Lithuania-Belarus border led to a dire humanitarian situation, with migrants stranded for prolonged periods of time at the border without access to basic services or international protection procedures (see paragraph 158). According to the Lithuanian authorities, more than 3,300 migrants illegally entered the country in June and July 2021 alone. The Lithuanian authorities have not identified any victims of THB among migrants who crossed the border from Belarus. UNHCR acknowledged the unprecedented situation faced by the Lithuanian authorities but criticised their response, which included limiting access to asylum, prolonged detention of asylum-seekers and pushbacks of migrants on the border in violation of Lithuania's obligations under international and European law (see paragraph 160).

13. Since the beginning of Russia's invasion of Ukraine on 24 February 2022, Lithuania has registered more than 77,000 arrivals from Ukraine (overwhelmingly women and children).⁷ The government launched a website for refugees from Ukraine, which includes the number of the hotline for victims of THB.⁸ The State Border Guard Service increased THB sensitive monitoring at the Polish-Lithuanian border, which is the main entry point for Ukrainian refugees to Lithuania. Law enforcement officials with knowledge of THB were placed at temporary registration centres for Ukrainian refugees to detect potential traffickers and volunteers working in these centres were informed about signs of THB and referral to specialised assistance. The Lithuanian authorities have opened two criminal investigations under Article 147(1) of the Criminal Code (CC) into the sexual exploitation of two Ukrainian women. One case was completed, and one Lithuanian and two Ukrainian citizens were indicted in 2023. The other case was dismissed for lack of evidence. In addition, the Lithuanian authorities also opened one criminal investigation under Article 157(2) of the CC into a possible case of illegal adoption of children from an orphanage in Ukraine via Lithuania to the United States. The investigation was ongoing at the time of adoption of this report.

⁶ By way of comparison, during the period covered by GRETA's 2nd report, the number of identified victims of THB was 47 in 2014, 62 in 2015, 45 in 2016 and 58 in 2017.

⁷ [War refugees from Ukraine - Oficialiosios statistikos portalas](#)

⁸ [Інформація для громадян України | Information about support for Ukraine | Informacija apie pagalbą Ukrainai | Mano vyriausybė \(lrv.lt\)](#)

III. Developments in the legislative, institutional and policy framework for action against human trafficking

14. Since the second evaluation of Lithuania by GRETA in 2018, the legislative framework relevant to action against THB has undergone several changes.

15. In November 2020, in addition to the already existing provisions in Articles 147(3) and 157(3) of the CC on the non-punishment of victims of THB for criminal offences they were compelled to commit as the result of being trafficked, a non-punishment clause was added to Article 147¹ of the CC ("Exploitation for forced labour or services") (see paragraph 100).

16. Further, in January 2021 Lithuania adopted the Law on Assistance to Victims of Crime to transpose Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime (EU Victims' Rights Directive). The law establishes a system of assistance to victims of crime, including victims of human trafficking (see paragraphs 44 and 0).

17. In July and August 2021, the Law on the Legal Status of Aliens was amended, allowing the authorities in the event of an emergency due to a mass influx of foreigners to remove important safeguards in the asylum procedure, including the provision of information and legal assistance, to detain asylum seekers and migrants for prolonged periods of time solely because they entered Lithuania illegally, and to immediately return foreigners entering Lithuania through unofficial border crossings without the possibility to lodge an application for asylum or international protection. Further amendments to the Law on the Legal Status of Aliens, as well as the Law on the State Border and its Protection, were made in April 2023. These amendments are discussed in detail in paragraphs 159 and 0.

18. In 2020 a member of the Lithuanian parliament (Seimas) proposed a bill to abolish administrative liability for prostitution and criminalise buying sexual services. The bill is currently pending in the Seimas. **GRETA would like to be kept informed about the status of this bill.**

19. On the institutional level, the Commission for Co-ordination of the Fight against THB ("Co-ordination Commission"), created in 2016, continues functioning. According to the most recent decision on the composition of the Co-ordination Commission, taken by the Government on 5 May 2021, it comprises members representing the Ministry of the Interior (MoI), the Ministry of Social Security and Labour (MSSL), the Ministry of Justice (MoJ), the Ministry of Foreign Affairs (MFA), the Ministry of Health, the Ministry of Education, Science and Sports, the Chancellery of the Government, the Police, the State Border Guard Service (SBGS), the State Labour Inspectorate (SLI), the Employment Agency, the State Child Rights Protection and Adoption Service ("Child Protection Service"), the Prosecutor General's Office (PGO), the National Judicial Administration, the Association of Lithuanian Municipalities (up to four representatives), anti-trafficking NGOs (up to four representatives), the Lithuanian Bishops' Conference, the community of Lithuanians abroad and the IOM office in Lithuania. The Vice-Minister of the MoI is the chairperson of the Co-ordination Commission and the Vice-Minister of the MSSL acts as deputy chairperson. The Co-ordination Commission meets at least once every six months. Due to the COVID-19 pandemic the commission met just once in 2020 and held two online meetings in 2021. In the first half of 2022 Co-ordination Commission met twice to discuss measures to prevent THB in relation to refugees arriving from Ukraine following Russia's invasion on 24 February 2022. The meetings of the Co-ordination Commission are prepared by a working group, also chaired by the MoI.

20. As noted in GRETA's second report, local anti-trafficking commissions exist in 19 out of 60 municipalities in Lithuania.⁹ No additional local commissions have been set up during the reporting period. In Lithuania, municipalities are responsible for providing and financing social services for victims of THB who have a registered address in the municipality. However, municipalities do not receive funding to cover these assistance measures, leading to different standards of services provided across the country.

⁹ GRETA 2nd report on Lithuania, paragraph 21.

21. During the evaluation visit GRETA met with members of the local anti-trafficking commission in Kaunas. GRETA was informed that municipal workers regularly raise awareness about the risk of THB among socially vulnerable groups and in 2022 organised several information sessions, including on THB, for Ukrainian refugees. The municipality provides overnight accommodation for different categories of vulnerable persons, which can also be used by victims of THB, provided they are registered in Kaunas. Other support services for trafficking victims, including counselling, primary legal aid and psychological assistance, are procured from specialised NGOs. The Kaunas office of the SLI hosts one of the two pilot groups on THB (see paragraph 149).

22. NGO representatives stressed that local anti-trafficking commissions are only active in larger municipalities and few commissions exist in rural areas. Not all municipalities are ready to acknowledge that they have THB victims and to pay for their assistance. According to the Association of Lithuanian Municipalities, every municipality can decide to set up a local anti-trafficking commission. Although the MoI organises an annual meeting for municipal officials to raise awareness about THB, smaller, rural municipalities often lack the will and/or the capacity, including the financial means, to set up an anti-trafficking commission. During the evaluation visit the MoI informed GRETA that it was preparing, in cooperation with the Association of Lithuanian Municipalities, a regulation to improve the co-ordination between national and municipal bodies on action against THB. However, the government failed to adopt the regulation and sent it back to the MoI for further clarification and improvement.

23. GRETA welcomes the existence of local anti-trafficking commissions in 19 municipalities and considers that the Lithuanian authorities should reinforce the work of the existing local commissions, including by securing funding for their activities, and support the setting up of anti-trafficking commissions in other municipalities.

24. Following discussions in the Co-ordination Commission, the National Association against Trafficking in Human Beings (NAPPZ) was founded in October 2019 as an umbrella non-governmental organisation to promote comprehensive assistance to trafficking victims, co-ordinate efforts to combat THB and raise public awareness about THB. NAPPZ has six member organisations and several partners, including the Centre against Human Trafficking and Exploitation (KOPZI), the Missing Persons Family Support Centre, the Klaipeda Social and Psychological Support Centre, and Caritas in the Vilnius Archdiocese. The NAPPZ receives funding from the MSSL to provide services to victims and potential victims of THB (see paragraph 177).

25. During the reporting period, the Lithuanian authorities have implemented two National Action Plans (NAP) against Trafficking in Human Beings: for 2017-2019 and 2020-2022.¹⁰ Each NAP had four objectives (strengthening the co-ordination between various stakeholders, improving prevention, strengthening support to victims of THB, and capacity building of stakeholders) and included activities to be implemented at national and local level by state and non-state actors.

26. In 2020 the NGO Diversity Development Group evaluated the NAP for 2017-2019 at the request of the MoI. The existence of a NAP against THB was seen as a major advantage in itself, compared to the time period before 2017. However, the independent evaluation identified several areas for improvement. It highlighted the lack of division of responsibilities between different stakeholders and the lack of clarity on how they should report back on how they implemented the activities of the NAP. The evaluation noted that not all measures provided in the NAP were sufficiently funded. Furthermore, it found that the NAP did not sufficiently reflect the socio-economic context of THB and did not take into account the different forms of THB, the specific needs of vulnerable groups and the interplay between THB and migration.

¹⁰ The NAPs (in Lithuanian) are available from the MoI's website <https://vrm.lrv.lt/lt/veiklos-sritys/viesasis-saugumas-1/kova-su-prekyba-zmonemis-1>.

27. GRETA was informed by the MoI that the preparation of a new NAP for 2023-2025 would take into account the results of an independent evaluation of the NAP for 2020-2022 which was expected to be carried out. However, in their comments on the draft report, the Lithuanian authorities stated that the NAP for 2020-2022 was not evaluated, and that the NAP for 2023-2025 had not yet been approved.

28. **GRETA welcomes the independent evaluation of the NAP for 2017-2019 and considers that the Lithuanian authorities should continue commissioning independent evaluations of future anti-trafficking national action plans as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB.**

29. **Further, GRETA considers that the Lithuanian authorities should ensure that national action plans against trafficking in human beings are adopted in a timely manner.**

30. As noted in GRETA's second report, the National Rapporteur for Counter-Trafficking Issues, who is an employee of the MoI, is responsible for collecting and analysing statistical data and other relevant information on THB, evaluating trends and the results of counter-trafficking activities, and submitting recommendations to the MoI and the Co-ordination Commission.¹¹ GRETA noted that the fact that the function of the National Rapporteur has been assigned to an official of the executive branch, namely the Ministry of the Interior, may limit the independence of this office, the capacity of taking a holistic approach to evaluating anti-trafficking policies and their implementation, and the ability to critically analyse the situation and provide effective guidance to all involved public bodies and non-state actors. Accordingly, GRETA considered that the Lithuanian authorities should examine the possibility of establishing an independent national rapporteur or designate another mechanism as an independent organisational entity, and to provide the National Rapporteur with sufficient human and financial resources to enable it to effectively carry out the tasks under its mandate. GRETA was informed that following the departure of the first national rapporteur in 2018, the Secretary of the Co-ordination Commission for the Fight against THB was assigned to carry out both functions. She is also responsible for co-ordinating the MoI's activities in the field of domestic violence.

31. In 2022 two studies commissioned by the MoI found that the National Rapporteur mechanism is not compliant with the Council of Europe Anti-Trafficking Convention and suggested to transfer the function of National Rapporteur to the Office of the Ombudsperson of the Parliament (Seimas).¹² However, during the third evaluation visit, representatives of the Office of the Ombudsperson stated that it had not been consulted about this proposal and that it lacked sufficient resources for taking up an additional function. In their comments on the draft report, the Lithuanian authorities stated that in September 2023 the Office of the Ombudsperson of the Seimas had provided the MoI with an estimate of the additional financial resources required to establish the function of National Rapporteur, which remain to be allocated by the Government.

32. GRETA is concerned that the limited human and budgetary resources dedicated to the co-ordination of anti-trafficking action can have a negative impact on the implementation of the NAP. Consequently, **GRETA urges the Lithuanian authorities to strengthen the co-ordination of anti-trafficking action by reviewing the responsibilities of the Secretary of the Co-ordination Commission and increasing the human and budgetary resources to enable the carrying out of the range of tasks related to national anti-trafficking action, reflecting the requirements of a co-ordinated and effective human rights-based approach to combating human trafficking.**

¹¹ GRETA 2nd report on Lithuania, paragraph 23.

¹² <https://strata.gov.lt/wp-content/uploads/2022/08/2022-nacionalinio-pranesejo-statuso-lietuvoje-atitikties-vertinimas.pdf> and https://strata.gov.lt/wp-content/uploads/2022/10/NAC_PRANESEJAS_2.0_ataskaita_FINAL_2022-09-30.pdf

33. Furthermore, GRETA considers that the Lithuanian authorities should establish an independent National Rapporteur, supported by a dedicated office, or designate another mechanism as an independent organisational entity with a view to ensuring an effective monitoring of 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).

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

34. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

35. The right to effective remedies is a reflection of the human rights-based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of THB, and effectively investigate trafficking offences.¹³

36. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,¹⁴ the right to an effective remedy is considered to include restitution,¹⁵ compensation,¹⁶ rehabilitation,¹⁷ satisfaction¹⁸ and guarantees of non-repetition.¹⁹ All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm

¹³ *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgment 30 March 2017; *S.M. v. Croatia*, application No. 60561/14, Grand Chamber judgment 25 June 2020.

¹⁴ UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

¹⁵ Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

¹⁶ Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

¹⁷ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

¹⁸ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims of their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

¹⁹ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power²⁰ and the Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime,²¹ which outline the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.

37. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

38. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children.²² The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.²³

39. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.²⁴ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons²⁵ and Justice at Last - European Action for Compensation of Victims of Crime,²⁶ which aim to enhance access to compensation for trafficked persons.

40. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.²⁷ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate victims' access to remedies for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²⁸ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

²⁰ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

²¹ Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aa8263

²² Article 3(1) of the UN Convention on the Rights of the Child.

²³ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pages 7 & 8, available at: http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf

²⁴ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pages 48 to 53.

²⁵ <http://www.compactproject.org/>

²⁶ <http://lastradainternational.org/about-lsi/projects/justice-at-last>

²⁷ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

²⁸ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pages 8 & 9.

41. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

2. Right to information (Articles 12 and 15)

42. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

43. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.²⁹

44. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.³⁰

45. In Lithuania, the rights of victims of crime, including THB, are set out in Article 28(2) of the Criminal Procedure Code (CPC) and the Law on Assistance to Victims of Crime. Victims of crime have the right to have a legal representative and/or an accompanying person of their choice, receive information about the status of the criminal case, participate in the assessment of their protection needs, give evidence, lodge petitions, receive access to the case file, obtain compensation and reimbursement of expenses related to the proceedings, appeal against decisions of an investigator, a prosecutor, an investigative judge and a court, take part in the trial of the perpetrator(s), make a closing speech in court and appeal against the judgement of the court. Information for victims of crime on their rights is available on a government website, in four languages (Lithuanian, English, Polish and Russian).³¹ The website includes a subsection on THB, providing links to specialised NGOs.³² In addition, the MoJ has issued a 24-page brochure "What you need to know if you are a victim of a crime," available in the same four languages, informing victims of crime about their rights and how to get assistance.³³ The brochure is distributed to state and non-state institutions who may come into contact with a victim of a crime. Further, in August 2020 the Prosecutor General issued an order to prosecutors explaining the rights of victims of crime.³⁴

²⁹ See Explanatory Report on the Convention, paragraphs 160-162.

³⁰ See 8th General Report on GRETA's activities, paragraphs 168-169.

³¹ www.nukentejusiems.lt/en/

³² www.nukentejusiems.lt/en/report-crime-get-help/support-victims-human-trafficking-exploitation/

³³ <https://tm.lrv.lt/en/information-banners/what-you-need-to-know-if-you-are-a-victim-of-a-crime/>

³⁴ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/342454e2e85211ea8d16c98db9b69006>

46. According to the Lithuanian authorities, victims of a crime are informed about their rights in a language that they can understand during their first contact with the authorities, pursuant to Article 45 of the CPC and Article 4 of the Law on Assistance to Victims of Crime. In March 2022 the Police Commissioner General approved the procedure used by the police to inform victims of crime of their rights and the possibility to receive assistance.

47. As regards more specifically the right of victims of THB to information, the 2015 Recommendations regarding the Identification of Victims of Trafficking, Criminal Investigations and Interagency Co-operation ("Recommendations on Victim Identification"), stipulate that potential victims of THB (or their representative) shall be informed of the possibility of receiving assistance from specialised anti-trafficking NGOs.³⁵ The NAPPZ operates a toll free hotline staffed by volunteers that provides 24/7 advice and refers potential victims of THB to specialised NGOs for further assistance.

48. However, anti-trafficking NGOs informed GRETA that the above-mentioned MoJ's brochure does not explain victims' rights in an accessible language and the information provided by law enforcement to victims of THB does not explain specific rights, such as the recovery and reflection period. NGOs also raised concerns about the lack of information provided to asylum seekers and irregular migrants arriving from Belarus, who may include victims of THB (see paragraph 164). In February 2023 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommended to the Lithuanian authorities that detained foreign nationals be better informed about the legal framework applicable to them and that steps be taken to improve their access to translation, legal assistance, and avenues for complaints.³⁶

49. Pursuant to Article 8 of the CPC, victims of crime have the right to use their own language in the criminal proceedings. Translation and interpretation for victims who do not speak Lithuanian is organised by the police in accordance with the Procedure for Translations and Interpretations at Police Stations, approved by the Police Commissioner General in September 2021. Police officers can find a list of interpreters on the intranet of the police. Interpretation is provided by telephone or by an interpreter who is physically present. In 2019 the Police Department of the MoI used a grant from the EU's Asylum, Migration and Integration Fund to procure interpretation/translation, legal and transportation services in asylum proceedings. Outside of criminal proceedings foreign victims of THB rely on NGOs who can communicate with them in a mutually understandable language (usually English) or can procure the services of an interpreter if needed.

50. Anti-trafficking NGOs informed GRETA that there are not always enough interpreters in some of the victims' native languages (for example, Thai) and that very few interpreters are sensitised to the issue of human trafficking. They also noted that in the case of interpretation by phone, it is difficult to translate non-verbal communication. Further, NGOs representatives stated that they often do not have sufficient funds to hire an interpreter and have to rely on volunteers.

51. GRETA considers that the Lithuanian authorities should continue to make efforts to ensure that all presumed victims of trafficking, including among asylum seekers and migrants, are proactively informed of their rights, including the right to a recovery and reflection period, the available support services and how to receive them, and the consequences of their being recognised as victims of trafficking, taking into account victims' age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disabilities which may affect their ability to understand the information provided.

52. GRETA also considers that the Lithuanian authorities should take measures to increase the number of qualified interpreters who are sensitised to the issue of human trafficking and the vulnerabilities of victims, and to ensure their timely availability.

³⁵ The recommendations were approved in 2015, see GRETA 2nd report on Lithuania, paragraphs 17 and 94-95.

³⁶ <https://rm.coe.int/1680aa51af>

3. Legal assistance and free legal aid (Article 15)

53. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law³⁷ also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

54. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.³⁸

55. In Lithuania, victims of crime, including THB, are entitled to primary and secondary legal aid in accordance with the Law on State Guaranteed Legal Aid. Primary legal aid includes the provision of legal information, legal advice and drafting of documents for submission to municipal authorities, except for procedural documents. It is usually provided by municipal officials or by lawyers contracted by the municipality, and is limited to one hour (Article 15 of the Law on State Guaranteed Legal Aid). Secondary legal aid, which covers legal representation during criminal, civil and administrative proceedings, is provided by lawyers and is granted by the State-guaranteed Legal Aid Service, an agency under the MoJ, following an assessment of the application and supporting documents. Pursuant to Article 12(2) of the Law on State Guaranteed Legal Aid, victims of THB are entitled to secondary legal aid regardless of their means or level of income. GRETA was informed that in 2018 one victim of THB received secondary legal aid, in 2019, eight victims, in 2020, four victims, in 2021, 13 victims and in 2022, 12 victims.

56. GRETA was informed that legal assistance is not necessarily provided to victims of THB during the initial interview with law enforcement officials, even though the outcome of this interview may have major legal consequences. Only after a person is officially recognised as a victim in the criminal proceedings does he/she become entitled to a lawyer provided by the State-guaranteed Legal Aid Service. Accordingly, legal aid is mostly provided to victims and witnesses of THB who are officially identified and agree to testify against traffickers in criminal proceedings.

57. In accordance with Article 11(2)1&2 of the Law on State Guaranteed Legal Aid, only persons legally residing in Lithuania or another EU country can apply for primary and secondary legal aid. According to the Lithuanian authorities, irregular migrants who are victims of THB fall under the scope of the Law on State Guaranteed Legal Aid once they have been granted a temporary residence permit pursuant to Article 40(12) of the Law on the Status of Aliens. However, GRETA notes that the latter provision only applies to victims of THB who have agreed to co-operate with the authorities in the criminal investigation (see paragraph 179) and does not include trafficking victims who are unwilling or unable to co-operate. In their comments on the draft report, the Lithuanian authorities stated that pursuant to Article 11(2)3 of the Law on State Guaranteed Legal Aid, it is possible to grant legal aid also to third-country nationals when this is provided for in treaties to which Lithuania is a party, including the Council of Europe Anti-trafficking Convention.

³⁷ *Airey v. Ireland* judgment, 9 October 1979.

³⁸ See 8th General report on GRETA's activities, paragraph 167.

58. Applications for secondary legal aid for children are usually made by their parents or legal guardians but in certain cases, notably when the rights and interests of child victims of certain types of crimes, including THB, would not be appropriately protected by their legal representatives, a lawyer shall be directly appointed by the pre-trial investigation officer, prosecutor or judge, in accordance with Article 11 of the 2009 Recommendations of the Prosecutor General for Interrogation of a Witness and a Victim Who Is a Child.

59. There are only a few lawyers specialised in representing trafficking victims in Lithuania. The State-guaranteed Legal Aid Service, together with the Lithuanian Bar Association, organises periodic training for legal aid lawyers, but there has never been a specific training on THB. During the evaluation visit in December 2022 the authorities informed GRETA of proposals to amend the Law on State Guaranteed Legal Aid concerning the specialisation and remuneration of lawyers. In their comments on the draft report, the authorities stated that the amendments, which were passed on 29 June 2023, provide for training of lawyers providing secondary legal aid and those who have completed specialised training will be paid double. Rules for the organisation of specialised training were adopted by the MoJ on 26 September 2023, defining priority areas of training, which include the provision of legal aid to victims of THB. The training plan for 2024 is being prepared at the moment of the adoption of the report.

60. According to NGOs and a lawyer met by GRETA, experienced lawyers are usually not interested in representing victims of THB under the Law on State Guaranteed Legal Aid because the remuneration is low and not commensurate with the complexity of the case. NGOs stated that they do not have sufficient funds to hire an experienced lawyer, unless the latter agrees to work *pro bono*. They also stated that lawyers specialised in representing trafficking victims are not available across the country. GRETA was also told that victims of THB who claim asylum are assigned a lawyer as part of the asylum procedure, but these lawyers have no expertise on THB.

61. In addition to a lawyer, victims of crime can be accompanied by a person of their choice during the criminal proceedings (Article 56¹ of the CPC). This person may be a staff member of an NGO who is allowed to attend the interview of the victim during the pre-trial investigation, as well as the trial, but is not authorised to represent the victim. Judges met by GRETA stated that anti-trafficking NGOs rarely used this opportunity, whereas NGOs stated that they do not have the human resources to systematically do this.

62. While welcoming the recent amendments to the Law on State Guaranteed Legal Aid, GRETA urges the Lithuanian authorities to make additional efforts to guarantee access to justice for victims of trafficking, in particular by ensuring that legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not he/she is formally identified, wants to co-operate with the authorities and/or make an official statement.

63. Further, GRETA invites the Lithuanian authorities to sensitise the Bar Association to the need to encourage training and specialisation of lawyers, with a view to providing legal assistance to victims of trafficking, including child victims.

4. Psychological assistance (Article 12)

64. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic intervention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.³⁹ In the case of trafficked children, specialist child psychologists should be employed.

65. In Lithuania, victims of THB have access to general health care services, which include psychological assistance, and are organised at the municipal level and financed by the Compulsory Health Insurance Fund. Access to these services requires health insurance and a registered address in a municipality in Lithuania. Accordingly, foreign victims without legal residence in Lithuania do not have access to non-emergency health care services. GRETA was informed that in practice psychological assistance to victims of THB is provided by NGOs as part of the assistance programme financed by the MSSL or through ad hoc contracts with municipal authorities, but the latter will only pay for victims who are registered in the municipality.

66. GRETA considers that the Lithuanian authorities should take further steps to ensure that all victims of THB are provided with adequate psychological assistance for as long as their individual situation requires, in order to help them overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion.

5. Access to work, vocational training and education (Article 12)

67. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, micro-businesses and social enterprises.⁴⁰ GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.⁴¹

68. The authorities have not provided GRETA with information on measures taken in Lithuania to enable victims of trafficking to have access to the labour market, vocational training and education. Initiatives to assist victims of THB to access the labour market through vocational training are implemented by anti-trafficking NGOs. The Centre for Social and Psychological Aid in Klaipeda co-operates with local companies to integrate trafficking victims into the labour market and several foreign nationals assisted by KOPZI are employed in a chocolate factory in Vilnius.

69. GRETA notes that victims of THB often face barriers in obtaining access to the labour market, due to factors such as the trauma of having been exploited, low level of education or lack of professional skills, and, on the part of prospective employers, prejudice and social stigmatisation. More systematic efforts are therefore needed to support the successful inclusion of victims of THB.

³⁹ OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, page 115.

⁴⁰ Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

⁴¹ See 8th General report on GRETA's activities, paragraph 183.

70. **GRETA considers that the Lithuanian authorities should strengthen effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of THB.**

6. Compensation (Article 15)

71. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which, when compensation is not fully available from other sources, the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

72. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

73. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

74. The legal framework for compensation of victims of THB in Lithuania remains as described in GRETA's second evaluation report.⁴² Namely, victims may seek compensation for material and non-material damages from the perpetrator during the criminal proceedings and/or pursue compensation claims before a civil court (Articles 109 and 112(1) of the CPC), unless the perpetrator has voluntarily compensated the damages (Article 107 of the CPC). A person who has suffered harm due to an offence may also file a civil claim as part of the criminal proceedings, which would allow the pre-trial investigating officer, the prosecutor or the court to seize the property owned by the suspect or the accused. Article 115(2) of the CPC stipulates that, in exceptional cases, where the civil claim cannot be accurately estimated without postponing the criminal proceedings or obtaining additional material, the court may refer the victim to seek compensation through civil proceedings. Article 116 of the CPC states that during the pre-trial investigation the authorities must take measures to safeguard the civil claim by finding assets belonging to the defendant(s) and temporarily seizing them (see also Article 151 of the CPC). Article 117 of the CPC stipulates that the prosecutor must file a civil claim in cases where the criminal offence has caused damage to the state or to persons who, due to age, illness or dependency on the defendant(s), cannot properly defend their legitimate interests in court. Victims must be informed of their procedural rights, including the right

⁴² GRETA 2nd report on Lithuania, paragraph 140.

to compensation and the right to free legal aid to claim compensation. According to the Lithuanian authorities, Article 117 of the CPC has not been used in THB cases.

75. Compensation from the perpetrator covers material and non-material (moral) damages, pursuant to Article 6.249(1) and 6.250(1) of the Civil Code. Material damages can include loss of wages in cases of labour exploitation. Pursuant to Article 56 of the Law on Employment, victims of THB working in irregular employment or without a contract can also claim unpaid wages under the dispute settlement procedures provided in the Labour Code.

76. According to information provided by the Lithuanian authorities, courts of first instance awarded compensation for pecuniary and/or non-pecuniary damages to 23 victims of THB in 2018, 19 in 2020 and 10 in 2021. The amounts of compensation varied between 200 and 8,000 euro. NGOs noted that compensation awards are generally low and have little deterrent effect on traffickers.

77. Victims of THB may also apply for state compensation under the Law on Compensation for Damage Caused by Crimes of Violence. Pursuant to it, victims of violent intentional crimes committed on Lithuanian territory may seek compensation for pecuniary and non-pecuniary damages. Victims do not need to be present in the country to apply for state compensation but the law's scope *ratione personae* remains limited to victims of violent intentional crimes who are EU nationals or persons legally residing in Lithuania.⁴³

78. State compensation is awarded by the MoJ, which has four weeks to review an application. State compensation depends on the outcome of the criminal case, i.e. only the pecuniary and non-pecuniary damage awarded to the victim by the criminal court shall be compensated, provided the victim is unable to obtain the compensation from the offender through a bailiff, and up to the maximum stated in the Law. Currently, the maximum amount of state compensation varies from 3,680 to 4,600 euros, depending on the seriousness of the damage and the age of the victim (adult or child). Under certain conditions, a victim may receive up to half of the compensation in advance before a final judgment in criminal proceedings. If the perpetrator paid the compensation awarded by the criminal court, the victim cannot apply for state compensation.

79. According to the Lithuanian authorities, the MoJ started collecting statistical data on state compensation per crime in October 2021. Since then, seven victims of THB have received state compensation: two in 2021 and five in 2022. The compensation ranged from 1,000 to 3,800 Euro.

80. GRETA was informed that the issue of compensation of victims of THB is covered by the training for prosecutors and judges (see paragraph 121).

81. GRETA notes that not all victims of THB can apply for state compensation and the latter is conditional on the outcome of the criminal proceedings, which delays the possibility to claim and obtain state compensation until the end of these proceedings. Moreover, according to NGOs, the procedure for obtaining state compensation is rather bureaucratic. For example, the MoJ requires victims to obtain a statement from a bailiff that the defendant has no recoverable assets.

82. **While welcoming the fact that some victims of THB have been awarded compensation by criminal courts, GRETA considers that the Lithuanian authorities should take further steps to guarantee effective access to compensation for victims of THB, in particular by:**

- **making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;**

⁴³ See GRETA 2nd report on Lithuania, paragraph 141.

- **making compensation awarded in criminal proceedings payable by the State if the perpetrator has not paid the victim within a set period of time, and the State taking the responsibility to try to recover the amount from the perpetrator.**

83. **Furthermore, GRETA urges the Lithuanian authorities to make the State compensation scheme effectively accessible to all victims of trafficking, irrespective of their nationality or residence status, and the outcome of the criminal proceedings. In this respect, reference is made to the Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime (Article 14).⁴⁴**

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

84. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

85. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so-called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It 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. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

86. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

87. The text of Articles 147 and 157 of the Lithuanian CC, which criminalise THB and child THB, have remained unchanged since GRETA's second report.⁴⁵ The penalty envisaged in Article 147 for the basic offence of trafficking in human beings is imprisonment from two to 10 years. The maximum penalty is increased to 12 years' imprisonment when the crime is committed by a public official, an organised criminal group or in respect of two or more persons, or endangers the victim's life. The penalty envisaged in Article 157 of the CC for the basic offence of child trafficking is imprisonment from three to 12 years. The maximum penalty is increased to 15 years' imprisonment under the same aggravating circumstances as in Article 147 or when the victim is a young child. In addition, Article 147¹ of the CC ("Exploitation for forced labour or services") criminalises forcing a person through any of the means listed in Article 147 to

⁴⁴ Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aa8263

⁴⁵ GRETA 2nd report on Lithuania, paragraphs 155 and 156.

perform forced labour or services, including begging.⁴⁶ Finally, Article 147² criminalises the use of services of a victim of THB.

88. Plea bargaining exists in the Lithuanian legal system only for minor criminal offences, and thus not for THB.

89. Under Lithuanian law, legal entities can be held criminally liable for the offence of THB as provided in Articles 147(4) and 157(4) of the CC. In 2018 one legal entity was charged for THB and 31 women were recognised as victims. The Lithuanian authorities stated that the investigation had been finalised and the case was being prepared for trial. Prosecutors met by GRETA stated that criminal proceedings against legal entities are usually discontinued because the companies have no assets or have already been liquidated.

90. GRETA has been provided with conflicting statistics on convictions for THB. According to statistical data provided in the Lithuanian government's reply to GRETA's third round questionnaire, 60 investigations for THB were initiated under Articles 147, 147¹, 147² and 157 of the CC in the period 2018-2022 (14 in 2018, 16 in 2019, 11 in 2020, seven in 2021 and 12 in 2022).⁴⁷ 24 of those investigations involved forced criminality, 17 sexual exploitation, 14 labour exploitation, seven begging, two forced marriage and one unlawful adoption.⁴⁸ The number of cases of THB transferred for trial to first instance courts in the same period was 52 (10 in 2018, five in 2019, nine in 2020, 19 in 2021 and nine in 2022), involving 59 defendants (22 in 2018, 11 in 2019, 16 in 2020 and 10 in 2021). During the same period, 123 persons were convicted of THB (44 in 2018, 10 in 2019, 17 in 2020, 30 in 2021 and 22 in 2022).⁴⁹ Out of them, 34 were convicted for sexual exploitation, 20 for labour exploitation, 19 for forced criminality, 11 for illegal adoption or selling a child and seven for forced marriage, and for the remaining 34 convicted persons the type of exploitation was not specified in the statistics. It is unclear if all convictions have become final. However, according to other statistical information provided by the authorities, in 2019 courts of first instance rendered five judgments convicting eight persons for THB and acquitting one person, in 2020 two judgments convicting six persons for THB, in 2021 eight⁵⁰ judgments convicting 10 persons for THB, and in 2022 seven judgments convicting eight persons for THB and acquitting two persons. Nine judgments involved forced criminality, six sexual exploitation, three forced marriage and two labour exploitation. From the five convictions handed down in 2019, one became final and one is pending on appeal. From the two convictions handed down in 2020, one became final and from the eight convictions handed down in 2021, five became final. GRETA notes with concern the differences in the statistical data provided by the authorities.

91. Concerning the length of prison sentences imposed on traffickers, in the period 2019-2021 the highest penalty for THB was imprisonment of nine years, and the average penalty was around four years. At least two perpetrators received a suspended sentence.

92. In 2022 the Lithuanian Criminal Police Bureau, at the request of the MoI, carried out a study on the "Reasons for the decrease (non-initiation) of pre-trial investigations into THB and related crimes (under Articles 147, 147¹, 147² and 157 of the CC) in the period 2018-2021." The study demonstrated the need for specialised training in order to improve the capacity of staff, professionals and officials of different institutions and bodies to identify victims of THB in a proper, qualitative and timely manner. Regarding capacity building for law enforcement officials and judges, see paragraphs 116 and 121.

⁴⁶ GRETA 1st report on Lithuania, paragraph 151.

⁴⁷ Compared to 24 in 2014, 27 in 2015, 29 in 2016 and 35 in 2017, see GRETA 2nd report on Lithuania, paragraph 170.

⁴⁸ One investigation can involve more than one form of exploitation.

⁴⁹ Compared to 15 in 2014, 14 in 2015, 23 in 2016 and 20 in 2017, see GRETA 2nd report on Lithuania, paragraph 171.

⁵⁰ One judgment concerning two defendants involved in forced criminality was overturned by the Court of Appeal on 16 November 2022 because the defendants were convicted for the same facts by a court in Germany.

93. According to the Prosecutor General's Recommendations on Asset Investigation, a financial investigation must always be conducted in a human trafficking case. Since 2021 financial investigations are conducted by the Property Investigation Units located in five territorial police commissariats across Lithuania (see paragraph 0). The legal framework for the confiscation of assets of the perpetrator is stipulated in Articles 72 (confiscation) and 72³ (extended confiscation) of the CC.⁵¹ Assets subject to confiscation at the moment of conviction can be temporarily seized by law enforcement authorities at the pre-trial investigation stage (Article 151 of the CPC). In accordance with Lithuanian law confiscated assets are transferred to the State. In their comments on the draft GRETA report, the authorities indicated that the victim can be compensated from the assets to be confiscated by State during the enforcement procedure in accordance with Article 755 of the CPC. There is only one judgment in a case of THB, dated 19 February 2021, in which the court confiscated approximately 57,000 euro from the trafficker.

94. Although the CPC allows the use of special investigation techniques in THB cases, in practice the main evidence remains the testimony of the victims. Judges met by GRETA stated that they are aware of the precarious personal, social and economic situation of trafficking victims and have gradually learned to see why victims of THB are often unable to give consistent evidence and sometimes even do not even see themselves as trafficking victims.

95. Reference is made to a case which illustrates both good practices and shortcomings in the handling of trafficking cases in Lithuania:

- **Trial court:** Panevėžys Regional Court
- **Date and number of judgment:** 18 December 2019, criminal case no. 1-5-531/2019
- **Time and duration of the proceedings:** approximately six years from the start of the criminal investigation in mid-2013 until the date of the judgment by the first instance court. No information available about appeal proceedings.
- **Victim:** five adult males (all Lithuanian)
- **Defendants:** three adult males (all Lithuanian)

Type of exploitation: THB for the purpose of forced criminality. Between November 2012 and July 2013 the defendants recruited the victims, who were unemployed and in a difficult financial situation, to travel to Germany to collect money from individuals in a fraud scheme. Two of the defendants were organising their criminal enterprise from prison, having been convicted previously of other criminal offences (not THB). The victims were not prosecuted in accordance with the non-punishment clause included in Article 147(3) of the CC.

Sentences: All three defendants were convicted of THB by an organised criminal group (Article 147(2) of the CC) and sentenced to, respectively, five years and six months, five years, and four years and three months imprisonment.

Compensation: None of the victims were represented by a lawyer, nor did they file compensation claims in the framework of the criminal proceedings. No information is available on any subsequent compensation claims filed in civil court or state compensation.

Good practices:

- The victims were not prosecuted based on the non-punishment principle;
- The investigative authorities monitored telecommunication between the defendants and between the defendants and the victims and used this as evidence during the trial;
- The defendants received sentences that were effective, proportionate and dissuasive.

Shortcomings:

- The victims were not represented by legal counsel at the trial;
- The victims filed no compensation claims;
- The criminal proceedings lasted six years.

⁵¹ For details, see GRETA 1st report on Lithuania, paragraph 163.

96. According to the Lithuanian authorities, the average length of first instance court proceedings in THB cases in the period 2015-2021 was 422 days. Judges met by GRETA during the visit recognised that the length of court proceedings is a general problem in Lithuania and not specific to proceedings in cases of THB. By way of example, they referred to a recent ruling of the Supreme Court confirming a trafficker's conviction for THB but reducing his sentence because the proceedings lasted unreasonably long.

97. GRETA notes with concern that the number of investigations, prosecutions and convictions for THB, and particularly for THB for the purpose of labour exploitation, has apparently decreased. GRETA stresses that failure to convict traffickers and confiscate their property undermines efforts to combat THB and guarantee victims' access to justice.

98. **GRETA considers that the Lithuanian authorities should take additional measures to strengthen the criminal justice response to THB, including by:**

- **ensuring that human trafficking offences are proactively investigated, regardless of whether a report has been filed or not, making use of all possible evidence gathered through special investigation techniques and financial investigations, and not having to rely mainly on the testimony of victims or witnesses;**
- **ensuring that property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime, is seized to the greatest extent possible;**
- **ensuring that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ);⁵²**
- **improving the collection of statistics on investigations, prosecutions and convictions for THB offences (see also paragraph 147).**

8. Non-punishment provision (Article 26)

99. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.⁵³ Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

100. As already explained in GRETA's second report, pursuant to Articles 147(3) and 157(3) of the CC, a victim of trafficking may be released from criminal liability for a criminal offence which he/she was directly compelled to commit as the result of being trafficked. In November 2020 a similar clause was added to Article 147¹ of the CC ("Exploitation for forced labour or services") (see paragraph 87). The Lithuanian authorities have also referred to general provisions of criminal law, including on self-defence, necessity and physical or mental coercion, to exclude or diminish criminal liability of trafficking victims (see Articles 2(3)-(4), 28, 31 and 59(1)5 of the CC).

101. By way of example, the authorities referred to the application of the non-punishment provision in the case of seven Lithuanians who had been trafficked for the purpose of forced criminality (see also paragraph 95). As the victims were coerced to commit theft, the pre-trial investigation was terminated in respect of them.

⁵² <https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b>

⁵³ See 2nd General Report on GRETA's activities, paragraph 58.

102. At the same time, GRETA has continued to receive reports that persons involved in prostitution are imposed administrative fines without the police properly assessing if these persons could be victims of human trafficking. According to NGO representatives, following a police raid in the area around Vilnius train station, dozens of women involved in prostitution and one male buyer of sexual services were issued administrative fines. The police reportedly informed these women of the possibilities for exiting prostitution and receiving assistance. GRETA stresses the importance of proactive identification of victims of THB for the purpose of sexual exploitation, which is crucial for ensuring the application of the non-punishment provision.

103. GRETA recalls that the fear of reprisals for activities carried out under compulsion can be a persisting factor which deters victims of THB from contacting the authorities and/or support organisations, and co-operating during the investigation. The non-punishment principle is an essential cornerstone in the fight against human trafficking, preventing re-victimisation and ensuring that victims can access services.⁵⁴

104. While welcoming the inclusion of a non-punishment provision in Article 147¹ of the CC, **GRETA considers that the Lithuanian authorities should take further steps to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, including administrative offences, to the extent that they were compelled to do so, through the provision of guidance and training to investigators and prosecutors.**

9. Protection of victims and witnesses (Articles 28 and 30)

105. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

106. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

⁵⁴ With regard to the non-punishment provision, see [V.C.L. and A.N. v. the United Kingdom](#) European Court of Human Rights final judgment of 5 July 2021.

107. Pursuant to the Law on Assistance to Victims of Crime, victims of a crime shall receive during their first contact with the authorities information on how and under what conditions victims may obtain special protection measures provided for in the CPC and other legal acts. Article 186¹ of the CPC stipulates that no later than during the first interview of the victim, the pre-trial investigation officer or the prosecutor shall carry out an assessment of the victim's special protection needs. If necessary, a psychologist or other persons with special knowledge or skills can be used for this. The data collected during the assessment are kept separately from the case file and the defendant and her/his lawyer are not allowed to get acquainted with this data.

108. As described in GRETA's previous reports, victims may benefit from full or partial anonymity in accordance with Article 198 of the CPC.⁵⁵ This includes the possibility for a victim to give evidence outside the presence (or at least the view) of the defendant, by videoconference or, in exceptional cases, completely anonymously.

109. The Lithuanian authorities stated that in newly (re-)constructed court buildings special premises shall be provided for victims and witnesses. Such premises are currently available in 20% of district courts and 43% of regional courts, and by 2030 should be available in 85% of courts.

110. The Recommendations on Victim Identification (see paragraph 0) regulate co-ordination between law enforcement agencies and specialised NGOs in providing assistance to victims of THB, including protection from intimidation by their traffickers. In practice, NGOs discuss security arrangements regarding, *inter alia*, the participation of victims at various stages of the criminal proceedings, with local law enforcement authorities.

111. Statistical data concerning the use of special protection measures for victims of THB is not being collected. However, GRETA was informed about shortcomings in the victim protection during the criminal investigation and the trial, which allowed traffickers to intimidate victims, for example failure to omit the phone number or the address of the victim from the criminal case made available to the defendant. NGO representatives also reported problems with the protection of victims in rural areas because it was difficult to remain anonymous.

112. As regards the protection of children in criminal proceedings, see paragraphs 132-136.

113. GRETA considers that the Lithuanian authorities should make full use of all measures available to protect victims and witnesses of THB to prevent retaliation and intimidation during investigation and/or after the court proceedings.

10. Specialised authorities and co-ordinating bodies (Article 29)

114. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

⁵⁵ In addition, victims of THB can take part in the witness protection programme, see GRETA 2nd report on Lithuania, paragraph 101.

115. Pursuant to an order of the Police Commissioner General the prevention of THB is assigned to the specialised organised crime units of the Lithuanian Criminal Police Bureau and the 10 territorial police commissariats. In total there are 244 police officers involved in combatting organised crime, including THB. Of them, 71 officers (60 women and 11 men) are responsible for pre-trial investigations and 173 officers (10 women and 163 men) are in charge of criminal intelligence gathering. Several officers of the second division for organised crime of the Lithuanian Criminal Police Bureau are specialised on THB and every territorial police commissariat has at least one officer specialised on THB. Financial investigations in cases of THB (see paragraph 0) are conducted by property investigation units located in five territorial police commissariats.

116. Training on THB for police officers is provided at the Police School and includes three modules: prevention of THB (14 hours), investigation of THB (15 hours), and psychological and psychosocial aspects of THB (16 hours). GRETA was informed that each year between 20 and 30 officers of the criminal police participate in one of the modules. There was no training in 2020 due to the COVID-19 pandemic. Basic training for police recruits includes a two-hour course on the most vulnerable persons and their rights, which includes victims of THB. In September 2022 the Lithuanian police participated in a two-day conference in Vilnius attended by police officers, other officials and NGOs from Lithuania and other Nordic countries to discuss the current situation of THB in the region.

117. The State Border Guard Service (SBGS) does not have any specialised units for combatting THB. THB is part of the curriculum of the basic training for border guards. Some SBGS officers participate in advanced training organised by the PGO. Since 2019 staff at the foreigners' reception centres also received training on THB. In 2022 Lithuanian border guards participated in an online training about vulnerability organised by the European Border and Coast Guard Agency (FRONTEX).

118. There are 14 prosecutors (six women and eight men) specialised to deal with THB cases: three in the PGO and 11 in the district Prosecutor's Offices. The prosecutors in the PGO follow-up THB cases investigated by the Lithuanian Criminal Police Bureau, as well as cases before the Court of Appeal and the Supreme Court.

119. In 2019 the PGO created a platform for communication on THB between prosecutors and pre-trial investigation officers to ensure information sharing on good practices, trends, training courses and opportunities for international co-operation. In their comments on the draft report, the Lithuanian authorities stated that the platform is currently being evaluated and new technical solutions are being sought.

120. There is no specialisation amongst judges to deal with THB cases in Lithuania.

121. Prosecutors and judges regularly participate in training on THB. For example, in 2019, 33 prosecutors followed an eight-hour training on "Issues and Relevant Developments in the Investigation of Human Trafficking Cases". Since 2020 the topic "Current Issues in Human Trafficking Cases" has been included in the training programme for judges. The content of the training covers, *inter alia*, communication with victims and the non-punishment principle. The number of judges and assistant judges who followed the training was 46 in 2020, 49 in 2021, and 40 in 2022.

122. GRETA welcomes the existence of police officers and prosecutors specialised in dealing with THB and invites the Lithuanian authorities to continue building the capacity and specialisation of police officers, prosecutors and judges in the area of THB. with a view to enabling the proactive investigation and successful prosecution of human trafficking cases.

11. International co-operation (Article 32)

123. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments⁵⁶ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

124. Since 2018 Lithuania has participated in two Joint Investigative Teams (JIT) on THB, one with Ireland and the United Kingdom, and the other one with Norway. Both concerned THB for forced criminality. In the framework of the first JIT assets with a value of 700,000 euro were seized. The Lithuanian authorities also issued four European investigation warrants (EIO) and four requests for mutual legal assistance.

125. The Lithuanian police co-operate with the relevant authorities of other countries through attachés, liaison officers, as well as through Lithuania's missions or consular offices.

126. The SLI regularly co-operates with partners abroad. For example, in 2022 Lithuanian labour inspectors conducted joint inspections with their counterparts in Belgium and France.

127. From 1 July 2020 until 30 June 2021 Lithuania held the presidency of the Council of Baltic Sea States (CBSS). During the Lithuanian presidency, the MoI organised the CBSS Task Force against Trafficking in Human Beings (CBSS TF-THB) meetings. On 5 May 2021 an online conference on "Trafficking in the Digital Era" was organised, focusing on identification, investigation, safe paths to recovery and justice for children.

128. GRETA welcomes the efforts made by Lithuania in the area of international co-operation against THB, including the participation in JITs and the engagement in the framework of the CBSS, and invites the Lithuanian authorities to continue developing multilateral and bilateral co-operation in combating human trafficking.

⁵⁶ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

12. Cross-cutting issues

a. gender-sensitive criminal, civil, labour and administrative proceedings

129. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁵⁷ The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.⁵⁸ GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.⁵⁹ Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".⁶⁰

130. Pursuant to Articles 2.4.3. and 16.3 of the Recommendations on evaluation of special needs of victims in criminal proceedings, issued by the Prosecutor General in February 2016, victims of crimes, including THB, are interviewed by an officer of the same gender. As noted in paragraph 0, there are currently 70 female police officers (out of a total of 244), who can be assigned to investigations into cases of human trafficking.

131. In 2019 CEDAW recommended that Lithuania strengthen gender-sensitive training on all aspects of trafficking, in particular of women and girls, for judges, prosecutors, police officers, border guards, social workers, psychologists, child protection officers and childcare specialists, including at the municipal level.⁶¹

b. child-sensitive procedures for obtaining access to justice and remedies

132. Special measures exist for the protection of child victims and witnesses of THB during criminal proceedings, in addition to the general protection measures mentioned in paragraphs 0–111. The police have specially trained officers to interview children, who have completed the professional qualification programme "Tactical aspects of interviewing children with a psychologist present." As noted in paragraph 0, child victims must be represented by a lawyer during the criminal proceedings.

⁵⁷ CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en

⁵⁸ Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

⁵⁹ Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13, available at <https://rm.coe.int/training-manual-womens-access-to-justice/16808d78c5>

⁶⁰ Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

⁶¹ <https://access-ods.un.org/tmp/3499345.48139572.html>, paragraph 25.

133. In accordance with Article 186 of the CPC and the Recommendations on the questioning of child victims and witnesses, issued by the Prosecutor General in September 2009, a child victim or witness is interviewed, as far as possible, only once during the criminal proceedings. The interview should take place in a child-friendly interview room with the assistance of a psychologist and in the presence of the child's representative. The defence and other participants of the proceedings can follow the interview from another room and, where necessary, put additional questions to the child via the interviewer. An audio-visual recording is made of the interview, which, as a rule, can be played at the trial *in lieu* of in-person testimony.

134. According to the Lithuanian authorities, there are child-friendly interview rooms available in 43 courts and 65 police stations across Lithuania. Further, a support centre for child victims of sexual abuse ('Užuovėja'), was opened in 2016, based on the Barnahus model. The authorities indicated that between June 2016 and September 2023, 470 children were interviewed by a pre-trial investigation judge at the centre, however, there is not information on whether any of them were victims of THB.

135. To implement the above provisions on questioning child victims and witnesses, the post of forensic psychologist was established in the court system in 2015. There are 19 forensic psychologists positions in the district and regional courts but six of those positions are currently vacant. Pursuant to Article 89(5) of the CPC, forensic psychologists can also participate in investigative procedures other than interviewing. The forensic psychologists periodically hold internal consultations and meet with their mentors at the University of Vilnius to increase their qualification. In 2021, a guide on good practices for forensic psychologists was prepared and in 2022 the Judicial Council adopted the "Recommendations on the organisation of the activities of court psychologists," stating the objectives, tasks and functions of the court forensic psychologists. Forensic psychologists work primarily with child victims and witnesses and rarely with vulnerable adults.

136. GRETA welcomes the existence of child-sensitive procedures when investigating, prosecuting and adjudicating cases of THB and invites the Lithuanian authorities to ensure that child victims of THB are in practice afforded these special protection measures.

c. role of businesses

137. In 2015 the Lithuanian Government adopted a National Action Plan on Business and Human Rights.⁶² The action plan does not mention trafficking in human beings. There is no specific framework laid out for monitoring of, and reporting on, the progress of the plan's implementation. In July 2018 the authorities stated their intention to draft a second National Action Plan on Business and Human Rights.⁶³ The government has requested a university to evaluate the first plan and provide suggestions to update it.⁶⁴ During the evaluation visit, the MFA acknowledged that there was a lack of interest of other ministries and the business community to go forward with the evaluation, but remained hopeful that a new action plan could be adopted in 2023. In their comments on the draft report, the Lithuanian authorities stated that a working group will be established, consisting of representatives of ministries, businesses and civil society organizations, to accelerate the process of drafting a new action plan, which will reportedly cover THB. **GRETA would like to be kept informed about the adoption of a new National Action Plan on Business and Human Rights and whether trafficking in human beings would be covered by it.**

138. GRETA was not informed of any specific initiatives to prevent and eradicate trafficking from companies' supply chains; neither did it receive information on engagement of businesses in supporting the rehabilitation and recovery of victims or in providing access to effective remedies.

⁶² https://www.ohchr.org/sites/default/files/Documents/Issues/Business/NationalPlans/Lithuania_NationalPlanBHR.pdf,

see also GRETA 2nd report on Lithuania, paragraph 61.

⁶³ https://sustainabledevelopment.un.org/content/documents/19673VNR_Lithuania_EN_updated.pdf

⁶⁴ <https://repository.mruni.eu/handle/007/17849>

139. **GRETA considers that the Lithuanian authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights⁶⁵ and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business⁶⁶ and Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation⁶⁷ with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies.**

140. **Further, GRETA considers that the Lithuanian authorities should adopt legislation integrating the prevention of THB and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation.**

d. measures to prevent and detect corruption

141. Trafficking in human beings can occur in various contexts. Human traffickers may form part of organised criminal groups, which frequently use corruption to circumvent the law, and money laundering to conceal their profits. Other Council of Europe legal instruments, in particular those designed to combat corruption, money laundering and cybercrime, are also relevant to combating human trafficking. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.

142. In its fifth-round report on Lithuania, GRECO noted that Lithuania had a comprehensive normative and institutional framework to tackle corruption, based on the principle of subsidiarity.⁶⁸ The Law on the Prevention of Corruption, which was adopted in June 2021 and entered into force in January 2022, gives the primary responsibility to public sector institutions to prevent corruption amongst their staff. However, according to GRECO, the current ethical rules applicable to top political officials and law enforcement staff are too general and need to be complemented with practical guidance in respect of situations of conflicts of interest, gifts and third-party contacts. GRECO noted that there are robust rules in place as regards recruitment, career and internal oversight in the Police and the SBGS, but additional measures are needed to avoid improper moves to the private sector which could generate situations of conflicts of interest.⁶⁹

143. The Lithuanian authorities reported having no knowledge of cases of corruption or related misconduct of public officials in THB cases. Both active and passive bribery are criminalised in Articles 225 and 227 of the CC.

⁶⁵ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁶⁶ [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

⁶⁷ <https://rm.coe.int/0900001680a83df4>

⁶⁸ <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a6420a>

⁶⁹ <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a6420a>

V. Follow-up topics specific to Lithuania

1. Data protection and data collection

144. In its second evaluation report, GRETA considered that the Lithuanian authorities should continue developing a comprehensive and coherent statistical system on THB by eliminating any inconsistencies in the data collected by different agencies.

145. The MoI acknowledged that they continued to encounter inconsistencies in the data on the number of investigations (see paragraph 89) and the number of persons recognised as victims of THB, but noted that steps were being taken to address this issue in close co-operation with the law enforcement agencies.

146. GRETA notes the efforts of the Lithuanian authorities in this respect, as well as the collection of additional data, for example on the number of trafficking victims who received state compensation (see paragraph 79). Statistical data on victims and perpetrators, disaggregated by gender, nationality and form of exploitation, as well as information on the number of convictions and the type and duration of the penalties, are included in the annual reports of the National Rapporteur.⁷⁰

147. GRETA considers that the Lithuanian authorities should further improve the data collection system on THB in order to ensure that there are no inconsistencies.

2. Measures to prevent and combat trafficking for the purpose of labour exploitation

148. In its second evaluation report, GRETA considered that the Lithuanian authorities should intensify their efforts to prevent trafficking for the purpose of labour exploitation, in particular by sensitising relevant officials, expanding the human resources and the mandate of the SLI, and strengthening the monitoring of private recruitment agencies.

149. The SLI, which is subordinated to the MSSL, is responsible for the enforcement of labour laws and health and safety standards at work, and controls undeclared work. The SLI has 320 full-time staff, including 175 labour inspectors. In 2023 the SLI received an extra 20 inspector positions, which are in the process of being filled. The SLI and the NAPPZ signed a co-operation agreement on the exchange of information on cases of forced labour/THB. In August 2020 a pilot group, consisting of two labour inspectors specialised on THB, was established in the territorial branch of the SLI for Vilnius to investigate reports of potential cases of forced labour/THB. In September 2021, the SLI participated in the annual meeting of municipal anti-trafficking co-ordinators (see paragraph 22) to present the pilot group and its competences. In June 2022 a second pilot group of two labour inspectors was set up in the SLI's branch office in Kaunas. The pilot groups filled out six victim identification cards and transferred them to the pre-trial investigation authorities. One investigation resulted in the prosecution for human trafficking of two persons and one legal person, and another investigation led to prosecution for other offences. Three pre-trial investigations, including the case of two women from Kenya who were reportedly exploited in the garment industry, were closed for lack of evidence. One pre-trial investigation is still ongoing. Four pre-trial investigations were opened in 2023.

150. The Employment Service, which is subordinate to the MSSL, carries out monitoring of the labour market in Lithuania and is responsible for issuing work permits to non-EU nationals. As part of its role to provide information to foreigners about employment in Lithuania and Lithuanians about working abroad, it collaborates with different state and non-state actors to raise awareness about the risk of THB and forced labour.

⁷⁰ The annual reports (in Lithuanian) are available from the MoI's website <https://vrm.lrv.lt/lt/veiklos-sritys/viesasis-saugumas-1/kova-su-prekyba-zmonemis-1>.

151. NGO and trade union representatives stated that the SLI's mandate to detect cases of THB was not strengthened, as recommended by GRETA in its second report, and noted that high staff turn-over reduced its effectiveness. GRETA was informed that the labour inspectors belonging to the pilot groups in Vilnius and Kaunas were performing this task on top of their regular duties. According to the Lithuanian Trade Union Alliance (LTUA), the SLI usually fails to look into cases in which labour dispute commissions, responsible for settling individual and collective labour disputes,⁷¹ found violations of labour law. Cases of unpaid wages, undeclared work and dangerous or inhuman working conditions may serve as indicators of more serious abuses, including THB. In 2021 labour dispute commissions found nearly 6,500 labour law violations, but only about 2% of cases were followed up by labour inspectors.

152. As noted in GRETA's second report, Lithuania is a transit country for migrant workers who are hired by Lithuanian companies to be employed as posted workers in other EU countries.⁷² GRETA was informed that the quotas for foreign workers' permits per sector of the economy approved on an annual basis by the Lithuanian authorities increase every year. In 2022 the Employment Service issued more than 21,000 work permits for foreign workers in the transportation sector alone. Almost all of them, many coming from Central Asian countries, are immediately transferred to work across the EU. Journalists and trade unions have repeatedly reported on the exploitative working conditions faced by lorry drivers employed by Lithuanian companies in different EU countries.⁷³ In March 2023 a court in Belgium convicted a large Lithuanian transport company and its director, a former Lithuanian vice-minister of transport, for social dumping and tax evasion.⁷⁴ According to NGO and trade union representatives, the Employment Service has neither the mandate nor the resources to do a proper due diligence check before issuing work permits, and the SLI lacks the capacity to effectively monitor Lithuanian companies using posted workers abroad, relying on labour inspectorates in the destination countries to control them.

153. In Lithuania, there is no system for licencing recruitment and temporary work agencies, which are often involved in hiring foreign workers and posting them to other EU countries. A recent study financed by the CBSS found that Lithuanians who experience exploitative labour situations abroad are often recruited by private agencies registered in Lithuania. In the country of destination, they are received by representatives of temporary work agencies or businesses run by managers who often originate from post-Soviet states, including Lithuania.⁷⁵

154. According to the Lithuanian authorities, labour inspectors receive regular training on THB issues, including on the Recommendations on Victim Identification, to which the SLI signed up in 2016. This training is provided by prosecutors and anti-trafficking NGOs. In March 2021 15 labour inspectors participated remotely in a THB training organised by the US Department of Justice. In 2020 the Employment Service organised 10 training sessions on combating THB for 197 members of its staff.

155. GRETA notes with concern that in 2018-2022 the Lithuanian authorities identified only 32 victims of THB for the purpose of labour exploitation, compared to 59 in 2014-2017. GRETA further notes that information about THB is available on the websites of the SLI⁷⁶ and the Employment Service⁷⁷ only in Lithuanian. The English and Russian versions of these websites contain no information on THB.

⁷¹ There are 22 labour dispute commissions across Lithuania. They function under the territorial branches of the SLI, see [Valstybinė darbo inspekcija \(vdi.lt\)](https://www.vdi.lt/)

⁷² GRETA 2nd report on Lithuania, paragraph 63.

⁷³ [Lorry Slaves | Immigrant Exploitation in Lithuania || Laisves TV investigation - YouTube](https://www.youtube.com/watch?v=...)

⁷⁴ <https://www.fnv.nl/nieuwsbericht/sectornieuws/vervoer/2023/03/voormalig-viceminister-van-transport-uit-litouwen> (in Dutch)

⁷⁵ [The Relationship Between Recruitment Practices and Trafficking in Human Beings for Forced Labour, Exploitation for Forced Labour, and Other Exploitative Labour Situations of Lithuanians Abroad](https://www.vdi.lt/Forms/EN.aspx)

⁷⁶ <https://www.vdi.lt/Forms/EN.aspx>

⁷⁷ <https://uzt.lt/en>

156. While commending the steps taken since the second evaluation in relation to THB for the purpose of labour exploitation, in particular the two pilot groups set up in the SLI offices in Vilnius and Kaunas, **GRETA urges the Lithuanian authorities to intensify their efforts to prevent and combat THB for the purpose of labour exploitation, taking into account GRETA's Guidance Note on combating trafficking for labour exploitation⁷⁸ and the CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation.⁷⁹ This should include steps to:**

- **ensure that sufficient staff and resources are made available to the State Labour Inspectorate to enable it to play a frontline role in the prevention and identification of THB for the purpose of labour exploitation, including in situations where workers are posted to other EU countries;**
- **ensure that labour inspectors, law enforcement officers and other relevant actors increase their capacity to detect and identify victims of THB for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as transportation, construction, hospitality and agriculture;**
- **enhance the exchange of information between labour dispute commissions and labour inspectors on potential cases of THB;**
- **take effective steps to regulate recruitment and temporary work agencies to strengthen prevention of THB and labour exploitation.**

157. **Furthermore, GRETA considers that the Lithuanian authorities should:**

- **strengthen co-operation between labour inspectors, law enforcement officers, tax authorities, trade unions and NGOs, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation;**
- **continue to improve the training and specialisation of labour inspectors in action against trafficking for the purpose of labour exploitation, including the constituent elements and specificities of the offence of human trafficking and the differences between it and offences under labour law.**

3. Border measures

158. Throughout the summer and fall of 2021, thousands of migrants, mainly from Iraq and Syria, but also from African and Asian countries, attempted to cross the Lithuanian border from Belarus. Many of them remained stuck for prolonged periods of time on or near the border in dire humanitarian conditions. The Lithuanian authorities reported more than 3,300 migrants illegally crossing from Belarus in June and July 2021 alone – a massive increase compared to just 37 in 2019 and 74 in 2020.⁸⁰ This unprecedented movement of migrants and the circumstances under which it took place at the border with Belarus created heightened risk of abuses, including human trafficking.

⁷⁸ <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>.

⁷⁹ Recommendation CM/Rec(2022)21 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation and Explanatory Memorandum, adopted by the Committee of Ministers on 27 September 2022 at the 1444th meeting of the Ministers' Deputies.

⁸⁰ According to official statistics more than 4,500 illegal migrants were registered since 1 January 2021, see https://osp.stat.gov.lt/en_GB/neteiseta-migracija-dashboard. Most registrations occurred in June and July 2021. NGOs told GRETA that the daily number of registered illegal migrants decreased significantly after that because they are systematically being subjected to pushbacks by the SBGS and no longer appear in any statistics.

159. On 2 July 2021 the Lithuanian Government declared a national emergency in response to the mass influx of migrants arriving from Belarus. As already noted in paragraph 17, in July and August 2021 the Law on the Legal Status of Aliens was amended, allowing the authorities in the event of an emergency due to a mass influx of migrants to remove important safeguards in the asylum procedure, including the provision of information and legal assistance, to detain asylum seekers and migrants for prolonged periods of time solely because they entered Lithuania illegally, and to immediately return foreigners entering Lithuania through unofficial border crossings without the possibility to lodge an application for asylum or international protection. In April 2023, the Minister of the Interior stated that nearly 20,000 migrants trying to cross the border from Belarus in unauthorised places had been refused entry since August 2021.⁸¹

160. UNHCR⁸² and the CoE Commissioner for Human Rights⁸³ acknowledged the unprecedented situation faced by the Lithuanian authorities, but expressed concern that the changes to the Law on the Legal Status of Aliens were in violation of Lithuania's obligations under international law, in particular the principle of *non-refoulement*. According to NGO reports, the Lithuanian authorities have carried out thousands of pushbacks since September 2021.⁸⁴ The European Court of Human Rights has communicated to Lithuania several applications concerning summary returns (pushbacks) from Lithuania to Belarus and deprivation of liberty of asylum seekers.⁸⁵ NGOs informed GRETA that their representatives were prevented from entering areas near the border with Belarus and denied permission to visit migrants in detention facilities.

161. According to the Office of the Equal Opportunities Ombudsperson of Lithuania, which regularly visited various reception and detention centres for migrants between September 2021 and February 2022, no comprehensive and timely assessment of migrants' vulnerabilities took place, insufficient attention was paid to identify whether migrants had experienced any type of violence or abuse, including human trafficking, and none of the centres had approved internal procedures how to protect migrants from violence, exploitation and harassment.⁸⁶ The CPT, which visited Lithuania in December 2021, also reported systematic and prolonged detention of thousands of migrants in poor conditions, with limited access to health care and lack of information.⁸⁷

162. While visiting the refugee reception centre in Rukla GRETA noticed a flyer in six languages offering foreigners who entered Lithuania illegally the "choice" between a voluntary return to their home countries and cash payments of 1,000 euro per adult and 500 Euro per child or deportation and a five-year ban on entering the EU. The flyer provided no information on the right to international protection for vulnerable migrants, including victims of THB.

⁸¹ <https://vrm.lrv.lt/en/news/lithuania-will-look-for-the-accountability-of-the-belarusian-regime-for-migrants-smuggling>

⁸² <https://www.unhcr.org/nea/68731-acknowledging-the-extraordinary-situation-in-lithuania-unhcr-raises-concerns-about-legislative-response-and-accommodation-conditions.html>

⁸³ <https://rm.coe.int/letter-to-ms-ingrida-simonyte-prime-minister-of-lithuania-by-dunja-mij/1680a37aae>

⁸⁴ Médecins Sans Frontières, which provided medical and humanitarian support to migrants and asylum seekers in Lithuania from September 2021 to December 2022, reported that the SBGS carried out at least 8,000 pushbacks in 2022, see [Serious concerns for migrant welfare in Lithuania and Latvia remain as projects close | MSF](#). Amnesty International reported allegations of violent pushbacks, ill-treatment, including sexual violence and humiliation, excessive use of force, including by employing dogs, arbitrary detention in appalling and unhealthy conditions, denial of access to asylum and no access to effective remedies. People belonging to racial and ethnic minorities also recounted how they had been subjected to racially motivated harassment by guards, see [Lithuania: Pushbacks, illegal detention, deception and abuses against refugees and migrants - Amnesty International](#)

⁸⁵ <https://hudoc.echr.coe.int/eng?i=001-221976>, <https://hudoc.echr.coe.int/eng?i=001-221952>, <https://hudoc.echr.coe.int/eng?i=001-221975> and <https://hudoc.echr.coe.int/eng?i=001-225280>.

⁸⁶ https://www.lygybe.lt/data/public/uploads/2023/04/moteru_su_negalia_apsauga_nuo_smurto_artimoje_aplinkoje.pdf (in Lithuanian)

⁸⁷ <https://rm.coe.int/1680aa51af>, paragraphs 88-146.

163. On 30 June 2022 the Court of Justice of the EU ruled that the detention of asylum seekers and migrants solely because they entered Lithuania illegally and the denial of access to asylum and international protection procedures were in violation of EU law.⁸⁸ In April 2023 the Law on the Legal Status of Aliens and the Law on the State Border and its Protection were amended to implement the judgment of the Court of Justice of the EU. On 7 June 2023 the Constitutional Court of Lithuania ruled that the 2021 and 2023 amendments were unconstitutional insofar as they allow the detention of asylum seekers for up to six months without an individual assessment.⁸⁹

164. According to the Lithuanian authorities, no victims of THB were detected among migrants who crossed the border with Belarus. Further, the SBGS stated that its officers had not detected any potential victims of THB since 2017. However, during the evaluation visit, an NGO informed GRETA that it had detected 30 potential victims of THB (24 women and six men) among migrants who entered Lithuania from Belarus.⁹⁰ They originated from different African countries, mainly the Democratic Republic of Congo and Nigeria. Some were reportedly trafficked in their country of origin, while others were victimised in or on the way to Belarus. However, none of them were identified as victims of THB by the Lithuanian authorities.

165. GRETA stresses that pushbacks impede the detection of victims of THB amongst irregular migrants and asylum seekers and raise grave concerns as regards Lithuania's compliance with certain obligations of the Convention, including the positive obligations to identify victims of trafficking and to refer them to assistance, and to conduct a pre-removal risk assessment to ensure compliance with the obligation of *non-refoulement*.

166. While recognising the serious challenges faced in relation to the situation at the border with Belarus and taking note of the efforts made by Lithuania to comply with the judgment of the Court of Justice of the EU, GRETA urges the Lithuanian authorities to review its legislation and practice in order to ensure that individualised assessments are undertaken prior to any forced returns in order to detect any victims of THB and refer them to assistance. This should include steps to build the capacity of the SBGS to detect cases of THB at the border and the provision of information to foreign nationals, in a language that they can understand, about the risks of THB, their rights and where to turn for advice and assistance. The Lithuanian authorities should take full account of the UNHCR guidelines on the application of the Convention relating to refugee status to victims of trafficking, and their right to seek asylum, and to GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection.⁹¹

4. Identification of victims of trafficking

167. In its second evaluation report, GRETA considered that the Lithuanian authorities should take additional measures to ensure that the Recommendations on Victim Identification are effectively implemented in practice, including by periodically training all relevant frontline professionals, increase efforts to proactively identify victims of THB for different purposes of exploitation, improve co-operation between the police, social services and specialised NGOs, and pay increased attention to detecting victims of THB amongst foreign workers and asylum seekers.

⁸⁸

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=261930&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=50685>

⁸⁹ <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2861/content>

⁹⁰ See also

https://www.lygybe.lt/data/public/uploads/2023/04/moteru_su_negalia_apsauga_nuo_smurto_artimoje_aplinkoje.pdf, page 61.

⁹¹ <https://www.refworld.org/docid/6419b0ee4.html>

168. The procedure for the identification of victims of THB, described in GRETA's second report on Lithuania, has remained unchanged.⁹² The Recommendations regarding the Identification of Victims of Trafficking, Criminal Investigations and Interagency Co-operation ("Recommendations on Victim Identification"), jointly approved by the Prosecutor General, the Minister of the Interior and the Minister of Social Affairs and Labour in 2015, set out a formalised National Referral Mechanism (NRM) for victims of THB. According to the authorities the Recommendations on Victim Identification are reviewed annually, but there were no major changes during the reporting period.

169. Compared to the average number of identified victims in the period 2014-2017 (53), the number of identified victims of THB decreased by around 16% in 2018 (44 victims) and 26% in 2019 (39 victims). There was a further decrease in 2020 (24 victims) and 2021 (26 victims) due to the COVID-19 pandemic. In 2022, the number of officially identified victims fell to 15, the lowest number since 2012. At the same time, the number of potential victims of THB receiving assistance from specialised NGOs remained much higher: 239 in 2018, 224 in 2019, 208 in 2020 and 247 in 2021. Accordingly, in the period 2018-2021 approximately one in seven potential trafficking victims assisted by anti-trafficking NGOs was formally identified as a victim of THB. During the previous reporting period (2014-2017) this ratio had been one in two.⁹³

170. According to the Lithuanian authorities, the statistics on identified victims of trafficking include persons who were recognised as victims of THB in pre-trial investigations, whilst the NGO statistics also include vulnerable persons who were not identified as victims of THB, as well as relatives of trafficking victims. The MoI also stated that the anti-trafficking NGOs have an interest in higher numbers of potential victims because their funding depends on it.

171. Representatives of civil society organisations informed GRETA that the official data on the number of identified victims of THB do not reveal the full scale of human trafficking in Lithuania because in practice the police use a higher threshold to identify trafficking victims, which is linked to the prospect of successful investigation and prosecution. According to the NGO statistics on potential victims of THB, about 50% of potential victims were trafficked for labour exploitation, 25% for forced criminality and 25% for sexual exploitation. In contrast, in the official statistics on formally identified victims, those who were trafficked for labour exploitation make up just 20%. The NGO statistics also show a higher ratio of men and foreign nationals among potential victims of THB than the official statistics (see paragraph 11).

172. GRETA is concerned by the decrease in the official number of identified victims of THB in Lithuania and notes that the higher ratios of men, foreign nationals and victims of labour exploitation in the NGO statistics on potential victims may indicate that the shortcomings in the identification of cases of THB for the purpose of labour exploitation and among asylum seekers, highlighted in GRETA's second report, persist.

173. According to anti-trafficking NGOs, there is heightened awareness among officials of the Recommendations on Victim Identification. In 2021 the MoI distributed 45,000 leaflets among frontline officials on the most common forms of THB in Lithuania. The leaflet also contains a QR code to access the Recommendations on Victim Identification. The widespread use of victim identification cards,⁹⁴ which should be filled out each time a trafficking victim is detected, was also mentioned as a positive development. However, the Recommendations on Victim Identification are still not applied uniformly throughout the country and in all relevant sectors. NGO representatives told GRETA that officials in rural areas are more likely to miss indicators of THB and the identification procedure is usually initiated by law enforcement authorities and rarely by frontline officials from other relevant sectors (education and social and health care). Furthermore, GRETA was informed that victims of THB who are unwilling to cooperate with the investigative authorities are less likely to be referred to specialised NGOs for assistance.

⁹² GRETA 2nd report on Lithuania, paragraphs 94 and 95.

⁹³ GRETA 2nd report on Lithuania, paragraph 113.

⁹⁴ GRETA 2nd report on Lithuania, paragraph 95.

174. **GRETA urges the Lithuanian authorities to make further efforts to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:**

- **ensuring that, in practice, the identification of victims of THB, upon which assistance measures depend, is not linked to the prospects of a successful investigation and prosecution;**
- **paying increased attention to the identification of victims of trafficking among asylum seekers and migrants, including by recruiting or otherwise engaging a sufficient number of trained staff, including interpreters and cultural mediators, to more effectively interact with migrants and asylum seekers. In this respect, reference is made to GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection.⁹⁵**

175. **Furthermore, GRETA considers that the Lithuanian authorities should continue and further strengthen their efforts to proactively identify victims of trafficking, including by:**

- **reinforcing the capacity and training of all relevant officials, including at the municipal level;**
- **effectively disseminating the Recommendations on Victim Identification, including the coherent use of the victim identification card, throughout the country and in all relevant sectors;**
- **periodically assessing the implementation of the NRM and adjusting it in the light of the results.**

5. Assistance to victims of trafficking

176. In its second evaluation report, GRETA urged the Lithuanian authorities to guarantee the availability of appropriate and safe accommodation and assistance for all victims of THB, including men and foreign victims, to provide adequate funding to cover all expenses incurred by specialised NGOs in the course of identifying and assisting victims of THB, and to ensure access of victims to health care, irrespective of their residence address.

177. As noted in GRETA's previous reports, the provision of assistance to victims of THB is delegated to specialised NGOs selected through public tenders and financed by the MSSL. All specialised NGOs became members of the NAPPZ established in 2019 (see paragraph 24), which is currently the sole recipient of MSSL funding for the purpose of assisting victims of THB. The MSSL increased its funding from 165,000 Euro in 2018 to 240,000 Euro in 2020 and 300,000 Euro in 2022. According to the NGOs working with victims of THB, approximately half of their budgetary needs are covered from the MSSL funding. In addition, they receive funding from the municipalities, pursuant to the Law on Social Services, to provide services to persons who are registered in the respective municipality. As noted in paragraph 169, specialised NGOs provided assistance services to 239 potential victims of THB in 2018, 224 in 2019, 208 in 2020 and 247 in 2021.

178. During the evaluation visit, GRETA was informed that the only remaining specialised shelter for victims of THB, which had been run by the NGO Missing Persons Family Support Centre since 2017, was forced to close at the end of 2022 after the Vilnius municipality decided not to extend the lease of the building. In the absence of a specialised shelter, victims of THB are placed in women's shelters, shelters for men in difficult life circumstances or in rented housing, which are not adapted to the needs of victims of THB and limit the possibility to protect victims from interaction and intimidation by their perpetrators.

⁹⁵ <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>

179. According to the Lithuanian authorities trafficking victims do not need to be formally identified as victims of THB to receive assistance and assistance is provided irrespective of whether victims co-operate with the law enforcement authorities if they are Lithuanian nationals or persons legally residing in Lithuania.

180. Concerning access to health care, the authorities reiterated that it is covered from the budget of the Compulsory Health Insurance Fund. However, as noted in paragraph 65, this requires the patient to have a registered address in a municipality in Lithuania.

181. While acknowledging the increased funding from the MSSL, specialised anti-trafficking NGOs noted with concern that the municipal authorities provided funding only for services rendered to victims registered in the municipality.

182. While welcoming the increase in State funding for the assistance to victims of THB, **GRETA once again urges the Lithuanian authorities to take additional steps to improve the assistance for victims of trafficking, and in particular to:**

- **guarantee the availability of appropriate and safe accommodation and assistance for all victims of THB, including men;**
- **provide access to specialised assistance and accommodation to foreign victims of THB, irrespective of their residence status or their willingness to co-operate in the investigation or prosecution;**
- **ensure access of victims to health care, irrespective of their residence address.**

6. Measures to prevent trafficking of children, identify children who are victims of trafficking and assist them

183. In its second evaluation report, GRETA urged the Lithuanian authorities to strengthen their efforts in the area of prevention of child trafficking, in particular by sensitising and training child protection professionals across the country and paying more attention to Lithuanian children in state institutions and unaccompanied foreign children. GRETA also invited the authorities to review the age assessment procedure for foreign children. Further, GRETA considered that the Lithuanian authorities should improve the identification and assistance of child victims of trafficking, in particular by ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB for different purposes of exploitation, and providing support and services which are adopted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training.

184. The number of identified child victims of THB in Lithuania has continued to decrease. As noted in paragraph 11, in the period 2018-2022 there were ten child victims of THB – a threefold decrease compared to 2014-2017. According to anti-trafficking NGOs, this decrease does not reflect the real situation and child victims of THB, in particular for forced criminality, often remain undetected.

185. According to the Lithuanian authorities, the State Child Rights Protection and Adoption Service under the MSSL (Child Protection Service) has made efforts to prevent child trafficking, in particular by preventing Lithuanian children from absconding from foster care and unaccompanied foreign children from escaping from state care, as well as by organising better training and supervision of the staff of the institutions dedicated to such children.

186. In June 2018, an agreement was signed between the Prosecutor General's Office, the Police, the MSSL, the Child Protection Service and the Office of the Ombudsperson for Child Rights on co-operation in the field of child protection. In their comments on the draft report, the Lithuanian authorities stated that the agreement was updated in October 2023 to ensure better protection of children who are victims of sexual violence (including when it is related to human trafficking), *inter alia*, by providing an algorithm of actions in cases of missing children.

187. The National Agency for Education developed a free mobile app "NOU" for teachers and children aged 14 and up, which includes a simulation game, to raise awareness about THB. In 2021 the Agency collaborated with the NGO "Stop the Traffik" and the Embassy of the United Kingdom in Vilnius to conduct a multimedia project on THB in which 338 pupils aged 14 to 19 in 37 educational institutions across Lithuania participated.⁹⁶ Further information on child trafficking and ways of assistance is available on the website of the Child Helpline of the Child Protection Service.⁹⁷

188. During the reporting period, the number of Lithuanian children in state boarding institutions decreased significantly and many children were moved to small scale community foster homes or placed in foster families. Representatives of the MSSL acknowledged that there are some 300 episodes of children absconding from care homes or foster families, but noted that almost all children were found and subsequently interviewed to establish the reasons for their escape and to prevent absconding in the future. GRETA welcomes the practice of placing children in community foster homes or foster families instead of state-run boarding institutions, which reduces the risk of absconding and becoming a victim of crime, including THB, but is concerned that a considerable number of children continue to abscond from state care institutions.

189. In 2018 three presumed child victims of THB were detected in a state boarding institution. In their comments on the draft report, the Lithuanian authorities stated that their criminal investigation found no evidence of THB. Nevertheless, specialists of the Child Protection Service have reportedly helped the staff of the institution to provide psychological, social and educational assistance to the children.

190. According to the Child Protection Service there were 19 unaccompanied foreign children in 2018, 11 in 2019, 0 in 2020, 264 in 2021, and 2,113 in 2022⁹⁸ (including 2,110 Ukrainian children who arrived in Lithuania without their parents or other legal representatives). Unaccompanied foreign children, except those coming from Ukraine, are accommodated in the refugee reception centre in Rukla. Pursuant to the "Description of the procedure for conducting age assessment and providing accommodation and other procedural actions concerning non-asylum-seeking children", adopted by the MSSL, the MoI and the Ministry of Health in September 2019, the SBGS immediately informs the Child Protection Service and the refugee reception centre in Rukla about the detection of an unaccompanied foreign child. The child can only be interviewed in the presence of a representative of the Child Protection Service to ensure the best interests of the child. The child is also appointed a legal guardian, usually a staff worker from the refugee reception centre. When there are doubts about the age of the child, an assessment is carried out by means of an x-ray of the wrist, without any psychological, cognitive and behavioural evaluation. Persons who refuse to undergo the medical examination are treated as adults.

191. According to the Lithuanian authorities, no victims of THB were detected among unaccompanied foreign children. However, as already noted in paragraph 161, the authorities failed to conduct a proper assessment of migrants' vulnerabilities.⁹⁹ Furthermore, GRETA was informed by the Office of the Ombudsperson for Child Rights that in the course of its visits to reception and detention centres for migrants in 2021 it found several unaccompanied children accommodated in unsuitable conditions. It further established that unaccompanied children were not always appointed a legal guardian. NGOs representatives stated that all unaccompanied foreign children (except the Ukrainian children in 2022)

⁹⁶ [School Awareness Lithuania report launch » STOP THE TRAFFIK](#)

⁹⁷ <https://pagalbavalkams.lt/pagalba/prekyba-%C5%BEmon%C4%97mis/>

⁹⁸ As on 12 December 2022.

⁹⁹ See also GRETA 2nd report on Lithuania, paragraph 71.

disappeared from state care. In reply to a request for additional information about the number of unaccompanied children who disappeared from institutional care, the Lithuanian authorities stated that in the period January 2020 to October 2023, 156 unaccompanied children departed¹⁰⁰ from Lithuania (1 boy in 2020, 130 boys and 11 girls in 2021, 4 boys and 1 girl in 2022, and 8 boys and 1 girl until October 2023). The main countries of origin of these children were Iraq (41 children), Congo (22), Iran (19), Afghanistan (17), Cameroon (16) and Guinea (15).

192. During the evaluation GRETA visited the refugee reception centre in Rukla, which at the time accommodated 78 foreign nationals, including three unaccompanied children. All children attended the local school. The centre's staff told GRETA that in 2021 they had reported to police that several unaccompanied children absconded from the facility and disappeared in cars with foreign registration plates. In their comments on the draft report, the Lithuanian authorities indicated that since 2021 the police had received 40 reports about unaccompanied children absconding from the refugee reception centre in Rukla. However, given that the freedom of movement of foreigners is unrestricted, the authorities did not start a pre-trial investigation.

193. GRETA is concerned that insufficient efforts are made to identify possible victims of THB amongst unaccompanied foreign children and the fact that all of them have disappeared and have not been found increases the risks of them becoming victims of trafficking.

194. As noted in GRETA's second report, specific provisions on the identification of child victims of THB are included in the Recommendations on Victim Identification. On 17 December 2019 the Child Protection Service issued its own recommendations to implement the Recommendations on Victim Identification. In 2019 the Child Protection Service identified one child victim of THB. Representatives of the Office of the Ombudsperson for Child Rights informed GRETA that some prosecutorial authorities and judges often saw children trafficked for forced criminality as perpetrators and not as victims of THB.

195. There are no specialised shelters for child victims of THB (see paragraph 178).

196. The Child Protection Service regularly organises or participates in training for its staff and other child welfare professionals. In 2020 32 employees of the Service took part in the seminar "Human Trafficking. Integrated Support to Victims. Prevention" organised by the MoI. In 2021, 241 child welfare professionals, including 90 employees of the Child Protection Service, participated in training on "Identifying Victims of Child Trafficking, Assessing the Need for Support and Providing Support." In June 2022 the Child Protection Service organised a meeting with the NAPPZ to exchange information on possible cases of THB and discuss the issue of missing children.

197. **GRETA urges the Lithuanian authorities to:**

- **address the problem of unaccompanied foreign children disappearing from institutional care and set up a system for tracking disappeared children, in order to understand the extent of this issue and react adequately;**
- **ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, including children trafficked for forced criminality and children recruited and/or exploited online;**
- **take measures and ensure that child victims of human trafficking are provided with an accommodation which creates a safe and enabling environment for children, paired with enough adequately trained staff.**

¹⁰⁰ It is unclear if "departed" includes disappeared, expelled and/or voluntarily departed.

198. **Furthermore, GRETA considers that the Lithuanian authorities should make additional efforts to prevent trafficking of children and improve the identification of child victims of trafficking, in particular by:**

- **continuing to take actions for reducing the risk of children absconding from institutional care;**
- **providing further training and tools to stakeholders on the identification of child victims of THB for different forms of exploitation.**

199. **GRETA also considers that the Lithuanian authorities should review the age assessment procedures applying to unaccompanied foreign children, ensuring that the best interest of the child is effectively protected. In particular, the age assessment must not rely only on medical examination, but on a comprehensive assessment of the child's physical and psychological development, and the refusal of the child to participate in the age assessment procedure should not entail any automatic decision that she/he is an adult. Reference is made to the Committee on the Rights of the Child's Joint General Comment No. 4 and No. 23,¹⁰¹ the Council of Europe Guide for policy makers on age assessment for children in migration¹⁰² and the Committee of Ministers Recommendation CM/REC(2022)22 on human rights principles and guidelines on age assessment in the context of migration.¹⁰³**

7. Recovery and reflection period and residence permits

200. In its second evaluation report, GRETA urged the Lithuanian authorities to review its legislation in order to ensure that all foreigners for whom there are reasonable grounds to believe that they are victims of THB, including EU citizens, are provided with a recovery and reflection period, the purpose of which is as stated in Article 13 of the Convention, and without having to apply for it. GRETA also invited the Lithuanian authorities to grant temporary residence permits to victims of THB on the basis of their personal situation.

201. As noted in GRETA's first report, a recovery and reflection period is 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 cooperate with the authorities. Further, submitting a written application form for requesting a reflection period represents an additional burden for possible victims of THB.¹⁰⁴

202. According to the Lithuanian authorities, no victim of THB was granted a recovery and reflection period. The implementation of GRETA's recommendation was raised at a meeting of the Co-ordination Commission in 2021. It was stated that there was no practical experience with the application of such a procedure in Lithuania, as victims of THB are immediately interviewed by police officers and are not given time to reflect on whether they would like to communicate with the police. An expert-level consultation in June 2022 found that there existed an apparent conflict of law because the pre-trial investigation officer is obliged to collect all relevant data for the investigation, including from the victim, as soon as possible, while also being responsible to review the victim's application for a recovery and reflection period. It was decided to ask the GPO, in co-operation with the NAPPZ, to consider how to implement GRETA's recommendation, for example by interviewing the victim after all other possible data has been collected. The MoI and the NAPPZ were asked to consider changes to the Recommendations on Victim Identification and other legal acts, allowing an NGO to apply to the MoI for a recovery and reflection period on behalf of a foreign victim of THB. In their comments on the draft report, the Lithuanian authorities indicated that the MoI continued working on possible changes.

¹⁰¹ Committee on the Rights of the Child, Joint general comment No. 4 and No. 23, para. 4.

¹⁰² <https://rm.coe.int/ageassessmentchildmigration/168099529f>

¹⁰³ https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a96350#showSearchBox=0

¹⁰⁴ GRETA 1st report on Lithuania, paragraph 130.

203. GRETA once again urges the Lithuanian authorities to ensure, in compliance with the obligations under Article 13 of the Convention, that all foreigners for whom there are reasonable grounds to believe that they are victims of trafficking are offered a recovery and reflection period without having to apply for it, and are able to fully benefit from all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

204. The legal situation as regards residence permits for victims of THB has remained unchanged. Pursuant to Article 49(1) of the Law on the Legal Status of Aliens, foreign victims of trafficking who co-operate with the authorities can receive a temporary residence permit. During the reporting period, one female victim of THB in 2020, three victims (two women from Kenya and one man from Tajikistan) in 2021, and one victim in 2022 were granted temporary residence permits.

205. GRETA recalls that Article 14 of the Convention allows Parties to choose between granting a residence permit in exchange for co-operation with the authorities or on account of the victim's needs, or indeed to adopt both simultaneously. There are situations in which victims might be afraid to co-operate in the investigation because of threats from the traffickers. Granting a residence permit on account of the personal situation of the victim takes in a range of situations, such as the victim's safety, state of health and family situation, and tallies with the human-rights based approach to combating THB.

206. GRETA considers that the authorities should take steps to effectively enable foreign victims of THB to benefit from the right to receive a renewable residence permit, without prejudice for the right to seek and enjoy asylum.

207. Further, GRETA invites the Lithuanian authorities to consider granting temporary residence permits to victims of THB on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings.

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA considers that the Lithuanian authorities should continue to make efforts to ensure that all presumed victims of trafficking, including among asylum seekers and migrants, are proactively informed of their rights, including the right to a recovery and reflection period, the available support services and how to receive them, and the consequences of their being recognised as victims of trafficking, taking into account victims' age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disabilities which may affect their ability to understand the information provided (paragraph 51);
- GRETA also considers that the Lithuanian authorities should take measures to increase the number of qualified interpreters who are sensitised to the issue of human trafficking and the vulnerabilities of victims, and to ensure their timely availability (paragraph 52).

Legal assistance and free legal aid

- GRETA urges the Lithuanian authorities to make additional efforts to guarantee access to justice for victims of trafficking, in particular by ensuring that legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not he/she is formally identified, wants to co-operate with the authorities and/or make an official statement (paragraph 62);
- GRETA invites the Lithuanian authorities to sensitise the Bar Association to the need to encourage training and specialisation of lawyers, with a view to providing legal assistance to victims of trafficking, including child victims (paragraph 63).

Psychological assistance

- GRETA considers that the Lithuanian authorities should take further steps to ensure that all victims of THB are provided with adequate psychological assistance for as long as their individual situation requires, in order to help them overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion (paragraph 66).

Access to work, vocational training and education

- GRETA considers that the Lithuanian authorities should strengthen effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of THB (paragraph 70).

Compensation

- GRETA considers that the Lithuanian authorities should take further steps to guarantee effective access to compensation for victims of THB, in particular by:
 - making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;
 - making compensation awarded in criminal proceedings payable by the State if the perpetrator has not paid the victim within a set period of time, and the State taking the responsibility to try to recover the amount from the perpetrator (paragraph 82);
- GRETA urges the Lithuanian authorities to make the State compensation scheme effectively accessible to all victims of trafficking, irrespective of their nationality or residence status, and the outcome of the criminal proceedings. In this respect, reference is made to the Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime (Article 14) (paragraph 83).

Investigations, prosecutions, sanctions and measures

- GRETA considers that the Lithuanian authorities should take additional measures to strengthen the criminal justice response to THB, including by:
 - ensuring that human trafficking offences are pro-actively investigated, regardless of whether a report has been filed or not, making use of all possible evidence gathered through special investigation techniques and financial investigations, and not having to rely mainly on the testimony of victims or witnesses;
 - ensuring that property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime, is seized to the greatest extent possible;
 - ensuring that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ);
 - improving the collection of statistics on investigations, prosecutions and convictions for THB offences (paragraph 98).

Non-punishment provision

- GRETA considers that the Lithuanian authorities should take further steps to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, including administrative offences, to the extent that they were compelled to do so, through the provision of guidance and training to investigators and prosecutors (paragraph 104).

Protection of victims and witnesses

- GRETA considers that the Lithuanian authorities should make full use of all measures available to protect victims and witnesses of THB to prevent retaliation and intimidation during investigation and/or after the court proceedings (paragraph 113).

Specialised authorities and co-ordinating bodies

- GRETA welcomes the existence of police officers and prosecutors specialised in dealing with THB and invites the Lithuanian authorities to continue building the capacity and specialisation of police officers, prosecutors and judges in the area of THB. with a view to enabling the proactive investigation and successful prosecution of human trafficking cases (paragraph 122).

International co-operation

- GRETA welcomes the efforts made by Lithuania in the area of international co-operation against THB, including the participation in JITs and the engagement in the framework of the CBSS, and invites the Lithuanian authorities to continue developing multilateral and bilateral co-operation in combating human trafficking (paragraph 128).

Child-sensitive procedures for obtaining access to justice and remedies

- GRETA welcomes the existence of child-sensitive procedures when investigating, prosecuting and adjudicating cases of THB and invites the Lithuanian authorities to ensure that child victims of THB are in practice afforded these special protection measures (paragraph 136).

Role of businesses

- GRETA considers that the Lithuanian authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business and Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies (paragraph 139);
- GRETA considers that the Lithuanian authorities should adopt legislation integrating the prevention of THB and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation (paragraph 140).

Follow-up topics specific to Lithuania

Developments in the legislative, institutional and policy framework for action against human trafficking

- GRETA welcomes the existence of local anti-trafficking commissions in 19 municipalities and considers that the Lithuanian authorities should reinforce the work of the existing local commissions, including by securing funding for their activities, and support the setting up of anti-trafficking commissions in other municipalities (paragraph 23);
- GRETA welcomes the independent evaluation of the NAP for 2017-2019 and considers that the Lithuanian authorities should continue commissioning independent evaluations of future anti-trafficking national action plans as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB (paragraph 28);
- GRETA considers that the Lithuanian authorities should ensure that national action plans against trafficking in human beings are adopted in a timely manner (paragraph 29);

- GRETA urges the Lithuanian authorities to strengthen the co-ordination of anti-trafficking action by reviewing the responsibilities of the Secretary of the Co-ordination Commission and increasing the human and budgetary resources to enable the carrying out of the range of tasks related to national anti-trafficking action, reflecting the requirements of a co-ordinated and effective human rights-based approach to combating human trafficking (paragraph 32);
- GRETA considers that the Lithuanian authorities should establish an independent National Rapporteur, supported by a dedicated office, or designate another mechanism as an independent organisational entity with a view to ensuring an effective monitoring of 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) (paragraph 33).

Data protection and data collection

- GRETA considers that the Lithuanian authorities should further improve the data collection system on THB in order to ensure that there are no inconsistencies (paragraph 147).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- GRETA urges the Lithuanian authorities to intensify their efforts to prevent and combat THB for the purpose of labour exploitation, taking into account GRETA's Guidance Note on combating trafficking for labour exploitation and the CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation. This should include steps to:
 - ensure that sufficient staff and resources are made available to the State Labour Inspectorate to enable it to play a frontline role in the prevention and identification of THB for the purpose of labour exploitation, including in situations where workers are posted to other EU countries;
 - ensure that labour inspectors, law enforcement officers and other relevant actors increase their capacity to detect and identify victims of THB for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as transportation, construction, hospitality and agriculture;
 - enhance the exchange of information between labour dispute commissions and labour inspectors on potential cases of THB;
 - take effective steps to regulate recruitment and temporary work agencies to strengthen prevention of THB and labour exploitation (paragraph 156);
- GRETA considers that the Lithuanian authorities should:
 - strengthen co-operation between labour inspectors, law enforcement officers, tax authorities, trade unions and NGOs, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation;
 - continue to improve the training and specialisation of labour inspectors in action against trafficking for the purpose of labour exploitation, including the constituent elements and specificities of the offence of human trafficking and the differences between it and offences under labour law (paragraph 157).

Border measures

- GRETA urges the Lithuanian authorities to review its legislation and practice in order to ensure that individualised assessments are undertaken prior to any forced returns in order to detect any victims of THB and refer them to assistance. This should include steps to build the capacity of the SBGS to detect cases of THB at the border and the provision of information to foreign nationals, in a language that they can understand, about the risks of THB, their rights and where to turn for advice and assistance. The Lithuanian authorities should take full account of the UNHCR guidelines on the application of the Convention relating to refugee status to victims of trafficking, and their right to seek asylum, and to GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection (paragraph 166).

Identification of victims of trafficking

- GRETA urges the Lithuanian authorities to make further efforts to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:
 - ensuring that, in practice, the identification of victims of THB, upon which assistance measures depend, is not linked to the prospects of a successful investigation and prosecution;
 - paying increased attention to the identification of victims of trafficking among asylum seekers and migrants, including by recruiting or otherwise engaging a sufficient number of trained staff, including interpreters and cultural mediators, to more effectively interact with migrants and asylum seekers. In this respect, reference is made to GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection (paragraph 174);
- GRETA considers that the Lithuanian authorities should continue and further strengthen their efforts to proactively identify victims of trafficking, including by:
 - reinforcing the capacity and training of all relevant officials, including at the municipal level;
 - effectively disseminating the Recommendations on Victim Identification, including the coherent use of the victim identification card, throughout the country and in all relevant sectors;
 - periodically assessing the implementation of the NRM and adjusting it in the light of the results (paragraph 175).

Assistance to victims of trafficking

- GRETA once again urges the Lithuanian authorities to take additional steps to improve the assistance for victims of trafficking, and in particular to:
 - guarantee the availability of appropriate and safe accommodation and assistance for all victims of THB, including men;
 - provide access to specialised assistance and accommodation to foreign victims of THB, irrespective of their residence status or their willingness to co-operate in the investigation or prosecution;
 - ensure access of victims to health care, irrespective of their residence address (paragraph 182);

Measures to prevent trafficking of children, identify children who are victims of trafficking and assist them

- GRETA urges the Lithuanian authorities to:
 - address the problem of unaccompanied foreign children disappearing from institutional care and set up a system for tracking disappeared children, in order to understand the extent of this issue and react adequately;
 - ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, including children trafficked for forced criminality and children recruited and/or exploited online;
 - take measures and ensure that child victims of human trafficking are provided with an accommodation which creates a safe and enabling environment for children, paired with enough adequately trained staff (paragraph 197);
- GRETA considers that the Lithuanian authorities should make additional efforts to prevent trafficking of children and improve the identification of child victims of trafficking, in particular by:
 - continuing to take actions for reducing the risk of children absconding from institutional care;
 - providing further training and tools to stakeholders on the identification of child victims of THB for different forms of exploitation (paragraph 198);
- GRETA also considers that the Lithuanian authorities should review the age assessment procedures applying to unaccompanied foreign children, ensuring that the best interest of the child is effectively protected. In particular, the age assessment must not rely only on medical examination, but on a comprehensive assessment of the child's physical and psychological development, and the refusal of the child to participate in the age assessment procedure should not entail any automatic decision that she/he is an adult. Reference is made to the Committee on the Rights of the Child's Joint General Comment No. 4 and No. 23, the Council of Europe Guide for policy makers on age assessment for children in migration and the Committee of Ministers Recommendation CM/REC(2022)2 on human rights principles and guidelines on age assessment in the context of migration (paragraph 199).

Recovery and reflection period and residence permits

- GRETA once again urges the Lithuanian authorities to ensure, in compliance with the obligations under Article 13 of the Convention, that all foreigners for whom there are reasonable grounds to believe that they are victims of trafficking are offered a recovery and reflection period without having to apply for it, and are able to fully benefit from all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 203);
- GRETA considers that the authorities should take steps to effectively enable foreign victims of THB to benefit from the right to receive a renewable residence permit, without prejudice for the right to seek and enjoy asylum (paragraph 206);
- GRETA invites the Lithuanian authorities to consider granting temporary residence permits to victims of THB on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings (paragraph 207).

Appendix 2 - List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations

Public bodies

- Ministry of the Interior
- Ministry of Social Security and Labour
- Ministry of Justice
- Ministry of Foreign Affairs
- Ministry of Science, Education and Sports
- Police
- State Border Guard Service
- Prosecutor General's Office
- State Labour Inspectorate
- Child Rights Protection and Adoption Service
- Office of the Equal Opportunities Ombudsperson
- Office of the Ombudsperson for Child Rights
- Office of the Ombudsperson of the Parliament (Seimas)
- Anti-Trafficking Co-ordination Commission in the City of Kaunas
- Association of Local Authorities of Lithuania

Intergovernmental organisations

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)
- European Border and Coast Guard Agency (FRONTEX)

NGOs and other civil society organisations

- Association Men' Crisis Centre
- Caritas
- Centre against Human Trafficking and Exploitation
- Diversity Development Group
- Klaipeda Social and Psychological Support Centre
- Lithuanian Red Cross
- Lithuanian Trade Union Alliance (LTUA|LPSA)
- Médecins Sans Frontières
- Missing Persons Family Support Centre
- National Association against Trafficking in Human Beings

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 12 December 2023 and invited them to submit any final comments. The comments of the authorities, submitted on 7 February 2024, are reproduced hereafter.

Elektroninio dokumento nuorašas



LIETUVOS RESPUBLIKOS VIDAUS REIKALŲ MINISTERIJA
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Ms. Petya Nestorova
Executive Secretary of the Council of Europe Convention
on Action against Trafficking in Human Beings
Directorate General of Democracy and Human Dignity
Directorate of Human Dignity, Equality and Governance
Council of Europe

.....No.

CC: Permanent Representation of Lithuania to the
Council of Europe

**RE: Lithuania's comments to the final report adopted by the Group of Experts on Action
against Trafficking in Human Beings (GRETA)**

Dear Ms. P. Nesterova,

In response to your letter of 12 December 2023 Ref. No PN/jrs , please find bellow our comments to the final report adopted by the GRETA.

Paragraph 156. Please be informed that currently, the SLI website has the possibility to choose a machine translation into four languages: English, Polish, Russian and Ukrainian. Machine translation is also available for information on trafficking in human beings.

Every year, the SLI organises training for all inspectors on the identification of victims of trafficking for the purpose of labour exploitation and on the collection and transmission of information to law enforcement.

Regarding the exchange of information between Labour Dispute Commissions and the State Labour Inspectorate, information exchange is ongoing between the institutions. The process is regularly discussed and appropriate training is carried out, recommendations are provided to Labour Dispute Commissions in effort to facilitate the communication and the submission of information to the State Labour Inspectorate.

This year the SLI plans to carry out targeted inspections of temporary-work agencies. It is planned to monitor the compliance with the requirements set for temporary employment in the Republic of Lithuania, especially in regard to the employment of foreigners.

Paragraph 166. Please be informed that under Lithuanian national law, illegal crossing through the external border of the European Union to enter the territory of the Republic of Lithuania is prohibited and entry is refused (with certain exceptions). On 3rd of May 2023, the commander of the State Border Guard Service (SBGS) approved the description of the procedure on the refusing the admission of foreigners to the territory of the Republic of Lithuania and the

assessment of the need for assistance. According to the procedure, the assessment of the need for assistance is carried out individually, determining whether the foreigner is withdrawing from armed conflict, persecution or seeks to enter the territory of Lithuania for humanitarian purposes.

Thank you for your consideration and please do not hesitate to reach out if you have any questions concerning our comments and amendments.

Sincerely,

Vitalij Dmitrijev
Vice minister